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In the Senate of the United States,

July 30, 2015.

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

AMENDMENTS:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Developing a Reliable and Innovative Vision for the Economy Act" or the "DRIVE Act".

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

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

(1) Division A–Federal-aid Highways and Highway Safety Construction Programs.

(2) Division B–Public Transportation.

(3) Division C–Comprehensive Transportation and Consumer Protection Act of 2015.

(4) Division D–Freight and Major Projects.

(5) Division E–Finance.

(6) Division F–Miscellaneous.

(7) Division G–Surface Transportation Extension.

(8) Division H–Budgetary Effects.

(9) Division I–Export-Import Bank of the United States.

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Definitions.
Sec. 4. Effective date.

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

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

Sec. 11001. Authorization of appropriations.
Sec. 11002. Obligation ceiling.
Sec. 11003. Apportionment.

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

Subtitle B—Acceleration of Project Delivery

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

Subtitle C—Miscellaneous

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

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

TITLE II—TRANSPORTATION INNOVATION

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

Subtitle B—Data

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

Subtitle C—Transparency and Best Practices

Sec. 12201. Every Day Counts initiative.
Sec. 12202. Department of Transportation performance measures.
Sec. 12203. Grant program for achievement in transportation for performance and innovation.
Sec. 12204. Highway trust fund transparency and accountability.
Sec. 12205. Report on highway trust fund administrative expenditures.
Sec. 12206. Availability of reports.
Sec. 12207. Performance period adjustment.
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TITLE III—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT OF 1998 AMENDMENTS

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

TITLE IV—TECHNICAL CORRECTIONS

Sec. 14001. Technical corrections.

TITLE V—MISCELLANEOUS

Sec. 15001. Appalachian development highway system.
Sec. 15002. Appalachian regional development program.
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Sec. 15004. Administrative provisions to encourage pollinator habitat and forage on transportation rights-of-way.
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Sec. 15006. Sport fish restoration and recreational boating safety.

DIVISION B—PUBLIC TRANSPORTATION

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

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

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Sec. 31201. Findings.
Sec. 31202. Modal research plans.
Sec. 31203. Consolidated research prospectus and strategic plan.
Sec. 31204. Research Ombudsman.
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Sec. 31206. Bureau of Transportation Statistics independence.
Sec. 31207. Conforming amendments.
Sec. 31208. Repeal of obsolete office.

Subtitle C—Port Performance Act

Sec. 31301. Short title.
Sec. 31302. Findings.
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TITLE XXXII—COMMERCIAL MOTOR VEHICLE AND DRIVER PROGRAMS

Subtitle A—Compliance, Safety, and Accountability Reform

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Sec. 32002. Safety improvement metrics.
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Sec. 32005. Accident report information.
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Sec. 32008. High risk carrier reviews.

Subtitle B—Transparency and Accountability

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

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

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

Subtitle D—State Authorities

Sec. 32401. Emergency route working group.
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Sec. 32403. Commercial driver access.

Subtitle E—Motor Carrier Safety Grant Consolidation

Sec. 32501. Definitions.
Sec. 32502. Grants to States.
Sec. 32503. New entrant safety review program study.
Sec. 32504. Performance and registration information systems management.
Sec. 32505. Authorization of appropriations.
Sec. 32506. Commercial driver's license program implementation.
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Sec. 32508. Motor carrier safety assistance program allocation.
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Sec. 32601. Windshield technology.
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Sec. 32609. Motorcoach hours of service study.
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Sec. 33102. Enhanced reporting.
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Subtitle A—Highway Traffic Safety

PART I—HIGHWAY SAFETY

Sec. 34101. Authorization of appropriations.
Sec. 34102. Highway safety programs.
Sec. 34103. Grants for alcohol-ignition interlock laws and 24–7 sobriety programs.
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Sec. 34107. Improvement of data collection on child occupants in vehicle crashes.

PART II—STOP MOTORCYCLE CHECKPOINT FUNDING ACT

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

PART III—IMPROVING DRIVER SAFETY ACT OF 2015

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

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Sec. 34204. Recall process.
Sec. 34205. Pilot grant program for State notification to consumers of motor vehicle recall status.
Sec. 34206. Recall obligations under bankruptcy.
Sec. 34207. Dealer requirement to check for open recall.
Sec. 34208. Extension of time period for remedy of tire defects.

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Sec. 35402. Speed limit action plans.
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Sec. 35421. Consolidated rail infrastructure and safety improvements.

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Sec. 35602. Definitions.
Sec. 35603. Eligible applicants.
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Sec. 61002. Federal Permitting Improvement Council.
Sec. 61003. Permitting process improvement.
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TITLE LXII—ADDITIONAL PROVISIONS

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TITLE LXXI—EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS

Sec. 71001. Extension of Federal-aid highway programs.
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TITLE LXXII—TEMPORARY EXTENSION OF PUBLIC TRANSPORTATION PROGRAMS

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Sec. 95002. Negotiations to end export credit financing.
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SEC. 3. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term "Department" means the Department of Transportation.

(2) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

SEC. 4. EFFECTIVE DATE.

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

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

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

SEC. 11001. AUTHORIZATION OF APPROPRIATIONS.

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

(1) FEDERAL-AID HIGHWAY PROGRAM.—For the national highway performance program under section 119 of title 23, United States Code, the surface transportation program under section 133 of that title, the highway safety improvement program under section 148 of that title, the congestion mitigation and air quality improvement program under section 149 of that title, the national freight program under section 167 of that title, the transportation alternatives program under section 213 of that title, and to carry out section 134 of that title—

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

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

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

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

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

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

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

(3) FEDERAL LANDS AND TRIBAL TRANSPORTATION PROGRAMS.—

(A) TRIBAL TRANSPORTATION PROGRAM.—For the tribal transportation program under section 202 of title 23, United States Code—

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

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

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

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

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

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

(B) FEDERAL LANDS TRANSPORTATION PROGRAM.—

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

(I) $305,000,000 for fiscal year 2016;

(II) $310,000,000 for fiscal year 2017;

(III) $315,000,000 for fiscal year 2018;

(IV) $320,000,000 for fiscal year 2019;

(V) $325,000,000 for fiscal year 2020; and

(VI) $330,000,000 for fiscal year 2021.

(ii) SPECIAL RULE.—

(I) $240,000,000 of the amount made available for each fiscal year shall be the amount for the National Park Service; and

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

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

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

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

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

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

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

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

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

(5) ASSISTANCE FOR MAJOR PROJECTS PROGRAM.—For the assistance for major projects program under section 171 of title 23, United States Code—

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

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

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

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

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

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

(b) RESEARCH, TECHNOLOGY, AND EDUCATION AUTHORIZATIONS.—

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

(A) HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.—To carry out the highway research and development program under section 503(b) of title 23, United States Code, $130,000,000 for each of fiscal years 2016 through 2021.

(B) TECHNOLOGY AND INNOVATION DEPLOYMENT PROGRAM.—To carry out the technology and innovation deployment program under section 503(c) of title 23, United States Code, $62,500,000 for each of fiscal years 2016 through 2021.

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

(D) INTELLIGENT TRANSPORTATION SYSTEMS PROGRAM.—To carry out the intelligent transportation systems program under sections 512 through 518 of title 23, United States Code,

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

(E) UNIVERSITY TRANSPORTATION CENTERS PROGRAM.—To carry out the university transportation centers program under section 5505 of title 49, United States Code, $72,500,000 for each of fiscal years 2016 through 2021.

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

(3) ADMINISTRATION.—The Federal Highway Administration shall administer the programs described in subparagraphs (D) and (E) of paragraph (1).

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

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

(B) remain available until expended; and

(C) not be transferable.

(c) DISADVANTAGED BUSINESS ENTERPRISES.—

(1) FINDINGS.—Congress finds that—

(A) while significant progress has occurred due to the establishment of the disadvantaged business enterprise program, discrimination and related barriers continue to pose significant obstacles for minority- and women-owned businesses seeking to do business in federally assisted surface transportation markets across the United States;

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

(C) Congress has received and reviewed testimony and documentation of race and gender discrimination from numerous sources, including congressional hearings and roundtables, scientific reports, reports issued by public and private agencies, news stories, reports of discrimination by organizations and individuals, and discrimination lawsuits, which show that race- and gender-neutral efforts alone are insufficient to address the problem;

(D) the testimony and documentation described in subparagraph (C) demonstrate that discrimination across the United States poses a

barrier to full and fair participation in surface transportation-related businesses of women business owners and minority business owners and has impacted firm development and many aspects of surface transportation-related business in the public and private markets; and

(E) the testimony and documentation described in subparagraph (C) provide a strong basis that there is a compelling need for the continuation of the disadvantaged business enterprise program to address race and gender discrimination in surface transportation-related business.

(2) DEFINITIONS.—In this subsection, the following definitions apply:

(A) SMALL BUSINESS CONCERN.—

(i) IN GENERAL.—The term "small business concern" means a small business concern (as the term is used in section 3 of the Small Business Act (15 U.S.C. 632)).

(ii) EXCLUSIONS.—The term "small business concern" does not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals that have

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

(B) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term "socially and economically disadvantaged individuals" has the meaning given the term in section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations issued pursuant to that Act, except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.

(3) AMOUNTS FOR SMALL BUSINESS CONCERNS.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available for any program under divisions A and B of this Act and section 403 of title 23, United States Code, shall be expended through small business concerns owned and controlled by socially and economically disadvantaged individuals.

(4) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State shall annually—

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

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

(i) women;

(ii) socially and economically disadvantaged individuals (other than women); and

(iii) individuals who are women and are otherwise socially and economically disadvantaged individuals.

(5) UNIFORM CERTIFICATION.—

(A) IN GENERAL.—The Secretary shall establish minimum uniform criteria for use by State governments in certifying whether a concern qualifies as a small business concern for the purpose of this subsection.

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

(i) on-site visits;

(ii) personal interviews with personnel;

(iii) issuance or inspection of licenses;

(iv) analyses of stock ownership;

(v) listings of equipment;

(vi) analyses of bonding capacity;

(vii) listings of work completed;

(viii) examination of the resumes of principal owners;

(ix) analyses of financial capacity; and

(x) analyses of the type of work preferred.

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

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

(B) such other information as the Secretary determines to be appropriate for the proper monitoring of the disadvantaged business enterprise program.

(7) COMPLIANCE WITH COURT ORDERS.—Nothing in this subsection limits the eligibility of an individual or entity to receive funds made available

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

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

SEC. 11002. OBLIGATION CEILING.

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

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

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

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

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

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

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

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

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

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

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

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

(5) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198);

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

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

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

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

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

(11) section 1603 of SAFETEA–LU (23 U.S.C. 118 note; 119 Stat. 1248), to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation;

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

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

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

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

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

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

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

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

(B) for which obligation authority was provided in a previous fiscal year;

(3) determine the proportion that—

(A) an amount equal to the difference between—

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

(ii) the aggregate amount not distributed under paragraphs (1) and (2); bears to

(B) an amount equal to the difference between—

(i) the total of the sums authorized to be appropriated for the Federal-aid highway and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (12) of subsection (b) and sums authorized to be appropriated for section 119 of title 23, United States Code, equal to the amount referred to in subsection (b)(13) for the fiscal year); and

(ii) the aggregate amount not distributed under paragraphs (1) and (2);

(4) distribute the obligation authority provided by subsection (a), less the aggregate amount not distributed under paragraphs (1) and (2), for each of the programs (other than programs to which paragraph (1) applies) that are allocated by the Secretary under this Act and title 23, United States Code, or apportioned by the Secretary under section 202 or 204 of that title, by multiplying—

(A) the proportion determined under paragraph (3); by

(B) the amounts authorized to be appropriated for each such program for the fiscal year; and

(5) distribute the obligation authority provided by subsection (a), less the aggregate amount not distributed under paragraphs (1) and (2) and the amounts distributed under paragraph (4), for Federal-aid highway and highway safety construction programs that are apportioned by the Secretary under title 23, United States Code, (other than the amounts apportioned for the national highway performance program under section 119 of title 23, United States Code, that are exempt from the limitation under subsection (b)(13) and the amounts apportioned under sections 202 and 204 of that title) in the proportion that—

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

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

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

(d) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (c), the Secretary shall, after August 1 of each of fiscal years 2016 through 2021—

(1) revise a distribution of the obligation authority made available under subsection (c) if an amount distributed cannot be obligated during that fiscal year; and

(2) redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 144 (as in effect on the day before the date of enactment of MAP–21 (126 Stat. 405)) and 104 of title 23, United States Code.

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

(1) IN GENERAL.—Except as provided in paragraph (2), obligation limitations imposed by subsection (a) shall apply to contract authority for transportation research programs carried out under chapter 5 of title 23, United States Code.

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

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

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

(f) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

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

(A) are authorized to be appropriated for the fiscal year for Federal-aid highway programs; and

(B) the Secretary determines will not be allocated to the States (or will not be apportioned to the States under section 204 of title 23, United States Code), and will not be available for obligation, for the fiscal year because of the

imposition of any obligation limitation for the fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same proportion as the distribution of obligation authority under subsection (c)(5).

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

SEC. 11003. APPORTIONMENT.

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

(1) in subsection (a)(1) by striking subparagraphs (A) and (B) and inserting the following:

"(A) $456,000,000 for fiscal year 2016;

"(B) $465,000,000 for fiscal year 2017;

"(C) $474,000,000 for fiscal year 2018;

"(D) $483,000,000 for fiscal year 2019;

"(E) $492,000,000 for fiscal year 2020; and

"(F) $501,000,000 for fiscal year 2021.";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "and the congestion mitigation and air quality improvement program" and inserting "the congestion mitigation and air quality

improvement program, the national freight program";

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

(C) in paragraph (1), by striking "63.7 percent" and inserting "65 percent";

(D) in paragraph (2), by striking "29.3 percent" and inserting "29 percent";

(E) in paragraph (3), by striking "7 percent" and inserting "6 percent";

(F) in paragraph (4), in the matter preceding subparagraph (A), by striking "determined for the State under subsection (c)" and inserting "remaining under subsection (c) after making the set-asides in accordance with paragraph (5) and section 213(a)";

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

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

"(5) NATIONAL FREIGHT PROGRAM.—

"(A) IN GENERAL.—For the national freight program under section 167, the Secretary shall

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

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

"(i) $1,000,000,000 for fiscal year 2016;

"(ii) $1,450,000,000 for fiscal year 2017;

"(iii) $2,000,000,000 for fiscal year 2018;

"(iv) $2,300,000,000 for fiscal year 2019;

"(v) $2,400,000,000 for fiscal year 2020; and

"(vi) $2,500,000,000 for fiscal year 2021.

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

"(i) the total apportionment determined under subsection (c) for a State; bears to

"(ii) the total apportionments for all States.

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

"(i) the amount apportioned to the State to carry out section 134 for fiscal year 2009; bears to

"(ii) the total amount of funds apportioned to the State for that fiscal year for the programs referred to in section 105(a)(2), except for the high priority projects program referred to in section 105(a)(2)(H) (as in effect on the day before the date of enactment of MAP–21 (Public Law 112–141; 126 Stat. 405).''; and

(I) in paragraph (6) (as redesignated by subparagraph (G)), in the matter preceding subparagraph (A), by striking "determined for the State under subsection (c)" and inserting "re-

maining under subsection (c) after making the set-asides in accordance with paragraph (5) and section 213(a)"; and

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

"(3) FOR FISCAL YEARS 2016 THROUGH 2021.—

"(A) STATE SHARE.—For each of fiscal years 2016 through 2021, the amount for each State of combined apportionments for the national highway performance program under section 119, the surface transportation program under section 133, the highway safety improvement program under section 148, the congestion mitigation and air quality improvement program under section 149, the national freight program under section 167, the transportation alternatives program under section 213, and to carry out section 134, shall be determined as follows:

"(i) INITIAL AMOUNT.—The initial amount for each State shall be determined by multiplying the total amount available for apportionment by the share for each State, which shall be equal to the proportion that—

"(I) the amount of apportionments that the State received for fiscal year 2014; bears to

"(II) the amount of those apportionments received by all States for that fiscal year.

"(ii) ADJUSTMENTS TO AMOUNTS.—The initial amounts resulting from the calculation under clause (i) shall be adjusted to ensure that, for each State, the amount of combined apportionments for the programs shall not be less than 95 percent of the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the most recent fiscal year for which data are available.

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

gation and air quality improvement program under section 149, the national freight program under section 167, the transportation alternatives program under section 213, and to carry out section 134 in accordance with subparagraph (A).".

(b) CONFORMING AMENDMENTS.—

(1) Section 104(d)(1)(A) of title 23, United States Code, is amended by striking "subsection (b)(5)" each place it appears and inserting "paragraphs (5)(D) and (6) of subsection (b)".

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

(A) in subparagraph (A), in the matter preceding clause (i), by striking "or (5)" and inserting "(5)(D), or (6)"; and

(B) in subparagraph (C)(i), by striking "and (5)" and inserting "(5)(D), and (6)".

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

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

inserting "paragraphs (1) through (6) of section 104(b)".

(5) Section 141(b)(2) of title 23, United States Code, is amended by striking "paragraphs (1) through (5) of section 104(b)" and inserting "paragraphs (1) through (6) of section 104(b)".

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

SEC. 11004. SURFACE TRANSPORTATION PROGRAM.

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

(1) in subsection (b)—

(A) in paragraph (10), by inserting ", including emergency evacuation plans" after "programs"; and

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

(2) in subsection (c)—

(A) in paragraph (1), by striking the semicolon at the end and inserting "or for projects described in paragraphs (2), (4), (6), (7), (11), (20), (25), and (26) of subsection (b); and";

(B) by striking paragraph (2); and

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

(3) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking "50 percent" and inserting "55 percent"; and

(II) in clause (ii), by striking "greater than 5,000" and inserting "of 5,000 or more"; and

(ii) in subparagraph (B), by striking "50 percent" and inserting "45 percent"; and

(B) in paragraph (3)—

(i) by striking "paragraph (1)(A)(ii)" and inserting "paragraph (1)(A)(iii)"; and

(ii) by striking "greater than 5,000 and less than 200,000" and inserting "of 5,000 to 200,000";

(4) in subsection (f)(1)—

(A) by striking "104(b)(3)" and inserting "104(b)(2)"; and

(B) by striking "the period of fiscal years 2011 through 2014" and inserting "each fiscal year";

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

(6) in subsection (g)—

(A) by striking the subsection designation and heading and all that follows through paragraph (1) and inserting the following:

"(g) BRIDGES OFF THE NATIONAL HIGHWAY SYSTEM.—

"(1) DEFINITION OF OFF-NHS BRIDGE.—In this subsection, the term 'off-NHS bridge' means a highway bridge located on a public road, other than a bridge on the National Highway System."; and

(B) in paragraph (2)—

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

"(A) SET-ASIDE.—Each State shall obligate for replacement (including replacement with fill material), rehabilitation, preservation, and protection (including scour countermeasures, seismic retrofits, impact protection measures, security countermeasures, and protection against extreme

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

"(i) 15 percent of the amount apportioned to the State under section 104(b)(2); and

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

(ii) in subparagraph (B), by striking "off-system" and inserting "off-NHS"; and

(iii) by adding at the end the following:

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

(C) by redesignating paragraph (3) as subsection (h);

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

(A) by striking the heading and inserting "CREDIT FOR BRIDGES NOT ON THE NATIONAL HIGHWAY SYSTEM.—";

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

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

(i) by striking "the replacement of a bridge or rehabilitation of"; and

(ii) by striking ", and is determined by the Secretary upon completion to be no longer a deficient bridge";

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

(9) by adding at the end the following:

"(j) BORDER STATES.—

"(1) IN GENERAL.—After consultation with relevant transportation planning organizations, the Governor of a State that shares a land border with Canada or Mexico may designate for each fiscal year not more than 5 percent of funds made available to the State under subsection (d)(1)(B) for border infrastructure projects eligible under section 1303 of

SAFETEA–LU (23 U.S.C. 101 note; Public Law 109–59).

"(2) USE OF FUNDS.—Funds designated under this subsection shall be available under the requirements of section 1303 of SAFETEA–LU (23 U.S.C. 101 note; Public Law 109–59).

"(3) CERTIFICATION.—Before making a designation under paragraph (1), the Governor shall certify that the designation is consistent with transportation planning requirements under this title.

"(4) NOTIFICATION.—Not later than 30 days after making a designation under paragraph (1), the Governor shall submit to the relevant transportation planning organizations within the border region a written notification of any suballocated or distributed amount of funds available for obligation by jurisdiction.

"(5) LIMITATION.—This subsection applies only to funds apportioned to a State after the date of enactment of the DRIVE Act.

"(6) DEADLINE FOR DESIGNATION.—A designation under paragraph (1) shall—

"(A) be submitted to the Secretary not later than 30 days before the beginning of the fiscal

year for which the designation is being made; and

"(B) remain in effect for the funds designated under paragraph (1) for a fiscal year until the Governor of the State notifies the Secretary of the termination of the designation.

"(7) UNOBLIGATED FUNDS AFTER TERMINATION.—On the date of a termination under paragraph (6)(B), all remaining unobligated funds that were designated under paragraph (1) for the fiscal year for which the designation is being terminated shall be made available to the State for the purposes described in subsection (d)(1)(B).".

SEC. 11005. METROPOLITAN TRANSPORTATION PLANNING.

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

(1) in subsection (a)(1), by inserting "resilient" before "surface transportation systems";

(2) in subsection (c)(2), by striking "and bicycle transportation facilities" and inserting ", bicycle transportation facilities, intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities, and commuter vanpool providers";

(3) in subsection (d)—

(A) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively;

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

"(3) REPRESENTATION.—

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

"(B) PUBLIC TRANSPORTATION REPRESENTATIVE.—Subject to the bylaws or enabling statute of the metropolitan planning organization, a representative of a provider of public transportation may also serve as a representative of a local municipality.

"(C) POWERS OF CERTAIN OFFICIALS.—An official described in paragraph (2)(B) shall have responsibilities, actions, duties, voting rights, and any other authority commensurate with other officials described in paragraph (2)(B).";

and

(C) in paragraph (5) (as redesignated by subparagraph (A)), by striking "paragraph (5)" and inserting "paragraph (6)";

(4) in subsection (e)(4)(B), by striking "subsection (d)(5)" and inserting "subsection (d)(6)";

(5) in subsection (g)(3)(A), by inserting "natural disaster risk reduction," after "environmental protection,";

(6) in subsection (h)—

(A) in paragraph (1)—

(i) in subparagraph (G), by striking "and" at the end;

(ii) in subparagraph (H), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(I) improve the resilience and reliability of the transportation system."; and

(B) in paragraph (2)(A), by striking "and in section 5301(c) of title 49" and inserting "and the general purposes described in section 5301 of title 49";

(7) in subsection (i)—

(A) in paragraph (2)—

(i) in subparagraph (A)(i), by striking "transit" and inserting "public transportation facilities, intercity bus facilities";

(ii) in subparagraph (G)—

(I) by striking "and provide" and inserting ", provide"; and

(II) by inserting ", and reduce vulnerability due to natural disasters of the existing transportation infrastructure" before the period at the end; and

(iii) in subparagraph (H), by inserting ", including consideration of the role that intercity buses may play in reducing congestion, pollution, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated" before the period at the end;

(B) in paragraph (6)(A)—

(i) by inserting "public ports," before "freight shippers,"; and

(ii) by inserting "(including intercity bus operators and commuter vanpool pro-

viders)" after "private providers of transportation"; and

(C) in paragraph (8), by striking "(2)(C)" each place it appears and inserting "(2)(E)";

(8) in subsection (j)(5)(A), by striking "subsection (k)(4)" and inserting "subsection (k)(3)";

(9) in subsection (k)—

(A) by striking paragraph (3); and

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

(10) in subsection (l)—

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

(B) in paragraph (2)(D), by striking "of less than 200,000" and inserting "with a population of 200,000 or less";

(11) by striking subsection (n);

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

(13) in subsection (o) (as so redesignated), by striking "set aside under section 104(f)" and inserting "apportioned under paragraphs (5)(D) and (6) of section 104(b)" ; and

(14) by adding at the end the following:

"(q) TREATMENT OF LAKE TAHOE REGION.—

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

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

"(A) a metropolitan planning organization;

"(B) a transportation management area under subsection (k); and

"(C) an urbanized area, which is comprised of a population of 145,000 in the State of California and a population of 65,000 in the State of Nevada.

"(3) SUBALLOCATED FUNDING.—

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

"(i) calculate the population under each of those clauses;

"(ii) decrease the amount under section 133(d)(1)(A)(iii) by the population specified

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

"(iii) increase the amount under section 133(d)(1)(A)(i) by the population specified in paragraph (2) of this subsection for the Lake Tahoe Region in that State.

"(B) SECTION 213.—When determining the amount under paragraph (1) of section 213(c) that shall be obligated for a fiscal year in the States of California and Nevada under subparagraphs (A), (B), and (C) of that paragraph, the Secretary shall, for each of those States—

"(i) calculate the population under each of those subparagraphs;

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

"(iii) increase the amount under section 213(c)(1)(A) by the population specified in paragraph (2) of this subsection for the Lake Tahoe Region in that State.".

SEC. 11006. STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.

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

(1) in subsection (a)(2), by striking "and bicycle transportation facilities" and inserting ", bicycle transportation facilities, intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities, and commuter vanpool providers";

(2) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (G), by striking "and" at the end;

(ii) in subparagraph (H), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(I) improve the resilience and reliability of the transportation system."; and

(B) in paragraph (2)(A), by striking "and in section 5301(c) of title 49" and inserting "and the general purposes described in section 5301 of title 49";

(3) in subsection (e)(1), by striking "subsection (m)" and inserting "subsection (l)";

(4) in subsection (f)—

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

(B) in paragraph (3)(A)—

(i) in clause (i), by striking "subsection (m)" and inserting "subsection (l)"; and

(ii) in clause (ii), by inserting "(including intercity bus operators and commuter vanpool providers)" after "private providers of transportation";

(C) in paragraph (7), in the matter preceding subparagraph (A), by striking "should" and inserting "shall"; and

(D) in paragraph (8), by inserting ", including consideration of the role that intercity buses may play in reducing congestion, pollution, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated" before the period at the end;

(5) in subsection (g)—

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

(B) in paragraph (3)—

(i) by inserting "public ports," before "freight shippers"; and

(ii) by inserting "(including intercity bus operators)," after "private providers of transportation"; and

(C) in paragraph (6)(A), by striking "subsection (m)" and inserting "subsection (l)";

(6) by striking subsection (j); and

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

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

SEC. 11007. HIGHWAY USE TAX EVASION PROJECTS.

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

"(A) IN GENERAL.—From administrative funds made available under section 104(a), the Secretary shall deduct such sums as are necessary, not to exceed $4,000,000 for each fiscal year, to carry out this section.".

SEC. 11008. BUNDLING OF BRIDGE PROJECTS.

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

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

(2) by redesignating subsection (j) as subsection (k);

(3) by inserting after subsection (i) the following:

"(j) BUNDLING OF BRIDGE PROJECTS.—

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

"(2) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means an entity eligible to carry out a bridge project under section 119 or 133.

"(3) BUNDLING OF BRIDGE PROJECTS.—An eligible entity may bundle 2 or more similar bridge projects that are—

"(A) eligible projects under section 119 or 133;

"(B) included as a bundled project in a transportation improvement program under section 134(j) or a statewide transportation im-

provement program under section 135, as applicable; and

"(C) awarded to a single contractor or consultant pursuant to a contract for engineering and design or construction between the contractor and an eligible entity.

"(4) ITEMIZATION.—Notwithstanding any other provision of law (including regulations), an eligible bridge project included in a bundle under this subsection may be listed as—

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

"(B) a single project within the applicable bundle.

"(5) FINANCIAL CHARACTERISTICS.—Projects bundled under this subsection shall have the same financial characteristics, including—

"(A) the same funding category or subcategory; and

"(B) the same Federal share."; and

(4) in subsection (k)(2) (as redesignated by paragraph (2)), by striking "104(b)(3)" and inserting "104(b)(2)".

SEC. 11009. FLEXIBILITY FOR CERTAIN RURAL ROAD AND BRIDGE PROJECTS.

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

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

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

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

(2) otherwise provide additional flexibility or expedited processing with respect to the requirements described in paragraph (1).

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

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

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

(B) is the county that has the lowest population density of all counties in the State;

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

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

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

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

(c) PROCESS TO ASSIST RURAL PROJECTS.—

(1) ASSISTANCE WITH FEDERAL REQUIREMENTS.—

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

(B) EXCEPTIONS, EXEMPTIONS, AND ADDITIONAL FLEXIBILITY.—Exceptions, exemptions, and additional flexibility from regulatory requirements may be granted if, in the opinion of the Secretary—

(i) the project is not expected to have a significant adverse impact on the environment;

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

(iii) the assistance would be in the public interest for 1 or more reasons, including—

(I) reduced project costs;

(II) expedited construction, particularly in an area where the construction season is relatively short and not granting the waiver or additional flexibility could delay the project to a later construction season; or

(III) improved safety.

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

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

(B) supersedes, amends, or modifies—

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

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

(C) affects the responsibility of any Federal officer to comply with or enforce any law or requirement described in this paragraph.

SEC. 11010. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

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

(1) in subsection (a), by striking "IN GENERAL" and inserting "PROGRAM";

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

"(d) FORMULA.—Of the amounts allocated under subsection (c)—

"(1) 35 percent shall be allocated among eligible entities in the proportion that—

"(A) the number of ferry passengers, including passengers in vehicles, carried by each ferry system in the most recent calendar year for which data is available; bears to

"(B) the number of ferry passengers, including passengers in vehicles, carried by all ferry systems in the most recent calendar year for which data is available;

"(2) 35 percent shall be allocated among eligible entities in the proportion that—

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

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

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

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

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

"(e) REDISTRIBUTION OF UNOBLIGATED AMOUNTS.—The Secretary shall—

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

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

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

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

"(g) IMPLEMENTATION.—

"(1) DATA COLLECTION.—

"(A) NATIONAL FERRY DATABASE.—Amounts made available for a fiscal year under this section shall be allocated using the most recent data available, as collected and imputed in accordance with the national ferry database established under section 1801(e) of SAFETEA–LU (23 U.S.C. 129 note; 119 Stat. 1456).

"(B) ELIGIBILITY FOR FUNDING.—To be eligible to receive funds under subsection (c), data shall have been submitted in the most recent collection of data for the national ferry database under section 1801(e) of SAFETEA–LU (23 U.S.C. 129 note; 119 Stat. 1456) for at least 1 ferry service within the State.

"(2) ADJUSTMENTS.—On review of the data submitted under paragraph (1)(B), the Secretary may make adjustments to the data as the Secretary determines necessary to correct misreported or inconsistent data.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust

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

"(i) PERIOD OF AVAILABILITY.—Notwithstanding section 118(b), funds made available to carry out this section shall remain available until expended.

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

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

> *"(D) make available, from the amounts made available for each fiscal year to carry out chapter 63 of title 49, not more than $500,000 to maintain the database.".*

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

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

(2) in paragraph (3)—

(A) by striking "(3) Such ferry" and inserting "(3)(A) The ferry"; and

(B) by adding at the end the following:

"(B) Any Federal participation shall not involve the construction or purchase, for private ownership, of a ferry boat, ferry terminal facility, or other eligible project under this section.";

(3) in paragraph (4), by striking "and repair," and inserting "repair,"; and

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

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

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

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

SEC. 11011. HIGHWAY SAFETY IMPROVEMENT PROGRAM.

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

(1) in subsection (a)—

(A) in paragraph (4)(B)—

(i) in the matter preceding clause (i), by striking "includes, but is not limited to," and inserting "only includes"; and

(ii) by adding at the end the following:

"(xxv) Installation of vehicle-to-infrastructure communication equipment.

"(xxvi) Pedestrian hybrid beacons.

"(xxvii) Roadway improvements that provide separation between pedestrians and motor vehicles, including medians and pedestrian crossing islands.

"(xxviii) An infrastructure safety project not described in clauses (i) through (xxvii)."; and

(B) by striking paragraph (10) and redesignating paragraphs (11) through (13) as paragraphs (10) through (12), respectively;

(2) in subsection (c)(1)(A), by striking "subsection (a)(12)" and inserting "subsection (a)(11)";

(3) in subsection (d)(2)(B)(i), by striking "subsection (a)(12)" and inserting "subsection (a)(11)"; and

(4) in subsection (g)(1)—

(A) by striking "increases" and inserting "does not decrease"; and

(B) by inserting "and exceeds the national fatality rate on rural roads," after "available,".

SEC. 11012. DATA COLLECTION ON UNPAVED PUBLIC ROADS.

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

"(k) DATA COLLECTION ON UNPAVED PUBLIC ROADS.—

"(1) IN GENERAL.—A State may elect not to collect fundamental data elements for the model inventory of roadway elements on public roads that are gravel roads or otherwise unpaved if—

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

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

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

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

"(2) CALCULATION.—The percentages described in paragraph (1) shall be based on the average for the 5 most recent years for which relevant data is available.

"(3) USE OF FUNDS.—If a State elects not to collect data on a road described in paragraph (1), the State shall not use funds provided to carry out this section for a project on that road until the State completes a collection of the required model inventory of roadway elements for the road.".

SEC. 11013. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

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

(1) in subsection (b)—

(A) in paragraph (1)(A)(i)(I), by inserting "in the designated nonattainment area" after "air quality standard";

(B) in paragraph (3), by inserting "or maintenance" after "likely to contribute to the attainment";

(C) in paragraph (4), by striking "attainment of" and inserting "attainment or maintenance of the area of"; and

(D) in paragraph (8)(A)(ii)—

(i) in the matter preceding subclause (I), by inserting "or port-related freight operations" after "construction projects"; and

(ii) in subclause (II), by inserting "or chapter 53 of title 49" after "this title";

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

(3) in subsection (d)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by inserting "would otherwise be eligible under subsection (b) if the project were carried out in a non-attainment or maintenance area or" after "may use for any project that"; and

(II) in clause (i), by striking "(excluding the amount of funds reserved under paragraph (1))"; and

(ii) in subparagraph (B)(i), by striking "MAP–21t" and inserting "MAP–21"; and

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

(4) in subsection (g)—

(A) in paragraph (2)(B), by striking "not later that" and inserting "not later than";

(B) in paragraph (3)—

(i) by striking "States and metropolitan" and inserting the following:

"(A) IN GENERAL.—States and metropolitan";

(ii) by striking "are proven to reduce" and inserting "reduce directly emitted"; and

(iii) by adding at the end the following:

"(B) USE OF PRIORITY FUNDING.—To the maximum extent practicable, PM2.5 priority funding shall be used on the most cost-effective projects and programs that are proven to reduce directly emitted fine particulate matter.";

(5) in subsection (k)—

(A) in paragraph (1)—

(i) by striking "that has a nonattainment or maintenance area" and inserting "that has 1 or more nonattainment or maintenance areas";

(ii) by striking "a nonattainment or maintenance area that are" and inserting "the nonattainment or maintenance areas that are";

(iii) by striking "such area" both places it appears and inserting "such areas"; and

(iv) by striking "such fine particulate" and inserting "directly-emitted fine particulate";

(B) in paragraph (2), by striking "highway construction" and inserting "transportation construction"; and

(C) by adding at the end the following:

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

"(A) EXCEPTION.—In any State with a population density of 80 or fewer persons per square mile of land area, based on the most recent decennial census, the requirements under subsection (g)(3) and paragraphs (1) and (2) of

this subsection shall not apply to a nonattainment or maintenance area in the State if—

"(i) the nonattainment or maintenance area does not have projects that are part of the emissions analysis of a metropolitan transportation plan or transportation improvement program; and

"(ii) regional motor vehicle emissions are an insignificant contributor to the air quality problem for PM2.5 in the nonattainment or maintenance area.

"(B) CALCULATION.—If subparagraph (A) applies to a nonattainment or maintenance area in a State, the percentage of the PM2.5 set-aside under paragraph (1) shall be reduced for that State proportionately based on the weighted population of the area in fine particulate matter nonattainment.

"(4) PORT-RELATED EQUIPMENT AND VEHICLES.—To meet the requirements under paragraph (1), a State or metropolitan planning organization may elect to obligate funds to the most cost-effective projects to reduce emissions from port-related landside nonroad or on-road equipment that is operated with-

in the boundaries of a PM2.5 nonattainment or maintenance area.";

(6) in subsection (l)(1)(B), by inserting "air quality and traffic congestion" before "performance targets"; and

(7) in subsection (m), by striking "section 104(b)(2)" and inserting "section 104(b)(4)".

SEC. 11014. TRANSPORTATION ALTERNATIVES.

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

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

"(a) RESERVATION OF FUNDS.—

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

"(2) TOTAL AMOUNT.—The total amount set aside for the program under this section shall be $850,000,000 for each fiscal year.

"(3) STATE SHARE.—The Secretary shall distribute among the States the total set-aside amount under paragraph (2) so that each State receives an amount equal to the proportion that—

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

"(B) the total amount of funds apportioned to all States for that fiscal year for the transportation enhancements program for fiscal year 2009.";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "Of the funds" and all that follows through "shall be obligated under this section" in subparagraph (A) and inserting "Funds reserved in a State under this section shall be obligated";

(ii) by striking subparagraph (B);

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

(iv) in subparagraph (B) (as so redesignated), by striking "greater than 5,000" and inserting "of 5,000 or more"; and

(v) in subparagraph (C) (as so redesignated), by striking "; and" and inserting a period;

(B) in paragraph (2), by striking "paragraph (1)(A)(i)" and inserting "paragraph (1)(A)";

(C) in paragraph (3)(A)—

(i) by striking "Except as provided in paragraph (1)(B), the" and inserting "The"; and

(ii) by striking "paragraph (1)(A)(i)" both places it appears and inserting "paragraph (1)(A)";

(D) in paragraph (4)(B)—

(i) in clause (vi), by striking "and" at the end;

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

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

"(vii) a nonprofit entity responsible for the administration of local transportation safety programs; and"; and

(E) in paragraph (5)—

(i) by striking "For funds reserved" and inserting the following:

"(A) IN GENERAL.—For funds reserved";

(ii) by striking "paragraph (1)(A)(i)" and inserting "paragraph (1)(A)"; and

(iii) by adding at the end the following:

"(B) NO RESTRICTION ON SUBALLOCATION.—Nothing in this section prevents a metropolitan planning organization from further suballocating funds within the boundaries of the metropolitan planning area if a competitive process is implemented for the award of the suballocated funds."; and

(3) by adding at the end the following:

"(h) ANNUAL REPORTS.—

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

"(A) the number of project applications received for each fiscal year, including—

"(i) the aggregate cost of the projects for which applications are received; and

"(ii) the types of project to be carried out (as described in subsection (b)), expressed as percentages of the total apportionment of the State under subsection (a); and

"(B) the number of projects selected for funding for each fiscal year, including the aggregate cost and location of projects selected.

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

"(i) EXPEDITING INFRASTRUCTURE PROJECTS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall develop regulations or guidance relating to the implementation of this section that encourages the use of the programmatic approaches to environmental reviews, expedited procurement techniques, and other best practices to facilitate productive and timely expenditure for projects that are small, low-impact, and constructed within an existing built environment.

"(2) STATE PROCESSES.—The Secretary shall work with State departments of transportation to ensure that any regulation or guidance developed under

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

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

(1) by striking "SET-ASIDES.—" and all that follows through "Funds that" in paragraph (1) and inserting "SET-ASIDES.—Funds that";

(2) by striking "sections 104(d) and 133(d)" and inserting "sections 104(d), 133(d), and 213(c)"; and

(3) by striking paragraph (2).

SEC. 11015. CONSOLIDATION OF PROGRAMS.

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

SEC. 11016. STATE FLEXIBILITY FOR NATIONAL HIGHWAY SYSTEM MODIFICATIONS.

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

(1) to review roads classified as principal arterials in the State that were added to the National Highway System as of October 1, 2012, so as to comply with section 103 of title 23, United States Code; and

(2) to identify any necessary functional classification changes to rural and urban principal arterials.

(b) ADMINISTRATIVE ACTIONS.—The Secretary shall direct the division offices of the Federal Highway Administration to work with the applicable State department of transportation that requests assistance under this section—

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

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

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

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

(1) review the National Highway System modification process described in appendix D of part 470 of title 23, Code of Federal Regulations (or successor regulations); and

(2) take any action necessary to ensure that a State may submit to the Secretary a request to modify the National Highway System by withdrawing a road from the National Highway System.

(d) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes a description of—

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

(2) the status of each request; and

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

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

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

(A) by striking ", including any modification consisting of a connector to a major intermodal terminal,"; and

(B) by inserting ", including any modification consisting of a connector to a major intermodal terminal or the withdrawal of a road from that system," after "the National Highway System"; and

(2) in clause (ii)—

(A) by striking "(ii) enhances" and inserting "(ii)(I) enhances";

(B) by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(II) in the case of the withdrawal of a road, is reasonable and appropriate.".

SEC. 11017. TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES.

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

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) by striking "(other than a highway on the Interstate System)"; and

(ii) by inserting "non-HOV" after "toll-free" each place it appears;

(B) by striking subparagraph (C); and

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

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

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

(4) in paragraph (4)(B) (as so redesignated), by striking "the Federal-aid system" and inserting "Federal-aid highways"; and

(5) by inserting after paragraph (7) (as so redesignated) the following:

"(8) EQUAL ACCESS FOR MOTORCOACHES.—A private motorcoach that serves the public shall be provided access to a toll facility under the same rates, terms, and conditions as public transportation buses in the State.".

SEC. 11018. HOV FACILITIES.

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

(1) in subsection (b)—

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

"(4) HIGH OCCUPANCY TOLL VEHICLES.—

"(A) IN GENERAL.—The State agency may allow vehicles not otherwise exempt under this subsection to use the HOV facility if the operators of the vehicles pay a toll charged by the agency for use of the facility and the agency—

"(i) establishes a program that addresses how motorists can enroll and participate in the toll program;

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

"(iii) develops, manages, and maintains a system that will automatically collect the toll; and

"(iv) establishes policies and procedures—

"(I) to manage the demand to use the facility by varying the toll amount that is charged;

"(II) to enforce violations of the use of the facility; and

"(III) to ensure that private motorcoaches that serve the public are provided access to the facility under the same rates, terms, and conditions, as public transportation buses in the State.

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

"(i) designate classes of vehicles that are exempt from the toll; and

"(ii) charge different toll rates for different classes of vehicles.";

(B) in paragraph (5), by striking subparagraph (A) and inserting the following:

"(A) INHERENTLY LOW EMISSION VEHICLE.—If a State agency establishes procedures for enforcing the restrictions on the use of a HOV facility by vehicles described in clauses (i)

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

"(i) alternative fuel vehicles; and

"(ii) any motor vehicle described in section 30D(d)(1) of the Internal Revenue Code of 1986.";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "Tolls" and inserting "Notwithstanding section 301, tolls"; and

(ii) by striking "notwithstanding section 301 and, except as provided in paragraphs (2) and (3)";

(B) by striking paragraph (2); and

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

(3) in subsection (d)(1), by striking subparagraphs (D) and (E) and inserting the following:

"(D) MAINTENANCE OF OPERATING PERFORMANCE.—

"(i) SUBMISSION OF PLAN.—Not later than 180 days after the date on which a facility is degraded under paragraph (2), the State agency with jurisdiction over the facility shall submit to the Secretary for ap-

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

"(I) increasing the occupancy requirement for HOV lanes;

"(II) varying the toll charged to vehicles allowed under subsection (b) to reduce demand;

"(III) discontinuing allowing non-HOV vehicles to use HOV lanes under subsection (b); or

"(IV) increasing the available capacity of the HOV facility.

"(ii) NOTICE OF APPROVAL OR DISAPPROVAL.—Not later than 60 days after the date of receipt of a plan under clause (i), the Secretary shall provide to the State agency a written notice indicating whether the Secretary has approved or disapproved the plan based on a determination of whether the implementation of the plan will bring the HOV facility into compliance.

"(iii) BIANNUAL PROGRESS UPDATES.—Until the date on which the Secretary determines that the State agency has brought the HOV facility into compliance with this subsection, the State agency shall submit biannual updates that describe—

"(I) the actions taken to bring the HOV facility into compliance; and

"(II) the progress made by those actions.

"(E) COMPLIANCE.—The Secretary shall subject the State to appropriate program sanctions under section 1.36 of title 23, Code of Federal Regulations (or successor regulations), until the performance is no longer degraded, if—

"(i) the State agency fails to submit an approved action plan under subparagraph (D) to bring a degraded facility into compliance; or

"(ii) after the State submits and the Secretary approves an action plan under subparagraph (D), the Secretary determines that, on a date that is not earlier than 1 year after the approval of the action plan, the State agency is not making significant

progress toward bringing the HOV facility into compliance with the minimum average operating speed performance standard.''; and

(4) in subsection (f)(1), in the matter preceding subparagraph (A), by inserting ''solely'' before ''operating''.

SEC. 11019. INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION PILOT PROGRAM.

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

(1) in paragraph (3)—

(A) in subparagraph (A), by striking ''the age, condition, and intensity of use of the facility'' and inserting ''an analysis demonstrating that the facility has a significant age, condition, or intensity of use to require expedited reconstruction or rehabilitation'';

(B) in subparagraph (D)(iii), by inserting '', and that demonstrates the capability of that agency to perform or oversee the building, operation, and maintenance of a toll expressway system meeting criteria for the Interstate System'' before the semicolon at the end; and

(C) by adding at the end the following:

"(E) An analysis showing how the State plan for implementing tolls on the facility takes into account the interests and use of local, regional, and interstate travelers.

"(F) An explanation of how the State will collect tolls using electronic toll collection, including at highway speeds, if practicable.

"(G) A plan describing the proposed location for the collection of tolls on the facility, including any locations in proximity to a State border.

"(H) Approved documentation that the project—

"(i) has received a categorical exclusion, a finding of no significant impact, or a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

"(ii) complies with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).";

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

(3) by redesignating paragraph (5) as paragraph (4);

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

(A) in the matter preceding subparagraph (A), by striking "Before the Secretary may permit" and inserting "As a condition of permitting";

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking "for—" and inserting "for permissible uses described in section 129(a)(3) of title 23, United States Code; and"; and

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

(5) by inserting after paragraph (4) (as so redesignated) the following:

"(5) APPLICATION PROCESSING PROCEDURE.—

"(A) IN GENERAL.—Not later than 60 days after receipt of an application under this subsection, the Secretary shall provide to the applicant a written notice informing the applicant whether—

"(i) the application is complete and meets all requirements under this subsection; or

"(ii) additional information or materials are needed—

"(I) to complete the application; or

"(II) to meet the eligibility requirements under paragraph (3).

"(B) ADDITIONAL INFORMATION OR MATERIALS.—

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

"(I) identify any additional information or materials that are needed under subparagraph (A)(ii); and

"(II) provide to the applicant written notice specifying the details of the additional required information or materials.

"(ii) AMENDED APPLICATION.—Not later than 60 days after receipt of the additional information under clause (i), the Secretary shall determine if the amended application is complete and meets all requirements under this subsection.

"(C) TECHNICAL ASSISTANCE.—On the request of a State, the Secretary shall provide technical assistance to facilitate the development of a complete application under this paragraph that is likely to satisfy the eligibility criteria under paragraph (3).

"(D) APPROVAL OF APPLICATION.—On written notice by the Secretary that the application is complete and meets all requirements of this subsection, the project is considered approved and shall be permitted to participate in the program under this subsection.

"(E) LIMITATION ON APPROVED APPLICATION.—

"(i) IN GENERAL.—For an application received under this subsection on or after the date of enactment of the DRIVE Act for the reconstruction or rehabilitation of a facility, a State shall—

"(I) not later than 1 year after the date on which the application is approved, issue a solicitation for a contract to provide for the reconstruction or rehabilitation of the facility; and

"(II) not later than 2 years after the date on which the application is approved, execute a contract for the reconstruction or rehabilitation of the facility.

"(ii) PRIOR APPLICATIONS.—For an application that received a conditional provisional approval under this subsection before the date of enactment of the DRIVE Act, for the reconstruction or rehabilitation of a facility, a State shall—

"(I) not later than 1 year after the date of enactment of the DRIVE Act, issue a solicitation for a contract to provide for the reconstruction or rehabilitation of the facility; and

"(II) not later than 2 years after the date of enactment of the DRIVE Act, execute a contract for the reconstruction or rehabilitation of the facility.

"(iii) CANCELLATION OR EXTENSION.—If an applicable deadline under clause (i) or (ii) is not met, the Secretary shall—

"(I) cancel the application approval; or

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

"(aa) there has been demonstrable progress toward meeting the applicable requirements; and

"(bb) the requirements are likely to be met within 1 year.

"(6) LIMITATION ON THE USE OF NATIONAL HIGHWAY PERFORMANCE PROGRAM FUNDS.—During the term of the pilot program, funds apportioned for the national highway performance program under section 104(b)(1) of title 23, United States Code, may not be used for a facility for which tolls are being collected under the pilot program unless the funds are used for a maintenance purpose, as defined in section 101(a) of title 23, United States Code.";

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

(7) by inserting after paragraph (6) the following:

"(7) WITHDRAWAL.—A State may elect to withdraw participation of the State in the pilot program at any time."; and

(8) in paragraph (8) (as redesignated by paragraph (6)), by inserting "after the date of enactment of the DRIVE Act" after "10 years".

SEC. 11020. EMERGENCY RELIEF FOR FEDERALLY OWNED ROADS.

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

(1) in subparagraph (A), by striking "or" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(C) projects eligible for assistance under this section located on tribal transportation facilities, Federal lands transportation facilities, or other federally owned roads that are open to public travel (as defined in subsection (e)(1)).".

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

"(1) DEFINITIONS.—In this subsection:

"(A) OPEN TO PUBLIC TRAVEL.—The term 'open to public travel' means, with respect to a road, that, except during scheduled periods, extreme weather conditions, or emergencies, the road—

"(i) is maintained;

"(ii) is open to the general public; and

"(iii) can accommodate travel by a standard passenger vehicle, without restrictive gates or prohibitive signs or regulations, other than for general traffic control or restrictions based on size, weight, or class of registration.

"(B) STANDARD PASSENGER VEHICLE.—The term 'standard passenger vehicle' means a vehicle with 6 inches of clearance from the lowest point of the frame, body, suspension, or differential to the ground.".

SEC. 11021. BRIDGES REQUIRING CLOSURE OR LOAD RESTRICTIONS.

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

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

(2) by inserting after paragraph (5) the following:

"(6) BRIDGES REQUIRING CLOSURE OR LOAD RESTRICTIONS.—

"(A) BRIDGES OWNED BY FEDERAL AGENCIES OR TRIBAL GOVERNMENTS.—If a Federal agency or tribal government fails to ensure that any highway bridge that is open to public travel and located in the jurisdiction of the Federal agency or tribal government is properly closed or restricted to loads that the bridge can carry safely, the Secretary—

"(i) shall, on learning of the need to close or restrict loads on the bridge, require the Federal agency or tribal government to take action necessary—

"(I) to close the bridge within 48 hours; or

"(II) within 30 days, to restrict public travel on the bridge to loads that the bridge can carry safely; and

"(ii) may, if the Federal agency or tribal government fails to take action required under clause (i), withhold all fund-

ing authorized under this title for the Federal agency or tribal government.".

"(B) OTHER BRIDGES.—If a State fails to ensure that any highway bridge, other than a bridge described in subparagraph (A), that is open to public travel and is located within the boundaries of the State is properly closed or restricted to loads the bridge can carry safely, the Secretary—

"(i) shall, on learning of the need to close or restrict loads on the bridge, require the State to take action necessary—

"(I) to close the bridge within 48 hours; or

"(II) within 30 days, to restrict public travel on the bridge to loads that the bridge can carry safely; and

"(ii) may, if the State fails to take action required under clause (i), withhold approval for Federal-aid projects in that State."; and

(3) in paragraph (8) (as redesignated by paragraph (1)), by striking "(6)" and inserting "(7)".

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

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

"§ 151. National electric vehicle charging and natural gas fueling corridors

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

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

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

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

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

"(c) STAKEHOLDERS.—In designating corridors under subsection (a), the Secretary shall involve, on a voluntary basis, stakeholders that include—

"(1) the heads of other Federal agencies;

"(2) State and local officials;

"(3) representatives of—

"(A) energy utilities;

"(B) the electric and natural gas vehicle industries;

"(C) the freight and shipping industry;

"(D) clean technology firms;

"(E) the hospitality industry;

"(F) the restaurant industry; and

"(G) highway rest stop vendors; and

"(4) such other stakeholders as the Secretary determines to be necessary.

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

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

"(1) identifies electric vehicle charging and natural gas fueling infrastructure and standardization

needs for electricity providers, natural gas providers, infrastructure providers, vehicle manufacturers, electricity purchasers, and natural gas purchasers; and

"(2) establishes an aspirational goal of achieving strategic deployment of electric vehicle charging and natural gas fueling infrastructure in those corridors by the end of fiscal year 2021.".

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

"151. National Electric Vehicle Charging and Natural Gas Fueling Corridors.".

SEC. 11023. ASSET MANAGEMENT.

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

(1) in subsection (f)(2)—

(A) in subparagraph (A), by striking "structurally deficient" and inserting "being in poor condition"; and

(B) in subparagraph (B), by striking "structurally deficient" and inserting "being in poor condition"; and

(2) by adding at the end the following:

"(h) CRITICAL INFRASTRUCTURE.—

"(1) DEFINITION OF CRITICAL INFRASTRUCTURE.—In this subsection, the term 'critical infrastructure' means those facilities the incapacity or fail-

ure of which would have a debilitating impact on national or regional economic security, national or regional energy security, national or regional public health or safety, or any combination of those matters.

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

"(3) RISK REDUCTION.—A State may use funds apportioned under this section for projects intended to reduce the risk of failure of facilities designated as being on the critical infrastructure network of the State.".

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

(1) in subsection (a)(1)(B), by striking "deficient"; and

(2) in subsection (b)(5), by striking "each structurally deficient bridge" and inserting "each bridge in poor condition".

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

(1) in paragraph (1), by striking "deficient";

(2) in paragraph (2)(B), by striking "deficient"; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking the semicolon at the end and inserting "; and";

(B) in subparagraph (B), by striking "; and" at the end and inserting a period; and

(C) by striking subparagraph (C).

SEC. 11024. TRIBAL TRANSPORTATION PROGRAM AMENDMENT.

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

(1) in subsection (a)(6), by striking "6 percent" and inserting "5 percent"; and

(2) in subsection (d)(2), in the matter preceding subparagraph (A) by striking "2 percent" and inserting "3 percent".

SEC. 11025. NATIONALLY SIGNIFICANT FEDERAL LANDS AND TRIBAL PROJECTS PROGRAM.

(a) PURPOSE.—The Secretary shall establish a nationally significant Federal lands and tribal projects program (referred to in this section as the "program") to provide funding to construct, reconstruct, or rehabilitate nationally significant Federal lands and tribal transportation projects.

(b) ELIGIBLE APPLICANTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), entities eligible to receive funds under sections 201, 202, 203, and 204 of title 23, United States Code, may apply for funding under the program.

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

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

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

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

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

(B) a finding that the project has no significant impact; or

(C) a determination that the project is categorically excluded; and

(3) having an estimated cost, based on the results of preliminary engineering, equal to or exceeding $25,000,0000, with priority consideration given to projects with an estimated cost equal to or exceeding $50,000,000.

(d) ELIGIBLE ACTIVITIES.—

(1) IN GENERAL.—Subject to paragraph (2), an eligible applicant receiving funds under the program may only use the funds for construction, reconstruction, and rehabilitation activities.

(2) INELIGIBLE ACTIVITIES.—An eligible applicant may not use funds received under the program for activities relating to project design.

(e) APPLICATIONS.—Eligible applicants shall submit to the Secretary an application at such time, in such form, and containing such information as the Secretary may require.

(f) SELECTION CRITERIA.—In selecting a project to receive funds under the program, the Secretary shall consider the extent to which the project—

(1) furthers the goals of the Department, including state of good repair, environmental sustainability, economic competitiveness, quality of life, and safety;

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

(3) needs construction, reconstruction, or rehabilitation;

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

(5) enhances environmental ecosystems;

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

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

(8) spans 2 or more States; and

(9) serves land owned by multiple Federal agencies or Indian tribes.

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

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

SEC. 11026. FEDERAL LANDS PROGRAMMATIC ACTIVITIES.

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

(1) in paragraph (6)(A)—

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

(B) in the matter preceding subclause (I) (as so redesignated), by striking "The Secretaries" and inserting the following:

"(i) IN GENERAL.—The Secretaries";

(C) by inserting a period after "tribal transportation program"; and

(D) by striking "in accordance with" and all that follows through "including—" and inserting the following:

"(ii) REQUIREMENT.—Data collected to implement the tribal transportation program shall be in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(iii) INCLUSIONS.—Data collected under this paragraph includes—"; and

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

"(7) COOPERATIVE RESEARCH AND TECHNOLOGY DEPLOYMENT.—The Secretary may conduct coopera-

tive research and technology deployment in coordination with Federal land management agencies, as determined appropriate by the Secretary.

"(8) FUNDING.—

"(A) IN GENERAL.—To carry out the activities described in this subsection for Federal lands transportation facilities, Federal lands access transportation facilities, and other federally owned roads open to public travel (as that term is defined in section 125(e)), the Secretary shall combine and use not greater than 5 percent for each fiscal year of the funds authorized for programs under sections 203 and 204.

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

"(i) bridge inspections on any federally owned bridge even if that bridge is not included on the inventory described under section 203; and

"(ii) transportation planning activities carried out by Federal land management agencies eligible for funding under this chapter.".

SEC. 11027. FEDERAL LANDS TRANSPORTATION PROGRAM.

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

(1) in subsection (a)(1)—

(A) in subparagraph (B), by striking "operation" and inserting "capital, operations,"; and

(B) in subparagraph (D), by striking "subparagraph (A)(iv)" and inserting "subparagraph (A)(iv)(I)";

(2) in subsection (b)—

(A) in paragraph (1)(B)—

(i) in clause (iv), by striking "and" at the end;

(ii) in clause (v), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

"(vi) the Bureau of Reclamation; and

"(vii) independent Federal agencies with natural resource and land management responsibilities."; and

(B) in paragraph (2)(B), in the matter preceding clause (i), by inserting "performance management, including" after "support"; and

(3) in subsection (c)(2)(B), by adding at the end the following:

"(vi) The Bureau of Reclamation.".

SEC. 11028. INNOVATIVE PROJECT DELIVERY.

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

(1) in subparagraph (A)(ii)—

(A) by inserting "engineering or design approaches," after "technologies,"; and

(B) by striking "or contracting" and inserting "or contracting or project delivery"; and

(2) in subparagraph (B)(iii), by inserting "and alternative bidding" before the semicolon at the end.

SEC. 11029. OBLIGATION AND RELEASE OF FUNDS.

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

(1) in the matter preceding subparagraph (A), by striking "Any funds" and inserting the following:

"(A) IN GENERAL.—Any funds";

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately; and

(3) by adding at the end the following:

"(B) SAME CLASS OF FUNDS NO LONGER AUTHORIZED.—If the same class of funds de-

scribed in subparagraph (A)(i) is no longer authorized in the most recent authorizing law, the funds may be credited to a similar class of funds, as determined by the Secretary.".

Subtitle B—Acceleration of Project Delivery

SEC. 11101. CATEGORICAL EXCLUSION FOR PROJECTS OF LIMITED FEDERAL ASSISTANCE.

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

(1) in the matter preceding paragraph (1), by striking "Not later than" and inserting the following: "(a) IN GENERAL.—Not later than"; and

(2) by adding at the end the following:

"(b) INFLATIONARY ADJUSTMENT.—The dollar amounts described in subsection (a) shall be adjusted for inflation—

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

"(2) effective October 1, 2016, and each succeeding October 1, to reflect changes for the preceding 12-month period in the Consumer Price Index for All

Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.".

SEC. 11102. PROGRAMMATIC AGREEMENT TEMPLATE.

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

"(e) PROGRAMMATIC AGREEMENT TEMPLATE.—

"(1) IN GENERAL.—The Secretary shall develop a template programmatic agreement described in subsection (d) that provides for efficient and adequate procedures for evaluating Federal actions described in section 771.117(c) of title 23, Code of Federal Regulations (as in effect on the date of enactment of this subsection).

"(2) USE OF TEMPLATE.—The Secretary—

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

"(B) on consent of the applicable State, may modify the template as necessary to address the unique needs and characteristics of the State.

"(3) OUTCOME MEASUREMENTS.—The Secretary shall establish a method to verify that actions described in section 771.117(c) of title 23, Code of Fed-

eral Regulations (as in effect on the date of enactment of this subsection), are evaluated and documented in a consistent manner by the State that uses the template programmatic agreement under this subsection.''.

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

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

(2) that meet the criteria for a categorical exclusion under section 1508.4 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act), and are identified in the programmatic agreement.

SEC. 11103. AGENCY COORDINATION.

(a) ROLES AND RESPONSIBILITY OF LEAD AGENCY.—Section 139(c)(6) of title 23, United States Code, is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(C) to consider and respond to comments received from participating agencies on matters within the special expertise or jurisdiction of the participating agencies.".

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

"(8) PARTICIPATING AGENCY RESPONSIBILITIES.—An agency participating in the collaborative environmental review process under this section shall—

"(A) provide comments, responses, studies, or methodologies on those areas within the special expertise or jurisdiction of the Federal participating or cooperating agency; and

"(B) use the process to address any environmental issues of concern to the participating or cooperating agency.".

SEC. 11104. INITIATION OF ENVIRONMENTAL REVIEW PROCESS.

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

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

"(6) PROJECT.—

"(A) IN GENERAL.—The term 'project' means any highway project, public transportation capital project, or multimodal project that, if implemented as proposed by the project sponsor, would require approval by any operating administration or secretarial office within the Department.

"(B) CONSIDERATIONS.—For purposes of this paragraph, the Secretary shall take into account, if known, any sources of Federal funding or financing identified by the project sponsor, including discretionary grant, loan, and loan guarantee programs administered by the Department.";

(2) in subsection (e)—

(A) in paragraph (1), by inserting "(including any additional information that the project sponsor considers to be important to initiate the process for the proposed project)" after "location of the proposed project"; and

(B) by adding at the end the following:

"(3) REVIEW OF APPLICATION.—Not later than 45 days after the date on which an application is received by the Secretary under this subsection, the Secretary shall provide to the project sponsor a written response that, as applicable—

"(A) describes the determination of the Secretary—

"(i) to initiate the environmental review process, including a timeline and an expected date for the publication in the Federal Register of the relevant notice of intent; or

"(ii) to decline the application, including an explanation of the reasons for that decision; or

"(B) requests additional information, and provides to the project sponsor an accounting, regarding what is necessary to initiate the environmental review process.

"(4) REQUEST TO DESIGNATE A LEAD AGENCY.—

"(A) IN GENERAL.—Any project sponsor may submit a request to the Secretary to designate a specific operating administration or secretarial office within the Department of

Transportation to serve as the Federal lead agency for a project.

"(B) PROPOSED SCHEDULE.—A request under subparagraph (A) may include a proposed schedule for completing the environmental review process.

"(C) SECRETARIAL ACTION.—

"(i) IN GENERAL.—If a request under subparagraph (A) is received, the Secretary shall respond to the request not later than 45 days after the date of receipt.

"(ii) REQUIREMENTS.—The response shall—

"(I) approve the request;

"(II) deny the request, with an explanation of the reasons; or

"(III) require the submission of additional information.

"(iii) ADDITIONAL INFORMATION.—If additional information is submitted in accordance with clause (ii)(III), the Secretary shall respond to that submission not later than 45 days after the date of receipt."; and

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

"(E) REDUCTION OF DUPLICATION.—

"(i) IN GENERAL.—In carrying out this paragraph, the lead agency shall reduce duplication, to the maximum extent practicable, between—

"(I) the evaluation of alternatives under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

"(II) the evaluation of alternatives in the metropolitan transportation planning process under section 134 of title 23, United States Code, or an environmental review process carried out under State law (referred to in this subparagraph as a 'State environmental review process').

"(ii) CONSIDERATION OF ALTERNATIVES.—The lead agency may eliminate from detailed consideration an alternative proposed in an environmental impact statement regarding a project if, as determined by the lead agency—

"(I) the alternative was considered in a metropolitan planning proc-

ess or a State environmental review process by a metropolitan planning organization or a State or local transportation agency, as applicable;

"(II) the lead agency provided guidance to the metropolitan planning organization or State or local transportation agency, as applicable, regarding analysis of alternatives in the metropolitan planning process or State environmental review process, including guidance on the requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other requirements of Federal law necessary for approval of the project;

"(III) the applicable metropolitan planning process or State environmental review process included an opportunity for public review and comment;

"(IV) the applicable metropolitan planning organization or State or local transportation agency rejected the al-

ternative after considering public comments;

"(V) the Federal lead agency independently reviewed the alternative evaluation approved by the applicable metropolitan planning organization or State or local transportation agency; and

"(VI) the Federal lead agency has determined—

"(aa) in consultation with Federal participating or cooperating agencies, that the alternative to be eliminated from consideration is not necessary for compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

"(bb) with the concurrence of Federal agencies with jurisdiction over a permit or approval required for a project, that the alternative to be eliminated from consideration is not necessary for

any permit or approval under any other Federal law.".

SEC. 11105. IMPROVING COLLABORATION FOR ACCELERATED DECISION MAKING.

(a) COORDINATION AND SCHEDULING.—Section 139(g)(1)(B)(i) of title 23, United States Code, is amended—

(1) by striking "The lead agency" and inserting "For a project requiring an environmental impact statement or environmental assessment, the lead agency"; and

(2) by striking "may" and inserting "shall".

(b) ISSUE IDENTIFICATION AND RESOLUTION.—Section 139(h) of title 23, United States Code, is amended—

(1) in paragraph (4)(C), by striking "paragraph (5) and" and inserting "paragraph (5)";

(2) in paragraph (5)(A)(ii)(I), by inserting ", including modifications to the project schedule" after "review process"; and

(3) in paragraph (6)(B), by striking clause (ii) and inserting the following:

"(ii) DESCRIPTION OF DATE.—The date referred to in clause (i) is 1 of the following:

"(I) The date that is 30 days after the date for rendering a decision as described in the project schedule established pursuant to subsection (g)(1)(B).

"(II) If no schedule exists, the later of—

"(aa) the date that is 180 days after the date on which an application for the permit, license or approval is complete; or

"(bb) the date that is 180 days after the date on which the Federal lead agency issues a decision on the project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(III) A modified date consistent with subsection (g)(1)(D).".

SEC. 11106. ACCELERATED DECISIONMAKING IN ENVIRONMENTAL REVIEWS.

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

"(n) ACCELERATED DECISIONMAKING IN ENVIRONMENTAL REVIEWS.—

"(1) IN GENERAL.—In preparing a final environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if the lead agency modifies the statement in response to comments that are minor and are confined to factual corrections or explanations regarding why the comments do not warrant additional agency response, the lead agency may write on errata sheets attached to the statement instead of rewriting the draft statement, subject to the condition that the errata sheets shall—

"(A) cite the sources, authorities, or reasons that support the position of the lead agency; and

"(B) if appropriate, indicate the circumstances that would trigger agency reappraisal or further response.

"(2) INCORPORATION.—To the maximum extent practicable, the lead agency shall expeditiously develop a single document that consists of a final environmental impact statement and a record of decision, unless—

"(A) the final environmental impact statement makes substantial changes to the proposed action that are relevant to environmental or safety concerns; or

"(B) there are significant new circumstances or information that—

"(i) are relevant to environmental concerns; and

"(ii) bear on the proposed action or the impacts of the proposed action.".

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

SEC. 11107. IMPROVING TRANSPARENCY IN ENVIRONMENTAL REVIEWS.

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

"(o) REVIEWS, APPROVALS, AND PERMITTING PLATFORM.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall establish an online platform and, in coordination with agencies described in paragraph (2), issue reporting standards to make publicly available the status of reviews, approvals, and permits required for compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or other applicable Federal laws for projects and activities requiring

an environmental assessment or an environmental impact statement.

"(2) FEDERAL AGENCY PARTICIPATION.—A Federal agency of jurisdiction over a review, approval, or permit described in paragraph (1) shall provide status information in accordance with the standards established by the Secretary under paragraph (1).

"(3) STATE RESPONSIBILITIES.—A State that is assigned and assumes responsibilities under section 326 or 327 shall provide applicable status information in accordance with standards established by the Secretary under paragraph (1).".

SEC. 11108. INTEGRATION OF PLANNING AND ENVIRONMENTAL REVIEW.

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

"§ 168. Integration of planning and environmental review

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) ENVIRONMENTAL REVIEW PROCESS.—The term 'environmental review process' means the process for preparing for a project an environmental impact statement, environmental assessment, categorical exclusion, or other document prepared under the Na-

tional Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(2) LEAD AGENCY.—The term 'lead agency' has the meaning given the term in section 139(a).

"(3) PLANNING PRODUCT.—The term 'planning product' means a decision, analysis, study, or other documented information that is the result of an evaluation or decisionmaking process carried out by a metropolitan planning organization or a State, as appropriate, during metropolitan or statewide transportation planning under section 134 or 135, respectively.

"(4) PROJECT.—The term 'project' has the meaning given the term in section 139(a).

"(b) ADOPTION OF PLANNING PRODUCTS FOR USE IN NEPA PROCEEDINGS.—

"(1) IN GENERAL.—Subject to subsection (d), the Federal lead agency for a project may adopt and use a planning product in proceedings relating to any class of action in the environmental review process of the project.

"(2) IDENTIFICATION.—If the Federal lead agency makes a determination to adopt and use a planning product, the Federal lead agency shall identify

the agencies that participated in the development of the planning products.

"(3) PARTIAL ADOPTION OF PLANNING PRODUCTS.—The Federal lead agency may—

"(A) adopt an entire planning product under paragraph (1); or

"(B) select portions of a planning project under paragraph (1) for adoption.

"(4) TIMING.—A determination under paragraph (1) with respect to the adoption of a planning product may—

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

"(B) occur later in the environmental review process, as appropriate.

"(c) APPLICABILITY.—

"(1) PLANNING DECISIONS.—The lead agency in the environmental review process may adopt decisions from a planning product, including—

"(A) whether tolling, private financial assistance, or other special financial measures are necessary to implement the project;

"(B) a decision with respect to general travel corridor or modal choice, including a decision

to implement corridor or subarea study recommendations to advance different modal solutions as separate projects with independent utility;

"(C) the purpose and the need for the proposed action;

"(D) preliminary screening of alternatives and elimination of unreasonable alternatives;

"(E) a basic description of the environmental setting;

"(F) a decision with respect to methodologies for analysis; and

"(G) an identification of programmatic level mitigation for potential impacts of transportation projects, including—

"(i) measures to avoid, minimize, and mitigate impacts at a regional or national scale;

"(ii) investments in regional ecosystem and water resources; and

"(iii) a programmatic mitigation plan developed in accordance with section 169.

"(2) PLANNING ANALYSES.—The lead agency in the environmental review process may adopt analyses from a planning product, including—

"(A) travel demands;

"(B) regional development and growth;

"(C) local land use, growth management, and development;

"(D) population and employment;

"(E) natural and built environmental conditions;

"(F) environmental resources and environmentally sensitive areas;

"(G) potential environmental effects, including the identification of resources of concern and potential indirect and cumulative effects on those resources; and

"(H) mitigation needs for a proposed action, or for programmatic level mitigation, for potential effects that the Federal lead agency determines are most effectively addressed at a regional or national program level.

"(d) CONDITIONS.—The lead agency in the environmental review process may adopt and use a planning product under this section if the lead agency determines, with the concurrence of other participating agencies with relevant expertise and project sponsors, as appropriate, that the following conditions have been met:

"(1) The planning product was developed through a planning process conducted pursuant to applicable Federal law.

"(2) The planning product was developed in consultation with appropriate Federal and State resource agencies and Indian tribes.

"(3) The planning process included broad multidisciplinary consideration of systems-level or corridor-wide transportation needs and potential effects, including effects on the human and natural environment.

"(4) The planning process included public notice that the planning products produced in the planning process may be adopted during a subsequent environmental review process in accordance with this section.

"(5) During the environmental review process, the lead agency has—

"(A) made the planning documents available for public review and comment;

"(B) provided notice of the intention of the lead agency to adopt the planning product; and

"(C) considered any resulting comments.

"(6) There is no significant new information or new circumstance that has a reasonable likelihood of

affecting the continued validity or appropriateness of the planning product.

"(7) The planning product has a rational basis and is based on reliable and reasonably current data and reasonable and scientifically acceptable methodologies.

"(8) The planning product is documented in sufficient detail to support the decision or the results of the analysis and to meet requirements for use of the information in the environmental review process.

"(9) The planning product is appropriate for adoption and use in the environmental review process for the project and is incorporated in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and section 1502.21 of title 40, Code of Federal Regulations (as in effect on the date of enactment of the DRIVE Act).

"(e) EFFECT OF ADOPTION.—Any planning product adopted by the Federal lead agency in accordance with this section may be—

"(1) incorporated directly into an environmental review process document or other environmental document; and

"(2) relied on and used by other Federal agencies in carrying out reviews of the project.

"(f) RULES OF CONSTRUCTION.—

"(1) IN GENERAL.—This section does not make the environmental review process applicable to the transportation planning process conducted under this title and chapter 53 of title 49.

"(2) TRANSPORTATION PLANNING ACTIVITIES.—Initiation of the environmental review process as a part of, or concurrently with, transportation planning activities does not subject transportation plans and programs to the environmental review process.

"(3) PLANNING PRODUCTS.—This section does not affect the use of planning products in the environmental review process pursuant to other authorities under any other provision of law or restrict the initiation of the environmental review process during planning.".

SEC. 11109. USE OF PROGRAMMATIC MITIGATION PLANS.

Section 169(f) of title 23, United States Code, is amended—

(1) by striking "may use" and inserting "shall consider"; and

(2) by inserting "or other Federal environmental law" before the period at the end.

SEC. 11110. ADOPTION OF DEPARTMENTAL ENVIRONMENTAL DOCUMENTS.

(a) IN GENERAL.—Title 49, United States Code, is amended by inserting after section 306 the following:

"§ 307. Adoption of Departmental environmental documents

"(a) IN GENERAL.—An operating administration or secretarial office within the Department may adopt any draft environmental impact statement, final environmental impact statement, environmental assessment, or any other document issued under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) by another operating administration or secretarial office within the Department—

"(1) without recirculating the document (except that a final environmental impact statement shall be recirculated prior to adoption); and

"(2) if the operating administration or secretarial office adopting the document certifies that the project is substantially the same as the project reviewed under the document to be adopted.

"(b) COOPERATING AGENCY.—An adopting operating administration or secretarial office that was a cooperating agency and certifies that the project is substantially the same as the project reviewed under the document to be adopted and that its comments and suggestions have been

addressed may adopt a document described in subsection (a) without recirculating the document.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 49, United States Code, is amended by striking the item relating to section 307 and inserting the following:

"Sec. 307. Adoption of Departmental environmental documents.".

SEC. 11111. TECHNICAL ASSISTANCE FOR STATES.

Section 326 of title 23, United States Code, is amended—

(1) in subsection (c)—

(A) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(B) by inserting after paragraph (1) the following:

"(2) ASSISTANCE TO STATES.—On request of a Governor of a State, the Secretary shall provide to the State technical assistance, training, or other support relating to—

"(A) assuming responsibility under subsection (a);

"(B) developing a memorandum of understanding under this subsection; or

"(C) addressing a responsibility in need of corrective action under subsection (d)(1)(B).";

and

(2) in subsection (d), by striking paragraph (1) and inserting the following:

"(1) TERMINATION BY SECRETARY.—The Secretary may terminate the participation of any State in the program, if—

"(A) the Secretary determines that the State is not adequately carrying out the responsibilities assigned to the State;

"(B) the Secretary provides to the State—

"(i) a notification of the determination of noncompliance;

"(ii) a period of not less than 120 days to take such corrective action as the Secretary determines to be necessary to comply with the applicable agreement; and

"(iii) on request of the Governor of the State, a detailed description of each responsibility in need of corrective action regarding an inadequacy identified under subparagraph (A); and

"(C) the State, after the notification and period described in clauses (i) and (ii) of sub-

paragraph (B), fails to take satisfactory corrective action, as determined by the Secretary.".

SEC. 11112. SURFACE TRANSPORTATION PROJECT DELIVERY PROGRAM.

Section 327(j) of title 23, United States Code, is amended by striking paragraph (1) and inserting the following:

"(1) TERMINATION BY SECRETARY.—The Secretary may terminate the participation of any State in the program if—

"(A) the Secretary determines that the State is not adequately carrying out the responsibilities assigned to the State;

"(B) the Secretary provides to the State—

"(i) a notification of the determination of noncompliance;

"(ii) a period of not less than 120 days to take such corrective action as the Secretary determines to be necessary to comply with the applicable agreement; and

"(iii) on request of the Governor of the State, a detailed description of each responsibility in need of corrective action regarding an inadequacy identified under subparagraph (A); and

"(C) the State, after the notification and period provided under subparagraph (B), fails to take satisfactory corrective action, as determined by the Secretary.".

SEC. 11113. CATEGORICAL EXCLUSIONS FOR MULTIMODAL PROJECTS.

(a) MULTIMODAL PROJECT DEFINED.—Section 139(a) of title 23, United States Code, is amended by striking paragraph (5) and inserting the following:

"(5) MULTIMODAL PROJECT.—The term 'multimodal project' means a project that requires approval by more than 1 Department of Transportation operating administration or secretarial office.".

(b) APPLICATION OF CATEGORICAL EXCLUSIONS FOR MULTIMODAL PROJECTS.—Section 304 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "operating authority that is not the lead authority with respect to a project" and inserting "operating administration or secretarial office that has expertise but is not the lead authority with respect to a proposed multimodal project"; and

(B) by striking paragraph (2) and inserting the following:

"(2) LEAD AUTHORITY.—The term 'lead authority' means a Department of Transportation operating administration or secretarial office that has the lead responsibility for compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a proposed multimodal project.";

(2) in subsection (b), by striking "under this title" and inserting "by the Secretary of Transportation";

(3) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by striking "a categorical exclusion designated under the implementing regulations or" and inserting "a categorical exclusion designated under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) implementing regulations or"; and

(ii) by striking "other components of the" and inserting "a proposed multimodal"; and

(B) by striking paragraphs (1) through (5) and inserting the following:

"(1) the lead authority makes a determination, in consultation with the cooperating authority, on the applicability of a categorical exclusion to a proposed multimodal project;

"(2) the cooperating authority does not object to the determination of the lead authority of the applicability of a categorical exclusion;

"(3) the lead authority determines that the component of the proposed multimodal project to be covered by the categorical exclusion of the cooperating authority has independent utility; and

"(4) the lead authority determines that—

"(A) the proposed multimodal project does not individually or cumulatively have a significant impact on the environment; and

"(B) extraordinary circumstances do not exist that merit additional analysis and documentation in an environmental impact statement or environmental assessment required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)."; and

(4) by striking subsection (d) and inserting the following:

"(d) COOPERATIVE AUTHORITY EXPERTISE.—A cooperating authority shall provide expertise to the lead au-

thority on aspects of the multimodal project in which the cooperating authority has expertise.''.

SEC. 11114. MODERNIZATION OF THE ENVIRONMENTAL REVIEW PROCESS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall examine ways to modernize, simplify, and improve the implementation of the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.) by the Department.

(b) INCLUSIONS.—In carrying out subsection (a), the Secretary shall consider—

(1) the use of technology in the process, such as—

(A) searchable databases;

(B) geographic information system mapping tools;

(C) integration of those tools with fiscal management systems to provide more detailed data; and

(D) other innovative technologies;

(2) ways to prioritize use of programmatic environmental impact statements;

(3) methods to encourage cooperating agencies to present analyses in a concise format; and

(4) any other improvements that can be made to modernize process implementation.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the review carried out under subsection (a).

SEC. 11115. SERVICE CLUB, CHARITABLE ASSOCIATION, OR RELIGIOUS SERVICE SIGNS.

Notwithstanding section 131 of title 23, United States Code, and part 750 of title 23, Code of Federal Regulations (or successor regulations), a State may allow the maintenance of a sign of a service club, charitable association, or religious service that was erected as of the date of enactment of this Act, the area of which is less than or equal to 32 square feet, if the State notifies the Federal Highway Administration.

SEC. 11116. SATISFACTION OF REQUIREMENTS FOR CERTAIN HISTORIC SITES.

(a) HIGHWAYS.—Section 138 of title 23, United States Code, is amended by adding at the end the following:

"(c) SATISFACTION OF REQUIREMENTS FOR CERTAIN HISTORIC SITES.—

"(1) IN GENERAL.—The Secretary shall—

"(A) align, to the maximum extent practicable, with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.) and section 306108 of title 54, including implementing regulations; and

"(B) not later than 90 days after the date of enactment of this subsection, coordinate with the Secretary of the Interior and the Executive Director of the Advisory Council on Historic Preservation (referred to in this subsection as the 'Council') to establish procedures to satisfy the requirements described in subparagraph (A) (including regulations).

"(2) AVOIDANCE ALTERNATIVE ANALYSIS.—

"(A) IN GENERAL.—If, in an analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.), the Secretary determines that there is no feasible or prudent alternative to avoid use of an historic site, the Secretary may—

"(i) include the determination of the Secretary in the analysis required under that Act;

"(ii) provide a notice of the determination to—

"(I) each applicable State historic preservation officer and tribal historic preservation officer;

"(II) the Council, if the Council is participating in the consultation process under section 306108 of title 54; and

"(III) the Secretary of the Interior; and

"(iii) request from the applicable preservation officer, the Council, and the Secretary of the Interior a concurrence that the determination is sufficient to satisfy the requirement of subsection (a)(1).

"(B) CONCURRENCE.—If the applicable preservation officer, the Council, and the Secretary of the Interior each provide a concurrence requested under subparagraph (A)(iii), no further analysis under subsection (a)(1) shall be required.

"(C) PUBLICATION.—A notice of a determination, together with each relevant concurrence to that determination, under subparagraph (A) shall be—

"(i) included in the record of decision or finding of no significant impact of the Secretary; and

"(ii) posted on an appropriate Federal website by not later than 3 days after the date of receipt by the Secretary of all concurrences requested under subparagraph (A)(iii).

"(3) ALIGNING HISTORICAL REVIEWS.—

"(A) IN GENERAL.—If the Secretary, the applicable preservation officer, the Council, and the Secretary of the Interior concur that no feasible and prudent alternative exists as described in paragraph (2), the Secretary may provide to the applicable preservation officer, the Council, and the Secretary of the Interior notice of the intent of the Secretary to satisfy the requirements of subsection (a)(2) through the consultation requirements of section 306108 of title 54.

"(B) SATISFACTION OF CONDITIONS.—To satisfy the requirements of subsection (a)(2), each individual described in paragraph (2)(A)(ii) shall concur in the treatment of the applicable historic site described in the memorandum of

agreement or programmatic agreement developed under section 306108 of title 54.".

(b) PUBLIC TRANSPORTATION.—Section 303 of title 49, United States Code, is amended—

(1) in subsection (c), in the matter preceding paragraph (1), by striking "subsection (d)" and inserting "subsections (d) and (e)"; and

(2) by adding at the end the following:

"(e) SATISFACTION OF REQUIREMENTS FOR CERTAIN HISTORIC SITES.—

"(1) IN GENERAL.—The Secretary shall—

"(A) align, to the maximum extent practicable, the requirements of this section with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.) and section 306108 of title 54, including implementing regulations; and

"(B) not later than 90 days after the date of enactment of this subsection, coordinate with the Secretary of the Interior and the Executive Director of the Advisory Council on Historic Preservation (referred to in this subsection as the 'Council') to establish procedures to satisfy the requirements described in subparagraph (A) (including regulations).

"(2) AVOIDANCE ALTERNATIVE ANALYSIS.—

"(A) IN GENERAL.—If, in an analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.), the Secretary determines that there is no feasible or prudent alternative to avoid use of an historic site, the Secretary may—

"(i) include the determination of the Secretary in the analysis required under that Act;

"(ii) provide a notice of the determination to—

"(I) each applicable State historic preservation officer and tribal historic preservation officer;

"(II) the Council, if the Council is participating in the consultation process under section 306108 of title 54; and

"(III) the Secretary of the Interior; and

"(iii) request from the applicable preservation officer, the Council, and the Secretary of the Interior a concurrence that the

determination is sufficient to satisfy the requirement of subsection (c)(1).

"(B) CONCURRENCE.—If the applicable preservation officer, the Council, and the Secretary of the Interior each provide a concurrence requested under subparagraph (A)(iii), no further analysis under subsection (a)(1) shall be required.

"(C) PUBLICATION.—A notice of a determination, together with each relevant concurrence to that determination, under subparagraph (A) shall be—

"(i) included in the record of decision or finding of no significant impact of the Secretary; and

"(ii) posted on an appropriate Federal website by not later than 3 days after the date of receipt by the Secretary of all concurrences requested under subparagraph (A)(iii).

"(3) ALIGNING HISTORICAL REVIEWS.—

"(A) IN GENERAL.—If the Secretary, the applicable preservation officer, the Council, and the Secretary of the Interior concur that no feasible and prudent alternative exists as described

in paragraph (2), the Secretary may provide to the applicable preservation officer, the Council, and the Secretary of the Interior notice of the intent of the Secretary to satisfy the requirements of subsection (c)(2) through the consultation requirements of section 306108 of title 54.

''(B) SATISFACTION OF CONDITIONS.—To satisfy the requirements of subsection (c)(2), the applicable preservation officer, the Council, and the Secretary of the Interior shall concur in the treatment of the applicable historic site described in the memorandum of agreement or programmatic agreement developed under section 306108 of title 54.''.

SEC. 11117. BRIDGE EXEMPTION FROM CONSIDERATION UNDER CERTAIN PROVISIONS.

(a) PRESERVATION OF PARKLANDS.—Section 138 of title 23, United States Code, as amended by section 11116, is amended by adding at the end the following:

''(d) BRIDGE EXEMPTION FROM CONSIDERATION.—A common post-1945 concrete or steel bridge or culvert (as described in 77 Fed. Reg. 68790) that is exempt from individual review under section 306108 of title 54, United States Code, shall be exempt from consideration under this section.''.

(b) POLICY ON LANDS, WILDLIFE AND WATERFOWL REFUGES, AND HISTORIC SITES.—Section 303 of title 49, United States Code, as amended by section 11116, is amended by adding at the end the following:

"(f) BRIDGE EXEMPTION FROM CONSIDERATION.—A common post-1945 concrete or steel bridge or culvert (as described in 77 Fed. Reg. 68790) that is exempt from individual review under section 306108 of title 54, United States Code, shall be exempt from consideration under this section.".

SEC. 11118. ELIMINATION OF BARRIERS TO IMPROVE AT-RISK BRIDGES.

(a) TEMPORARY AUTHORIZATION.—

(1) IN GENERAL.—Until the Secretary of the Interior takes the action described in subsection (b), the take of nesting swallows to facilitate a construction project on a bridge eligible for funding under title 23, United States Code, with any component condition rating of 3 or less (as defined by the National Bridge Inventory General Condition Guidance issued by the Federal Highway Administration) is authorized under the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) between April 1 and August 31.

(2) MEASURES TO MINIMIZE IMPACTS.—

(A) NOTIFICATION BEFORE TAKING.—Prior to the taking of nesting swallows authorized under paragraph (1), any person taking that action shall submit to the Secretary of the Interior a document that contains—

(i) the name of the person acting under the authority of paragraph (1) to take nesting swallows;

(ii) a list of practicable measures that will be undertaken to minimize or mitigate significant adverse impacts on the population of that species;

(iii) the time period during which activities will be carried out that will result in the taking of that species; and

(iv) an estimate of the number of birds, by species, to be taken in the proposed action.

(B) NOTIFICATION AFTER TAKING.—Not later than 60 days after the taking of nesting swallows authorized under paragraph (1), any person taking that action shall submit to the Secretary of the Interior a document that contains the number of birds, by species, taken in the action.

(b) AUTHORIZATION OF TAKE.—

(1) IN GENERAL.—The Secretary of the Interior, in consultation with the Secretary, shall promulgate a regulation under the authority of section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) authorizing the take of nesting swallows to facilitate bridge repair, maintenance, or construction—

(A) without individual permit requirements; and

(B) under terms and conditions determined to be consistent with treaties relating to migratory birds that protect swallow species occurring in the United States.

(2) TERMINATION.—On the effective date of a final rule under this subsection by the Secretary of the Interior, subsection (a) shall have no force or effect.

(c) SUSPENSION OR WITHDRAWAL OF TAKE AUTHORIZATION.—If the Secretary of the Interior, in consultation with the Secretary, determines that taking of nesting swallows carried out under the authority provided in subsection (a)(1) is having a significant adverse impact on swallow populations, the Secretary of the Interior may suspend that authority through publication in the Federal Register.

SEC. 11119. AT-RISK PROJECT PREAGREEMENT AUTHORITY.

(a) DEFINITION OF PRELIMINARY ENGINEERING.—In this section, the term "preliminary engineering" means allowable preconstruction project development and engineering costs.

(b) AT-RISK PROJECT PREAGREEMENT AUTHORITY.—A recipient or subrecipient of Federal-aid funds under title 23, United States Code, may—

(1) incur preliminary engineering costs for an eligible project under title 23, United States Code, before receiving project authorization from the State, in the case of a subrecipient, and the Secretary to proceed with the project; and

(2) request reimbursement of applicable Federal funds after the project authorization is received.

(c) ELIGIBILITY.—The Secretary may reimburse preliminary engineering costs incurred by a recipient or subrecipient under subsection (b)—

(1) if the costs meet all applicable requirements under title 23, United States Code, at the time the costs are incurred and the Secretary concurs that the requirements have been met;

(2) in the case of a project located within a designated nonattainment or maintenance area for air quality, if the conformity requirements of the Clean Air Act (42 U.S.C. 7401 et seq.) have been met; and

(3) if the costs would have been allowable if incurred after the date of the project authorization by the Department.

(d) AT-RISK.—A recipient or subrecipient that elects to use the authority provided under this section shall—

(1) assume all risk for preliminary engineering costs incurred prior to project authorization; and

(2) be responsible for ensuring and demonstrating to the Secretary that all applicable cost eligibility conditions are met after the authorization is received.

(e) RESTRICTIONS.—Nothing in this section—

(1) allows a recipient or subrecipient to use the authority under this section to advance a project beyond preliminary engineering prior to the completion of the environmental review process;

(2) waives the applicability of Federal requirements to a project other than the reimbursement of preliminary engineering costs incurred prior to an authorization to proceed in accordance with this section; or

(3) guarantees Federal funding of the project or the eligibility of the project for future Federal-aid highway funding.

Subtitle C—Miscellaneous

SEC. 11201. CREDITS FOR UNTAXED TRANSPORTATION FUELS.

(a) DEFINITION OF QUALIFIED REVENUES.—In this section, the term "qualified revenues" means any amounts—

(1) collected by a State—

(A) for the registration of a vehicle that operates solely on a fuel that is not subject to a Federal tax; and

(B) not sooner than the second registration period following the purchase of the vehicle; and

(2) that do not exceed, for a vehicle described in paragraph (1), an annual amount determined by the Secretary to be equal to the annual amount paid for Federal motor fuels taxes on the fuel used by an average passenger car fueled solely by gasoline.

(b) CREDIT.—

(1) IN GENERAL.—Subject to paragraph (2), if a State contributes qualified revenues to cover not less than 5 percent of the total cost of a project eligible for assistance under this title, the Federal share payable for the project under this section may be increased by an amount that is—

(A) equal to the percent of the total cost of the project from contributed qualified revenues; but

(B) not more than 5 percent of the total cost of the project.

(2) EXPIRATION.—The authorization of an increased Federal share for a project pursuant to paragraph (1) expires on September 30, 2023.

(c) STUDY.—

(1) IN GENERAL.—Before the expiration date of the credit under subsection (b)(2), the Secretary, in coordination with other appropriate Federal agencies, shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the most efficient and equitable means of taxing motor vehicle fuels not subject to a Federal tax as of the date of submission of the report.

(2) REQUIREMENT.—The means described in the report under paragraph (1) shall parallel, as closely as practicable, the structure of other Federal taxes on motor fuels.

SEC. 11202. JUSTIFICATION REPORTS FOR ACCESS POINTS ON THE INTERSTATE SYSTEM.

Section 111(e) of title 23, United States Code, is amended by inserting "(including new or modified freeway-to-crossroad interchanges inside a transportation management area)" after "the Interstate System".

SEC. 11203. EXEMPTIONS.

Section 127 of title 23, United States Code, is amended by adding at the end the following:

"(m) NATURAL GAS VEHICLES.—A vehicle, if operated by an engine fueled primarily by natural gas, may exceed any vehicle weight limit (up to a maximum gross vehicle weight of 82,000 pounds) under this section by an amount that is equal to the difference between—

"(1) the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle; and

"(2) the weight of a comparable diesel tank and fueling system.

"(n) EMERGENCY VEHICLES.—

"(1) DEFINITION OF EMERGENCY VEHICLE.—In this subsection, the term 'emergency vehicle' means a vehicle designed to be used under emergency conditions—

"(A) to transport personnel and equipment; and

"(B) to support the suppression of fires and mitigation of other hazardous situations.

"(2) EMERGENCY VEHICLE WEIGHT LIMIT.—Notwithstanding subsection (a), a State shall not enforce against an emergency vehicle a vehicle weight limit (up to a maximum gross vehicle weight of 86,000 pounds) of less than—

"(A) 24,000 pounds on a single steering axle;

"(B) 33,500 pounds on a single drive axle;

"(C) 62,000 pounds on a tandem axle; or

"(D) 52,000 pounds on a tandem rear drive steer axle.

"(o) OPERATION OF CERTAIN SPECIALIZED VEHICLES ON CERTAIN HIGHWAYS IN THE STATE OF ARKANSAS.—If any segment of United States Route 63 between the exits for highways 14 and 75 in the State of Arkansas is designated as part of the Interstate System—

"(1) a vehicle that could legally operate on the segment before the date of the designation at the posted speed limit may continue to operate on that segment; and

"(2) a vehicle that can only travel below the posted speed limit on the segment that could otherwise legally operate on the segment before the date of the

designation may continue to operate on that segment during daylight hours.".

SEC. 11204. HIGH PRIORITY CORRIDORS ON THE NATIONAL HIGHWAY SYSTEM.

Section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2031) is amended—

(1) in subsection (c) (105 Stat. 2032; 112 Stat. 190; 119 Stat. 1213)—

(A) by striking paragraph (13) and inserting the following:

"(13) Raleigh-Norfolk Corridor from Raleigh, North Carolina, through Rocky Mount, Williamston and Elizabeth City, North Carolina, to Norfolk, Virginia.";

(B) in paragraph (18)(D)—

(i) in clause (ii), by striking "and" at the end;

(ii) in clause (iii), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(iv) include Texas State Highway 44 from United States Route 59 at Freer, Texas, to Texas State Highway 358."; and

(C) by striking paragraph (68) and inserting the following:

"(68) The Washoe County Corridor and the Intermountain West Corridor shall generally follow:

"(A) in the case of the Washoe County Corridor, along Interstate Route 580/United States Route 95/United States Route 95A, from Reno, Nevada, to Las Vegas, Nevada; and

"(B) in the case of the Intermountain West Corridor, from the vicinity of Las Vegas extending north along United States Route 95, terminating at Interstate Route 80."; and

(D) by adding at the end the following:

"(81) United States Route 117/Interstate Route 795 from United States Route 70 in Goldsboro, Wayne County, North Carolina, to Interstate Route 40 west of Faison, Sampson County, North Carolina.

"(82) United States Route 70 from its intersection with Interstate Route 40 in Garner, Wake County, North Carolina, to the Port at Morehead City, Carteret County, North Carolina.

"(83) The Central Texas Corridor commencing at the logical terminus of Interstate 10, and generally following portions of United States Route 190 eastward passing in the vicinity Fort Hood, Killeen,

Belton, Temple, Bryan, College Station, Huntsville, Livingston, Woodville, and to the logical terminus of Texas Highway 63 at the Sabine River Bridge at Burrs Crossing.";

(2) in subsection (e)(5)—

(A) in subparagraph (A) (109 Stat. 597; 118 Stat. 293; 119 Stat. 1213), in the first sentence—

(i) by inserting "subsection (c)(13)," after "subsection (c)(9),";

(ii) by striking "subsections (c)(18)" and all that follows through "(c)(36)" and inserting "subsection (c)(18), subsection (c)(20), subparagraphs (A) and (B)(i) of subsection (c)(26), subsection (c)(36)" ; and

(iii) by striking "and subsection (c)(57)" and inserting "subsection (c)(57), subsection (c)(68)(B), subsection (c)(81), and subsection (c)(82)"; and

(B) in subparagraph (C)(i) (109 Stat. 598; 126 Stat. 427), by striking the last sentence and inserting "The routes referred to in subparagraphs (A) and (B)(i) of subsection (c)(26) and in subsection (c)(68)(B) are designated as Interstate Route I–11.".

SEC. 11205. REPEAT INTOXICATED DRIVER LAW.

Section 164(a)(4) of title 23, United States Code, is amended in the matter preceding subparagraph (A) by inserting "or combination of laws" after "means a State law".

SEC. 11206. VEHICLE-TO-INFRASTRUCTURE EQUIPMENT.

(a) NATIONAL HIGHWAY PERFORMANCE PROGRAM.—Section 119(d)(2)(L) of title 23, United States Code, is amended by inserting ", including the installation of interoperable vehicle-to-infrastructure communication equipment" after "capital improvements".

(b) SURFACE TRANSPORTATION PROGRAM.—Section 133(b)(16) of title 23, United States Code, by inserting ", including the installation of interoperable vehicle-to-infrastructure communication equipment" after "capital improvements".

SEC. 11207. RELINQUISHMENT.

A State transportation agency may relinquish park-and-ride lot facilities or portions of park-and-ride lot facilities to a local government agency for highway purposes if authorized to do so under State law.

SEC. 11208. TRANSFER AND SALE OF TOLL CREDITS.

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

(1) ELIGIBLE STATE.—The term "eligible State" means a State that—

(A) is eligible to use a credit under section 120(i) of title 23, United States Code; and

(B) has been selected by the Secretary under subsection (d)(2).

(2) RECIPIENT STATE.—The term ''recipient State'' means a State that receives a credit by transfer or by sale under this section from an eligible State.

(b) ESTABLISHMENT OF PILOT PROGRAM.—Not later than 1 year after the date of the establishment of a nationwide toll credit monitoring and tracking system under subsection (g), the Secretary shall establish and implement a toll credit marketplace pilot program in accordance with this section.

(c) PURPOSES.—The purposes of the pilot program established under subsection (b) are—

(1) to identify whether a monetary value can be assigned to toll credits;

(2) to identify the discounted rate of toll credits for cash;

(3) to determine if the purchase of toll credits by States provides the purchasing State budget flexibility to deal with funding issues, including off-system needs, transit systems with high operating costs, or cash flow issues; and

(4) to test the feasibility of expanding the toll credit market to allow all States to participate on a permanent basis.

(d) SELECTION OF ELIGIBLE STATES.—

(1) APPLICATION TO SECRETARY.—In order to participate in the pilot program established under subsection (b), a State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(2) SELECTION.—Of the States that submit an application under paragraph (1), the Secretary may select not more than 10 States to be designated as an eligible State.

(e) TRANSFER OR SALE OF CREDITS.—

(1) IN GENERAL.—In carrying out the pilot program established under subsection (b), the Secretary shall provide that an eligible State may transfer or sell to a recipient State a credit not used by the eligible State under section 120(i) of title 23, United States Code.

(2) USE OF CREDITS BY TRANSFEREE OR PURCHASER.—A recipient State may use a credit received under paragraph (1) toward the non-Federal share requirement for any funds made available to carry

out title 23 or chapter 53 of title 49, United States Code.

(3) CONDITION ON TRANSFER OR SALE OF CREDITS.—To receive a credit under paragraph (1), a recipient State shall enter into an agreement with the Secretary described in section 120(i) of title 23, United States Code.

(f) USE OF PROCEEDS FROM SALE OF CREDITS.—An eligible State shall use the proceeds from the sale of a credit under subsection (e)(1) for any project in the eligible State that is eligible under the surface transportation program established under section 133 of title 23, United States Code.

(g) TOLL CREDIT MONITORING AND TRACKING.—Not later than 180 days after the enactment of this section, the Secretary shall establish a nationwide toll credit monitoring and tracking system that functions as a real-time database on the inventory and use of toll credits among all States (as defined in section 101(a) of title 23, United States Code).

(h) NOTIFICATION.—Not later than 30 days after the date on which a credit is transferred or sold under subsection (e)(1), the eligible State shall submit to the Secretary in writing a notification of the transfer or sale.

(i) REPORTING REQUIREMENTS.—

(1) INITIAL REPORT.—Not later than 180 days after the date of establishment of the pilot program under subsection (b), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress of the pilot program.

(2) STATE REPORT.—

(A) REPORT BY ELIGIBLE STATE.—Not later than 30 days after a purchase or sale under subsection (e)(1), an eligible State shall submit to the Secretary a report that describes—

(i) information on the transaction;

(ii) the amount of cash received and the value of toll credits sold;

(iii) the intended use of the cash; and

(iv) an update on the remaining toll credit balance of the State.

(B) REPORT BY RECIPIENT STATE.—Not later than 30 days after a purchase or sale under subsection (e)(1), a recipient State shall submit to the Secretary a report that describes—

(i) the value of toll credits purchased;

(ii) the anticipated use of the toll credits; and

(iii) plans for maintaining maintenance of effort for spending on Federal-aid highways projects.

(3) ANNUAL REPORT.—Not later than 1 year after the date on which the pilot program under subsection (b) is established and each year thereafter that the pilot program is in effect, the Secretary shall—

(A) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(i) determines whether a toll credit marketplace is viable;

(ii) describes the buying and selling activities of the pilot program;

(iii) describes the monetary value of toll credits;

(iv) determines whether the pilot program could be expanded to more States or all States; and

(v) provides updated information on the toll credit balance accumulated by each State; and

(B) make the report described in subparagraph (A) publicly available on the website of the Department.

(j) TERMINATION.—The Secretary may terminate the program established under this section or the participation of any State in the program if the Secretary determines that the program is not serving a public benefit.

SEC. 11209. REGIONAL INFRASTRUCTURE ACCELERATOR DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a regional infrastructure demonstration program (referred to in this section as the "program") to assist entities in developing improved infrastructure priorities and financing strategies for the accelerated development of a project that is eligible for funding under the TIFIA program under chapter 6 of title 23, United States Code.

(b) DESIGNATION OF REGIONAL INFRASTRUCTURE ACCELERATORS.—In carrying out the program, the Secretary may designate regional infrastructure accelerators that will—

(1) serve a defined geographic area; and

(2) act as a resource in the geographic area to qualified entities in accordance with this section.

(c) APPLICATION.—To be eligible for a designation under subsection (b), a proposed regional infrastructure ac-

celerator shall submit to the Secretary a proposal at such time, in such manner, and containing such information as the Secretary may require.

(d) CRITERIA.—In evaluating a proposal submitted under subsection (c), the Secretary shall consider—

(1) the need for geographic diversity among regional infrastructure accelerators; and

(2) the ability of the proposal to promote investment in covered infrastructure projects, which shall include a plan—

(A) to evaluate and promote innovative financing methods for local projects, including the use of the TIFIA program under chapter 6 of title 23, United States Code;

(B) to build capacity of State, local, and tribal governments to evaluate and structure projects involving the investment of private capital;

(C) to provide technical assistance and information on best practices with respect to financing the projects;

(D) to increase transparency with respect to infrastructure project analysis and using innovative financing for public infrastructure projects;

(E) to deploy predevelopment capital programs designed to facilitate the creation of a pipeline of infrastructure projects available for investment;

(F) to bundle smaller-scale and rural projects into larger proposals that may be more attractive for investment; and

(G) to reduce transaction costs for public project sponsors.

(e) ANNUAL REPORT.—Not less frequently than once each year, the Secretary shall submit to Congress a report that describes the findings and effectiveness of the program.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program $12,000,000, of which the Secretary shall use—

(1) $11,750,000 for initial grants to regional infrastructure accelerators under subsection (b); and

(2) $250,000 for administrative costs of carrying out the program.

SEC. 11210. SONORAN CORRIDOR INTERSTATE DEVELOPMENT.

(a) FINDINGS.—Congress finds that the designation of the Sonoran Corridor Interstate connecting Interstate 19 to Interstate 10 south of the Tucson International Airport as a future part of the Interstate System would—

(1) enhance direct linkage between major trading routes connecting growing ports, agricultural regions, infrastructure and manufacturing centers, and existing high priority corridors of the National Highway System; and

(2) significantly improve connectivity on the future Interstate 11 and the CANAMEX Corridor, a route directly linking the United States with Mexico and Canada.

(b) HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 119 Stat. 1210) (as amended by section 11204) is amended by adding at the end the following:

"(84) State Route 410, the Sonoran Corridor connecting Interstate 19 to Interstate 10 south of the Tucson International Airport.".

(c) FUTURE PARTS OF INTERSTATE SYSTEM.—Section 1105(e)(5)(A) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2033; 119 Stat. 1213) (as amended by section 11204) is amended in the first sentence by striking "and subsection (c)(82)" and inserting "subsection (c)(82), and subsection (c)(84)".

TITLE II—TRANSPORTATION INNOVATION

Subtitle A—Research

SEC. 12001. RESEARCH, TECHNOLOGY, AND EDUCATION.

(a) HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.—Section 503(b)(3) of title 23, United States Code, is amended—

(1) in subparagraph (C)—

(A) in clause (xviii), by striking "and" at the end;

(B) in clause (xix), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(xx) accelerated mobile, highway-speed, bridge inspection methods that provide quantitative data-driven decision-making capabilities without requiring lane closures; and

"(xxi) innovative segmental wall technology for soil bank stabilization and roadway sound attenuation, and articulated technology for hydraulic sheer-resistant erosion control."; and

(2) in subparagraph (D)(i), by inserting "and section 119(e)" after "this subparagraph".

(b) TECHNOLOGY AND INNOVATION DEPLOYMENT PROGRAM.—Section 503(c) of title 23, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking "carry out" and inserting "establish and implement";

(2) in paragraph (2)—

(A) in subparagraph (B), by striking clause (i) and inserting the following:

"(i) use not less than 50 percent of the funds authorized to carry out this subsection to make grants to, and enter into cooperative agreements and contracts with, States, other Federal agencies, local governments, metropolitan planning organizations, institutions of higher education, private sector entities, and nonprofit organizations to carry out demonstration programs that will accelerate the deployment and adoption of transportation research activities;";

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

"(C) INNOVATION GRANTS.—

"(i) IN GENERAL.—In carrying out the program established under subparagraph (B)(i), the Secretary shall establish a transparent competitive process in which entities described in subparagraph (B)(i) may submit an application to receive a grant under this subsection.

"(ii) PUBLICATION OF APPLICATION PROCESS.—A description of the application process established by the Secretary shall—

"(I) be posted on a public website;

"(II) identify the information required to be included in the application; and

"(III) identify the criteria by which the Secretary shall select grant recipients.

"(iii) SUBMISSION OF APPLICATION.—To receive a grant under this paragraph, an entity described in subparagraph (B)(i) shall submit an application to the Secretary.

"(iv) SELECTION AND APPROVAL.—The Secretary shall select and approve an appli-

cation submitted under clause (iii) based on whether the project described in the application meets the goals of the program described in paragraph (1).''; and

(3) in paragraph (3)(C), by striking ''each of fiscal years 2013 through 2014'' and inserting ''each fiscal year''.

(c) CONFORMING AMENDMENT.—Section 505(c)(1) of title 23, United States Code, is amended by striking ''section 503(c)(2)(C)'' and inserting ''section 503 (c)(2)(D)''.

SEC. 12002. INTELLIGENT TRANSPORTATION SYSTEMS.

(a) INTELLIGENT TRANSPORTATION SYSTEMS DEPLOYMENT.—Section 513 of title 23, United States Code, is amended by adding at the end the following:

''(d) SYSTEM OPERATIONS AND ITS DEPLOYMENT GRANT PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary shall establish a competitive grant program to accelerate the deployment, operation, systems management, intermodal integration, and interoperability of the ITS program and ITS-enabled operational strategies—

''(A) to measure and improve the performance of the surface transportation system;

"(B) to reduce traffic congestion and the economic and environmental impacts of traffic congestion;

"(C) to minimize fatalities and injuries;

"(D) to enhance mobility of people and goods;

"(E) to improve traveler information and services; and

"(F) to optimize existing roadway capacity.

"(2) APPLICATION.—To be eligible for a grant under this subsection, an eligible entity shall submit an application to the Secretary that includes—

"(A) a plan to deploy and provide for the long-term operation and maintenance of intelligent transportation systems to improve safety, efficiency, system performance, and return on investment, such as—

"(i) autonomous vehicle communication technologies;

"(ii) vehicle-to-vehicle or vehicle-to-infrastructure communication technologies;

"(iii) real-time integrated traffic, transit, and multimodal transportation information;

"(iv) advanced traffic, freight, parking, and incident management systems;

"(v) advanced technologies to improve transit and commercial vehicle operations;

"(vi) synchronized, adaptive, and transit preferential traffic signals;

"(vii) advanced infrastructure condition assessment technologies; and

"(viii) other technologies to improve system operations, including ITS applications necessary for multimodal systems integration and for achieving performance goals;

"(B) quantifiable system performance improvements, including—

"(i) reductions in traffic-related crashes, congestion, and costs;

"(ii) optimization of system efficiency; and

"(iii) improvement of access to transportation services;

"(C) quantifiable safety, mobility, and environmental benefit projections, including data-driven estimates of the manner in which the project will improve the efficiency of the trans-

portation system and reduce traffic congestion in the region;

"(D) a plan for partnering with the private sector, including telecommunications industries and public service utilities, public agencies (including multimodal and multijurisdictional entities), research institutions, organizations representing transportation and technology leaders, and other transportation stakeholders;

"(E) a plan to leverage and optimize existing local and regional ITS investments; and

"(F) a plan to ensure interoperability of deployed technologies with other tolling, traffic management, and intelligent transportation systems.

"(3) SELECTION.—

"(A) IN GENERAL.—Effective beginning not later than 1 year after the date of enactment of the DRIVE Act, the Secretary may provide grants to eligible entities under this subsection.

"(B) GEOGRAPHIC DIVERSITY.—In awarding a grant under this subsection, the Secretary shall ensure, to the maximum extent practicable, that grant recipients represent diverse geo-

graphical areas of the United States, including urban, suburban, and rural areas.

"(C) NON-FEDERAL SHARE.—In awarding a grant under the subsection, the Secretary shall give priority to grant recipients that demonstrate an ability to contribute a significant non-Federal share to the cost of carrying out the project for which the grant is received.

"(4) ELIGIBLE USES.—Projects for which grants awarded under this subsection may be used include—

"(A) the deployment of autonomous vehicle communication technologies;

"(B) the deployment of vehicle-to-vehicle or vehicle-to-infrastructure communication technologies;

"(C) the establishment and implementation of ITS and ITS-enabled operations strategies that improve performance in the areas of—

"(i) traffic operations;

"(ii) emergency response to surface transportation incidents;

"(iii) incident management;

"(iv) transit and commercial vehicle operations improvements;

"(v) weather event response management by State and local authorities;

"(vi) surface transportation network and facility management;

"(vii) construction and work zone management;

"(viii) traffic flow information;

"(ix) freight management; and

"(x) congestion management;

"(D) carrying out activities that support the creation of networks that link metropolitan and rural surface transportation systems into an integrated data network, capable of collecting, sharing, and archiving transportation system traffic condition and performance information;

"(E) the implementation of intelligent transportation systems and technologies that improve highway safety through information and communications systems linking vehicles, infrastructure, mobile devices, transportation users, and emergency responders;

"(F) the provision of services necessary to ensure the efficient operation and management of ITS infrastructure, including costs associated with communications, utilities, rent, hardware,

software, labor, administrative costs, training, and technical services;

"(G) the provision of support for the establishment and maintenance of institutional relationships between transportation agencies, police, emergency medical services, private emergency operators, freight operators, shippers, public service utilities, and telecommunications providers;

"(H) carrying out multimodal and cross-jurisdictional planning and deployment of regional transportation systems operations and management approaches; and

"(I) performing project evaluations to determine the costs, benefits, lessons learned, and future deployment strategies associated with the deployment of intelligent transportation systems.

"(5) REPORT TO SECRETARY.—For each fiscal year that an eligible entity receives a grant under this subsection, not later than 1 year after receiving the grant, each recipient shall submit to the Secretary a report that describes how the project has met the expectations projected in the deployment plan submitted with the application, including information on—

"(A) how the program has helped reduce traffic crashes, congestion, costs, and other benefits of the deployed systems;

"(B) the effect of measuring and improving transportation system performance through the deployment of advanced technologies;

"(C) the effectiveness of providing real-time integrated traffic, transit, and multimodal transportation information to the public that allows the public to make informed travel decisions; and

"(D) lessons learned and recommendations for future deployment strategies to optimize transportation efficiency and multimodal system performance.

"(6) REPORT TO CONGRESS.—Not later than 2 years after the date on which the first grant is awarded under this subsection and annually thereafter for each fiscal year for which grants are awarded under this subsection, the Secretary shall submit to Congress a report that describes the effectiveness of the grant recipients in meeting the projected deployment plan goals, including data on how the grant program has—

"(A) reduced traffic-related fatalities and injuries;

"(B) reduced traffic congestion and improved travel-time reliability;

"(C) reduced transportation-related emissions;

"(D) optimized multimodal system performance;

"(E) improved access to transportation alternatives;

"(F) provided the public with access to real-time integrated traffic, transit, and multimodal transportation information to make informed travel decisions;

"(G) provided cost savings to transportation agencies, businesses, and the traveling public; and

"(H) provided other benefits to transportation users and the general public.

"(7) ADDITIONAL GRANTS.—If the Secretary determines, based on a report submitted under paragraph (5), that a grant recipient is not complying with the established grant criteria, the Secretary may—

"(A) cease payment to the recipient of any remaining grant amounts; and

"(B) redistribute any remaining amounts to other eligible entities under this section.

"(8) NON-FEDERAL SHARE.—The Federal share of the cost of a project for which a grant is provided under this subsection shall not exceed 50 percent of the cost of the project.

"(9) FUNDING.—Of the funds made available each fiscal year to carry out the intelligent transportation system program under sections 512 through 518, not less than $30,000,000 shall be used to carry out this subsection.".

(b) INTELLIGENT TRANSPORTATION SYSTEMS GOALS AND PURPOSES.—Section 514(a) of title 23, United States Code, is amended—

(1) in paragraph (4), by striking "and" at the end; and

(2) by striking paragraph (5) and inserting the following:

"(5) improvement of the ability of the United States to respond to security-related or other man-made emergencies and natural disasters; and

"(6) enhancement of the freight system of the United States and support to freight policy goals by conducting heavy duty vehicle demonstration activi-

ties and accelerating adoption of ITS applications in freight operations.".

(c) ITS ADVISORY COMMITTEE REPORT.—Section 515(h)(4) of title 23, United States Code, is amended in the matter preceding subparagraph (A) by striking "February 1 of each year after the date of enactment of the Transportation Research and Innovative Technology Act of 2012" and inserting "May 1 of each year".

SEC. 12003. FUTURE INTERSTATE STUDY.

(a) FINDINGS.—Congress finds that—

(1) a well-developed system of transportation infrastructure is critical to the economic well-being, health, and welfare of the people of the United States;

(2) the 47,000-mile national Interstate System is the backbone to that transportation infrastructure system; and

(3) as of the date of enactment of this Act—

(A) many segments of the approximately 60-year-old Interstate System are well beyond the 50-year design life of the System and yet these aging facilities are central to the transportation infrastructure system, carrying 25 percent of the vehicle traffic of the United States on just 1 percent of the total public roadway mileage;

(B) the need for ongoing maintenance, preservation, and reconstruction of the Interstate System has grown due to increasing and changing travel demands; and

(C) simple maintenance of the current condition and configuration of the Interstate System is insufficient for the System to fully serve the transportation needs of the United States for the next 50 years.

(b) FUTURE INTERSTATE SYSTEM STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall enter into an agreement with the Transportation Research Board of the National Academies to conduct a study on the actions needed to upgrade and restore the Dwight D. Eisenhower National System of Interstate and Defense Highways to its role as a premier system network that meets the growing and shifting demands of the 21st century and for the next 50 years (referred to in this section as the "study").

(c) METHODOLOGIES.—In conducting the study, the Transportation Research Board shall build on the methodologies examined and recommended in the report prepared for the American Association of State Highway and Transportation Officials entitled "National Cooperative Highway Research Program Project 20–24(79): Specifica-

tions for a National Study of the Future 3R, 4R, and Capacity Needs of the Interstate System" and dated December 2013.

(d) RECOMMENDATIONS.—The study—

(1) shall include specific recommendations regarding the features, standards, capacity needs, application of technologies, and intergovernmental roles to upgrade the Interstate System, including any revisions to law (including regulations) that the Transportation Research Board determines appropriate to achieve the goals; and

(2) is encouraged to build on the robust institutional knowledge in the highway industry in applying the techniques involved in implementing the study.

(e) CONSIDERATIONS.—In carrying out the study, the Transportation Research Board shall determine the need for reconstruction and improvement of the Interstate System by considering—

(1) future demands on transportation infrastructure determined for national planning purposes, including commercial and private traffic flows to serve future economic activity and growth;

(2) the expected condition of the current Interstate System over the next 50 years, including long-term deterioration and reconstruction needs;

(3) those National Highway System routes that should be added to the existing Interstate System to more efficiently serve national traffic flows;

(4) features that would take advantage of technological capabilities to address modern standards of construction, maintenance, and operations, for purposes of safety, and system management, taking into further consideration system performance and cost; and

(5) the resources necessary to maintain and improve the Interstate System, including the resources required to upgrade those National Highway System routes identified in paragraph (3) to Interstate standards.

(f) CONSULTATION.—In carrying out the study, the Transportation Research Board—

(1) shall convene and consult with a panel of national experts including current and future owners, operators, and users of the Interstate System and private sector stakeholders; and

(2) is encouraged to consult with—

(A) the Federal Highway Administration;

(B) States;

(C) planning agencies at the metropolitan, State, and regional levels;

(D) the motor carrier industry;

(E) freight shippers;

(F) highway safety groups; and

(G) other appropriate entities.

(g) REPORT.—Not later than 3 years after the date of enactment of this Act, the Transportation Research Board shall submit to the Secretary, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study conducted under this section.

(h) FUNDING.—From amounts authorized to carry out the Highway Research and Development Program, the Secretary shall use up to $5,000,000 for fiscal year 2016 to carry out this section.

SEC. 12004. RESEARCHING SURFACE TRANSPORTATION SYSTEM FUNDING ALTERNATIVES.

(a) IN GENERAL.—The Secretary shall promote the research of user-based alternative revenue mechanisms that preserve a user fee structure to maintain the long-term solvency of the Highway Trust Fund.

(b) OBJECTIVES.—The objectives of the research described in subsection (a) shall be—

(1) to study uncertainties relating to the design, acceptance, and implementation of 2 or more future user-based alternative revenue mechanisms;

(2) to define the functionality of those user-based alternative revenue mechanisms;

(3) to conduct or promote research activities to demonstrate and test those user-based alternative revenue mechanisms, including by conducting field trials, by partnering with individual States, groups of States, or other appropriate entities to conduct the research activities;

(4) to conduct outreach to increase public awareness regarding the need for alternative funding sources for surface transportation programs and provide information on possible approaches;

(5) to provide recommendations regarding adoption and implementation of those user-based alternative revenue mechanisms; and

(6) to minimize the administrative cost of any potential user-based alternative revenue mechanisms.

(c) GRANTS.—The Secretary shall provide grants to individual States, groups of States, or other appropriate entities to conduct research that addresses—

(1) the implementation, interoperability, public acceptance, and other potential hurdles to the adoption of a user-based alternative revenue mechanism;

(2) the protection of personal privacy;

(3) the use of independent and private third-party vendors to collect fees and operate the user-based alternative revenue mechanism;

(4) equity concerns, including the impacts of the user-based alternative revenue mechanism on differing income groups, various geographic areas, and the relative burdens on rural and urban drivers;

(5) ease of compliance for different users of the transportation system;

(6) the reliability and security of technology used to implement the user-based alternative revenue mechanism;

(7) the flexibility and choices of user-based alternative revenue mechanisms, including the ability of users to select from various technology and payment options;

(8) the cost of administering the user-based alternative revenue mechanism; and

(9) the ability of the administering entity to audit and enforce user compliance.

(d) ADVISORY COUNCIL.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Treasury, shall establish and lead a Surface Transportation Revenue Alternatives Advisory Council (referred to in this subsection as the "Council") to inform the selection and evaluation of user-based alternative revenue mechanisms.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The members of the Council shall—

(i) be appointed by the Secretary; and

(ii) include, at a minimum—

(I) representatives with experience in user-based alternative revenue mechanisms, of which—

(aa) not fewer than 1 shall be from the Department;

(bb) not fewer than 1 shall be from the Department of the Treasury; and

(cc) not fewer than 2 shall be from State departments of transportation;

(II) representatives from applicable users of the surface transportation system; and

(III) appropriate technology and public privacy experts.

(B) GEOGRAPHIC CONSIDERATIONS.—The Secretary shall consider geographic diversity when selecting members under this paragraph.

(3) FUNCTIONS.—Not later than 1 year after the date on which the Council is established, the Council shall, at a minimum—

(A) define the functionality of 2 or more user-based alternative revenue mechanisms;

(B) identify technological, administrative, institutional, privacy, and other issues that—

(i) are associated with the user-based alternative revenue mechanisms; and

(ii) may be researched through research activities;

(C) conduct public outreach to identify and assess questions and concerns about the user-based alternative revenue mechanisms for future evaluation through research activities; and

(D) provide recommendations to the Secretary on the process and criteria used for selecting research activities under subsection (c).

(4) EVALUATIONS.—The Council shall conduct periodic evaluations of the research activities that have received assistance from the Secretary under this section.

(5) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Council shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(e) BIENNIAL REPORTS.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter until the completion of the research activities under this section, the Secretary shall submit to the Secretary of the Treasury, the Committee on Finance and the Committee on Environment and Public Works of the Senate, and the Committee on Ways and Means and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the progress of the research activities.

(f) FINAL REPORT.—On the completion of the research activities under this section, the Secretary and the Secretary of the Treasury, acting jointly, shall submit to the Committee on Finance and the Committee on Environment and Public Works of the Senate and the Committee on Ways

and Means and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the research activities and any recommendations.

(g) FUNDING.—Of the funds authorized to carry out section 503(b) of title 23, United States Code—

(1) $15,000,000 shall be used to carry out this section in fiscal year 2016; and

(2) $20,000,000 shall be used to carry out this section in each of fiscal years 2017 through 2021.

Subtitle B—Data

SEC. 12101. TRIBAL DATA COLLECTION.

Section 201(c)(6) of title 23, United States Code, is amended by adding at the end the following:

"(C) TRIBAL DATA COLLECTION.—In addition to the data to be collected under subparagraph (A), not later than 90 days after the end of each fiscal year, any entity carrying out a project under the tribal transportation program under section 202 shall submit to the Secretary and the Secretary of Interior, based on obligations and expenditures under the tribal transportation program during the preceding fiscal year, the following data:

"(i) The names of projects or activities carried out by the entity under the tribal transportation program during the preceding fiscal year.

"(ii) A description of the projects or activities identified under clause (i).

"(iii) The current status of the projects or activities identified under clause (i).

"(iv) An estimate of the number of jobs created and the number of jobs retained by the projects or activities identified under clause (i).".

SEC. 12102. PERFORMANCE MANAGEMENT DATA SUPPORT PROGRAM.

(a) PERFORMANCE MANAGEMENT DATA SUPPORT.—The Administrator of the Federal Highway Administration shall develop, use, and maintain data sets and data analysis tools to assist metropolitan planning organizations, States, and the Federal Highway Administration in carrying out performance management analyses (including the performance management requirements under section 150 of title 23, United States Code).

(b) INCLUSIONS.—The data analysis activities authorized under subsection (a) may include—

(1) collecting and distributing vehicle probe data describing traffic on Federal-aid highways;

(2) collecting household travel behavior data to assess local and cross-jurisdictional travel, including to accommodate external and through travel;

(3) enhancing existing data collection and analysis tools to accommodate performance measures, targets, and related data, so as to better understand trip origin and destination, trip time, and mode;

(4) enhancing existing data analysis tools to improve performance predictions and travel models in reports described in section 150(e) of title 23, United States Code; and

(5) developing tools—

(A) to improve performance analysis; and

(B) to evaluate the effects of project investments on performance.

(c) FUNDING.—From amounts authorized to carry out the Highway Research and Development Program, the Administrator may use up to $10,000,000 for each of fiscal years 2016 through 2021 to carry out this section.

Subtitle C—Transparency and Best Practices

SEC. 12201. EVERY DAY COUNTS INITIATIVE.

(a) IN GENERAL.—It is in the national interest for the Department, State departments of transportation, and all other recipients of Federal transportation funds—

(1) to identify, accelerate, and deploy innovation aimed at shortening project delivery, enhancing the safety of the roadways of the United States, and protecting the environment;

(2) to ensure that the planning, design, engineering, construction, and financing of transportation projects is done in an efficient and effective manner;

(3) to promote the rapid deployment of proven solutions that provide greater accountability for public investments and encourage greater private sector involvement; and

(4) to create a culture of innovation within the highway community.

(b) EVERY DAY COUNTS INITIATIVE.—To advance the policy described in subsection (a), the Administrator of the Federal Highway Administration (referred to in this section as the "Administrator") shall continue the Every Day Counts initiative to work with States, local transportation

agencies, and industry stakeholders to identify and deploy proven innovative practices and products that—

(1) accelerate innovation deployment;

(2) shorten the project delivery process;

(3) improve environmental sustainability;

(4) enhance roadway safety; and

(5) reduce congestion.

(c) INNOVATION DEPLOYMENT.—

(1) IN GENERAL.—At least every 2 years, the Administrator shall work collaboratively with stakeholders to identify a new collection of innovations, best practices, and data to be deployed to highway stakeholders through case studies, webinars, and demonstration projects.

(2) REQUIREMENTS.—In identifying a collection described in paragraph (1), the Secretary shall take into account market readiness, impacts, benefits, and ease of adoption of the innovation or practice.

(d) PUBLICATION.—Each collection identified under subsection (c) shall be published by the Administrator on a publicly available website.

SEC. 12202. DEPARTMENT OF TRANSPORTATION PERFORMANCE MEASURES.

(a) PERFORMANCE MEASURES.—Not later than 1 year after the date of enactment of this Act, the Secretary, in

coordination with the heads of other Federal agencies with responsibility for the review and approval of projects funded under title 23, United States Code, shall measure and report on—

(1) the progress made toward aligning Federal reviews of projects funded under title 23, United States Code, and the improvement of project delivery associated with those projects; and

(2) as applicable, the effectiveness of the Department in achieving the goals described in section 150(b) of title 23, United States Code, through discretionary programs.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act and biennially thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the evaluation conducted under subsection (a).

(c) INSPECTOR GENERAL REPORT.—Not later than 3 years after the date of enactment of this Act, the Inspector General of the Department shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the

House of Representatives a report describing the results of the evaluation conducted under subsection (a).

SEC. 12203. GRANT PROGRAM FOR ACHIEVEMENT IN TRANSPORTATION FOR PERFORMANCE AND INNOVATION.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" includes—

(A) a State;

(B) a unit of local government;

(C) a tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)); and

(D) a metropolitan planning organization.

(2) STATE.—The term "State" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory (as defined in section 165(c)(1) of title 23, United States Code).

(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a competitive grant program to reward—

(1) achievement in transportation performance management; and

(2) the implementation of strategies that achieve innovation and efficiency in surface transportation.

(c) PURPOSE.—The purpose of the program under this section shall be to reward entities for the implementation of policies and procedures that—

(1) support performance-based management of the surface transportation system and improve transportation outcomes; or

(2) use innovative technologies and practices that improve the efficiency and performance of the surface transportation system.

(d) APPLICATION.—

(1) IN GENERAL.—An eligible entity may submit to the Secretary an application for a grant under this section.

(2) CONTENTS.—An application under paragraph (1) shall indicate the means by which the eligible entity has met the requirements and purpose of the program under this section, including by—

(A) establishing, and making progress toward achieving, performance targets that exceed the requirements of title 23, United States Code;

(B) using innovative techniques and practices that enhance the effective movement of people, goods, and services, such as technologies that

reduce construction time, improve operational efficiencies, and extend the service life of highways and bridges; and

(C) employing transportation planning tools and procedures that improve transparency and the development of transportation investment strategies within the jurisdiction of the eligible entity.

(e) EVALUATION CRITERIA.—In awarding a grant under this section, the Secretary shall take into consideration the extent to which the application of the applicable eligible entity under subsection (d)—

(1) demonstrates performance in meeting the requirements of subsection (c); and

(2) promotes the national goals described in section 150(b) of title 23, United States Code.

(f) ELIGIBLE ACTIVITIES.—Amounts made available to carry out this section shall be used for projects eligible for funding under—

(1) title 23, United States Code; or

(2) chapter 53 of title 49, United States Code.

(g) LIMITATION.—The amount of a grant under this section shall be not more than $15,000,000.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated out of the general fund of the Treasury to carry out this section $150,000,000 for each of fiscal years 2016 through 2021, to remain available until expended.

(2) ADMINISTRATIVE COSTS.—The Secretary shall withhold a reasonable amount of funds made available under paragraph (1) for administration of the program under this section, not to exceed 3 percent of the amount appropriated for each applicable fiscal year.

(i) APPLICABILITY OF REQUIREMENTS.—Amounts made available under this section shall be administered as if the funds were apportioned under chapter 1 of title 23, United States Code.

SEC. 12204. HIGHWAY TRUST FUND TRANSPARENCY AND ACCOUNTABILITY.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (g) and inserting the following:

"(g) HIGHWAY TRUST FUND TRANSPARENCY AND ACCOUNTABILITY REPORT.—

"(1) PUBLICLY AVAILABLE REPORT.—Not later than 180 days after the date of enactment of the DRIVE Act and quarterly thereafter, the Secretary

shall compile data in accordance with this subsection on the use of Federal-aid highway program funds made available under this title.

"(2) REQUIREMENTS.—The Secretary shall ensure that the reports required under this subsection are made available in a user-friendly manner on the public website of the Department of Transportation and can be searched and downloaded by users of the website.

"(3) CONTENTS OF REPORT.—

"(A) APPORTIONED AND ALLOCATED PROGRAMS.—For each fiscal year, the report shall include comprehensive data for each program, organized by State, that includes—

"(i) the total amount of funds available for obligation, identifying the unobligated balance of funds available at the end of the preceding fiscal year and new funding available for the current fiscal year;

"(ii) the total amount of funding obligated during the current fiscal year;

"(iii) the remaining amount of funds available for obligation;

"(iv) changes in the obligated, unexpended balance during the current fiscal

year, including the obligated, unexpended balance at the end of the preceding fiscal year and current fiscal year expenditures; and

"(v) the percentage of the total amount of obligations for the current fiscal year used for construction and the total amount obligated during the current fiscal year for rehabilitation.

"(B) PROJECT DATA.—To the maximum extent practicable, the report shall include project-specific data, including data describing—

"(i) the specific location of a project;

"(ii) whether the project is located in an area of the State with a population of—

"(I) less than 5,000 individuals;

"(II) 5,000 or more individuals but less than 50,000 individuals; or

"(III) 50,000 or more individuals;

"(iii) the total cost of the project;

"(iv) the amount of Federal funding being used on the project;

"(v) the 1 or more programs from which Federal funds are obligated on the project;

"(vi) the type of improvement being made, such as categorizing the project as—

"(I) a road reconstruction project;

"(II) a new road construction project;

"(III) a new bridge construction project;

"(IV) a bridge rehabilitation project; or

"(V) a bridge replacement project; and

"(vii) the ownership of the highway or bridge.

"(C) TRANSFERS BETWEEN PROGRAMS.—The report shall include a description of the amount of funds transferred between programs by each State under section 126.".

(b) CONFORMING AMENDMENT.—Section 1503 of MAP–21 (23 U.S.C. 104 note; Public Law 112–141) is amended by striking subsection (c).

SEC. 12205. REPORT ON HIGHWAY TRUST FUND ADMINISTRATIVE EXPENDITURES.

(a) INITIAL REPORT.—Not later than 150 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report de-

scribing the administrative expenses of the Federal Highway Administration funded from the Highway Trust Fund during the 3 most recent fiscal years.

(b) UPDATES.—Not later than 5 years after the date on which the report is submitted under subsection (a) and every 5 years thereafter, the Comptroller General shall submit to Congress a report that updates the information provided in the report under that subsection for the preceding 5-year period.

(c) INCLUSIONS.—Each report submitted under subsection (a) or (b) shall include a description of the—

(1) types of administrative expenses of programs and offices funded by the Highway Trust Fund;

(2) tracking and monitoring of administrative expenses;

(3) controls in place to ensure that funding for administrative expenses is used as efficiently as practicable; and

(4) flexibility of the Department to reallocate amounts from the Highway Trust Fund between full-time equivalent employees and other functions.

SEC. 12206. AVAILABILITY OF REPORTS.

(a) IN GENERAL.—The Secretary shall make available to the public on the website of the Department any report

required to be submitted by the Secretary to Congress after the date of enactment of this Act.

(b) DEADLINE.—Each report described in subsection (a) shall be made available on the website not later than 30 days after the report is submitted to Congress.

SEC. 12207. PERFORMANCE PERIOD ADJUSTMENT.

(a) NATIONAL HIGHWAY PERFORMANCE PROGRAM.—Section 119 of title 23, United States Code, is amended—

(1) in subsection (e)(7), by striking "for 2 consecutive reports submitted under this paragraph shall include in the next report submitted" and inserting "shall include as part of the performance target report under section 150(e)"; and

(2) in subsection (f)(1)(A), by striking "If, during 2 consecutive reporting periods, the condition of the Interstate System, excluding bridges on the Interstate System, in a State falls" and inserting "If a State reports that the condition of the Interstate System, excluding bridges on the Interstate System, has fallen".

(b) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—Section 148(i) of title 23, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking "performance targets of the State established under section 150(d) by the date that is 2 years after

the date of the establishment of the performance targets" and inserting "safety performance targets of the State established under section 150(d)"; and

(2) in paragraphs (1) and (2), by inserting "safety" before "performance targets" each place it appears.

SEC. 12208. DESIGN STANDARDS.

(a) IN GENERAL.—Section 109 of title 23, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "may take into account" and inserting "shall consider"; and

(ii) in subparagraph (C), by striking "access for" and inserting "access and safety for"; and

(B) in paragraph (2)—

(i) in subparagraph (C), by striking "and" at the end;

(ii) by redesignating subparagraph (D) as subparagraph (F); and

(iii) by inserting after subparagraph (C) the following:

"(D) the publication entitled 'Highway Safety Manual' of the American Association of State Highway and Transportation Officials;

"(E) the publication entitled 'Urban Street Design Guide' of the National Association of City Transportation Officials; and";

(2) in subsection (f), by inserting "pedestrian walkways," after "bikeways,"; and

(3) by adding at the end the following:

"(s) SAFETY FOR MOTORIZED AND NONMOTORIZED USERS.—

"(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this subsection, the Secretary shall establish standards to ensure that the design of Federal surface transportation projects provides for the safe and adequate accommodation (as determined by the State or other direct recipient of funds), in all phases of project planning, development, and operation, of all users of the transportation network, including motorized and nonmotorized users.

"(2) WAIVER FOR STATE LAW OR POLICY.—The Secretary may waive the application of standards established under paragraph (1) to a State that has adopted a law or policy that provides for the safe and adequate accommodation (as determined by the State

or other direct recipient of funds), in all phases of project planning and development, of users of the transportation network on federally funded surface transportation projects.

"(3) COMPLIANCE.—

"(A) IN GENERAL.—Each State department of transportation shall submit a report to the Secretary, at such time, in such manner, and containing such information as the Secretary shall require, that describes measures implemented by the State to comply with this subsection.

"(B) DETERMINATION BY SECRETARY.—Upon the receipt of a report from a State under subparagraph (A), the Secretary shall determine whether the State is in compliance with this section.".

(b) DESIGN STANDARD FLEXIBILITY.—Notwithstanding section 109(o) of title 23, United States Code, a local jurisdiction may use a roadway design guide that is different from the roadway design guide used by the State in which the local jurisdiction is located for the design of projects on all roadways under the ownership of the local jurisdiction (other than a highway on the Interstate System) if—

(1) the local jurisdiction is the project sponsor;

(2) the roadway design guide—

(A) is recognized by the Federal Highway Administration; and

(B) is adopted by the local jurisdiction; and

(3) the design complies with all other applicable Federal laws.

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

SEC. 13001. TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT OF 1998 AMENDMENTS.

(a) DEFINITIONS.—Section 601(a) of title 23, United States Code, is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "In this chapter, the" and inserting "The"; and

(B) by inserting "to sections 601 through 609" after "apply";

(2) in paragraph (2)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(D) capitalizing a rural projects fund using the proceeds of a secured loan made to a State infrastructure bank in accordance with sections 602 and 603, for the purpose of making loans to sponsors of rural infrastructure projects in accordance with section 610.";

(3) in paragraph (3), by striking "this chapter" and inserting "the TIFIA program";

(4) in paragraph (10)—

(A) in the matter preceding subparagraph (A)—

(i) by inserting "related" before "projects"; and

(ii) by striking "(which shall receive an investment grade rating from a rating agency)";

(B) in subparagraph (A), by striking "subject to the availability of future funds being made available to carry out this chapter;" and inserting "subject to—

"(i) the availability of future funds being made available to carry out the TIFIA program; and

"(ii) the satisfaction of all of the conditions for the provision of credit assistance under the TIFIA program, including section 603(b)(1);"; and

(C) in subparagraph (D)—

(i) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively;

(ii) by inserting after clause (i) the following:

"(ii) receiving an investment grade rating from a rating agency;";

(iii) in clause (iii) (as so redesignated), by striking "section 602(c)" and inserting "including sections 602(c) and 603(b)(1)"; and

(iv) in clause (iv) (as so redesignated), by striking "this chapter" and inserting "the TIFIA program";

(5) in paragraph (12)—

(A) in subparagraph (D)(iv), by striking the period at the end and inserting "; and"; and

(B) by adding at the end the following:

"(E) a project to improve or construct public infrastructure that is located within walking distance of, and accessible to, a fixed guideway

transit facility, passenger rail station, intercity bus station, or intermodal facility, including a transportation, public utility, and capital project described in section 5302(3)(G)(v) of title 49, and related infrastructure;

"(F) a project for the acquisition of plant and wildlife habitat pursuant to a conservation plan that—

"(i) has been approved by the Secretary of the Interior pursuant to section 10 of the Endangered Species Act of 1973 (16 U.S.C. 1539); and

"(ii) as determined by the Secretary of the Interior, would mitigate the environmental impacts of transportation infrastructure projects otherwise eligible for assistance under the TIFIA program; and

"(G) the capitalization of a rural projects fund by a State infrastructure bank with the proceeds of a secured loan made in accordance with sections 602 and 603, for the purpose of making loans to sponsors of rural infrastructure projects in accordance with section 610.";

(6) in paragraph (15), by striking "means" and all that follows through the period at the end and in-

serting "means a surface transportation infrastructure project located in an area that is outside of an urbanized area with a population greater than 150,000 individuals, as determined by the Bureau of the Census.";

(7) by redesignating paragraphs (16), (17), (18), (19), and (20) as paragraphs (17), (18), (20), (21), and (22), respectively;

(8) by inserting after paragraph (15) the following:

"(16) RURAL PROJECTS FUND.—The term 'rural projects fund' means a fund—

"(A) established by a State infrastructure bank in accordance with section 610(d)(4);

"(B) capitalized with the proceeds of a secured loan made to the bank in accordance with sections 602 and 603; and

"(C) for the purpose of making loans to sponsors of rural infrastructure projects in accordance with section 610.";

(9) by inserting after paragraph (18) (as redesignated) the following:

"(19) STATE INFRASTRUCTURE BANK.—The term 'State infrastructure bank' means an infrastructure bank established under section 610."; and

(10) in paragraph (22) (as redesignated), by inserting "established under sections 602 through 609" after "Department".

(b) DETERMINATION OF ELIGIBILITY AND PROJECT SELECTION.—Section 602 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking "this chapter" and inserting "the TIFIA program";

(B) in paragraph (2)(A), by striking "this chapter" and inserting "the TIFIA program";

(C) in paragraph (3), by striking "this chapter" and inserting "the TIFIA program";

(D) in paragraph (5)—

(i) by striking the heading and inserting "ELIGIBLE PROJECT COST PARAMETERS.—";

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking "subparagraph (B), to be eligible for assistance under this chapter, a project" and inserting "subparagraphs (B) and (C), a project under the TIFIA program";

(II) by striking clause (i) and inserting the following:

"(i) $50,000,000; and"; and

(III) in clause (ii), by striking "assistance"; and

(iii) in subparagraph (B)—

(I) by striking the subparagraph designation and heading and all that follows through "In the case" and inserting the following:

"(B) EXCEPTIONS.—

"(i) INTELLIGENT TRANSPORTATION SYSTEMS.—In the case"; and

(II) by adding at the end the following:

"(ii) TRANSIT-ORIENTED DEVELOPMENT PROJECTS.—In the case of a project described in section 601(a)(12)(E), eligible project costs shall be reasonably anticipated to equal or exceed $10,000,000.

"(iii) RURAL PROJECTS.—In the case of a rural infrastructure project or a project capitalizing a rural projects fund, eligible project costs shall be reasonably anticipated

to equal or exceed $10,000,000, but not to exceed $100,000,000.

"(iv) LOCAL INFRASTRUCTURE PROJECTS.—Eligible project costs shall be reasonably anticipated to equal or exceed $10,000,000 in the case of projects or programs of projects—

"(I) in which the applicant is a local government, public authority, or instrumentality of local government;

"(II) located on a facility owned by a local government; or

"(III) for which the Secretary determines that a local government is substantially involved in the development of the project.";

(E) in paragraph (9), in the matter preceding subparagraph (A), by striking "this chapter" and inserting "the TIFIA program"; and

(F) in paragraph (10)—

(i) by striking "To be eligible" and inserting the following:

"(A) IN GENERAL.—Except as provided in subparagraph (B), to be eligible";

(ii) by striking "this chapter" each place it appears and inserting "the TIFIA program";

(iii) by striking "not later than" and inserting "no later than"; and

(iv) by adding at the end the following:

"(B) RURAL PROJECTS FUND.—In the case of a project capitalizing a rural projects fund, the State infrastructure bank shall demonstrate, not later than 2 years after the date on which a secured loan is obligated for the project under the TIFIA program, that the bank has executed a loan agreement with a borrower for a rural infrastructure project in accordance with section 610. After the demonstration is made, the bank may draw upon the secured loan. At the end of the 2-year period, to the extent the bank has not used the loan commitment, the Secretary may extend the term of the loan or withdraw the loan commitment.";

(2) in subsection (b), by striking paragraph (2) and inserting the following:

"(2) MASTER CREDIT AGREEMENTS.—

"(A) PROGRAM OF RELATED PROJECTS.—The Secretary may enter into a master credit

agreement for a program of related projects secured by a common security pledge on terms acceptable to the Secretary.

"(B) ADEQUATE FUNDING NOT AVAILABLE.—If the Secretary fully obligates funding to eligible projects for a fiscal year and adequate funding is not available to fund a credit instrument, a project sponsor of an eligible project may elect to enter into a master credit agreement and wait to execute a credit instrument until the fiscal year for which additional funds are available to receive credit assistance.";

(3) in subsection (c)(1), in the matter preceding subparagraph (A), by striking "this chapter" and inserting "the TIFIA program"; and

(4) in subsection (e), by striking "this chapter" and inserting "the TIFIA program".

(c) SECURED LOAN TERMS AND LIMITATIONS.—Section 603(b) of title 23, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking "The amount of" and inserting the following:

"(A) IN GENERAL.—Except as provided in subparagraph (B), the amount of"; and

(B) by adding at the end the following:

"(B) RURAL PROJECTS FUND.—In the case of a project capitalizing a rural projects fund, the maximum amount of a secured loan made to a State infrastructure bank shall be determined in accordance with section 602(a)(5)(B)(iii).";

(2) in paragraph (3)(A)(i)—

(A) in subclause (III), by striking "or" at the end;

(B) in subclause (IV), by striking "and" at the end and inserting "or"; and

(C) by adding at the end the following:

"(V) in the case of a secured loan for a project capitalizing a rural projects fund, any other dedicated revenue sources available to a State infrastructure bank, including repayments from loans made by the bank for rural infrastructure projects; and";

(3) in paragraph (4)(B)—

(A) in clause (i), by striking "under this chapter" and inserting "or a rural projects fund under the TIFIA program"; and

(B) in clause (ii), by inserting "and rural project funds" after "rural infrastructure projects";

(4) in paragraph (5)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(B) in the matter preceding subparagraph (A), by striking "The final" and inserting the following:

"(A) IN GENERAL.—Except as provided in subparagraph (B), the final"; and

(C) by adding at the end the following:

"(B) RURAL PROJECTS FUND.—In the case of a project capitalizing a rural projects fund, the final maturity date of the secured loan shall not exceed 35 years after the date on which the secured loan is obligated.";

(5) in paragraph (8), by striking "this chapter" and inserting "the TIFIA program"; and

(6) in paragraph (9)—

(A) by striking "The total Federal assistance provided on a project receiving a loan under this chapter" and inserting the following:

"(A) IN GENERAL.—The total Federal assistance provided for a project receiving a loan under the TIFIA program"; and

(B) by adding at the end the following:

"(B) RURAL PROJECTS FUND.—A project capitalizing a rural projects fund shall satisfy clause (i) through compliance with the Federal share requirement described in section 610(e)(3)(B).".

(d) PROGRAM ADMINISTRATION.—Section 605 of title 23, United States Code, is amended—

(1) by striking "this chapter" each place it appears and inserting "the TIFIA program"; and

(2) by adding at the end the following:

"(f) ASSISTANCE TO SMALL PROJECTS.—

"(1) RESERVATION OF FUNDS.—Of the funds made available to carry out the TIFIA program for each fiscal year, and after the set-aside under section 608(a)(6), not less than $2,000,000 shall be made available for the Secretary to use in lieu of fees collected under subsection (b) for projects under the TIFIA program having eligible project costs that are reasonably anticipated not to equal or exceed $75,000,000.

"(2) RELEASE OF FUNDS.—Any funds not used under paragraph (1) shall be made available on October 1 of the following fiscal year to provide credit assistance to any project under the TIFIA program.".

(e) STATE AND LOCAL PERMITS.—Section 606 of title 23, United States Code, is amended in the matter preceding paragraph (1) by striking "this chapter" and inserting "the TIFIA program".

(f) REGULATIONS.—Section 607 of title 23, United States Code, is amended by striking "this chapter" and inserting "the TIFIA program".

(g) FUNDING.—Section 608 of title 23, United States Code, is amended—

(1) by striking "this chapter" each place it appears and inserting "the TIFIA program"; and

(2) in subsection (a)—

(A) in paragraph (2), by inserting "of" after "504(f)";

(B) in paragraph (3)—

(i) in subparagraph (A), by inserting "or rural projects funds" after "rural infrastructure projects"; and

(ii) in subparagraph (B), by inserting "or rural projects funds" after "rural infrastructure projects";

(C) by striking paragraph (4) and redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively; and

(D) in paragraph (5) (as so redesignated), by striking "0.50 percent" and inserting "1.5 percent".

(h) REPORTS TO CONGRESS.—Section 609 of title 23, United States Code, is amended by striking "this chapter (other than section 610)" each place it appears and inserting "the TIFIA program".

(i) STATE INFRASTRUCTURE BANK PROGRAM.—Section 610 of title 23, United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

"(11) RURAL INFRASTRUCTURE PROJECT.—The term 'rural infrastructure project' has the meaning given the term in section 601.

"(12) RURAL PROJECTS FUND.—The term 'rural projects fund' has the meaning given the term in section 601.";

(2) in subsection (d)—

(A) in paragraph (1)(A), by striking "each of fiscal years" and all that follows through the end of subparagraph (A) and inserting "each fiscal year under each of paragraphs (1), (2), and (5) of section 104(b); and";

(B) in paragraph (2), by striking "in each of fiscal years 2005 through 2009" and inserting "in each fiscal year";

(C) in paragraph (3), by striking "in each of fiscal years 2005 through 2009" and inserting "in each fiscal year";

(D) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively;

(E) by inserting after paragraph (3) the following:

"(4) RURAL PROJECTS FUND.—Subject to subsection (j), the Secretary may permit a State entering into a cooperative agreement under this section to establish a State infrastructure bank to deposit into the rural projects fund of the bank the proceeds of a secured loan made to the bank in accordance with section 602 and 603."; and

(F) in paragraph (6) (as redesignated), by striking "section 133(d)(3)" and inserting "section 133(d)(1)(A)(i)";

(3) by striking subsection (e) and inserting the following:

"(e) FORMS OF ASSISTANCE FROM STATE INFRASTRUCTURE BANKS.—

"(1) IN GENERAL.—A State infrastructure bank established under this section may—

"(A) with funds deposited into the highway account, transit account, or rail account of the bank, make loans or provide other forms of credit assistance to a public or private entity to carry out a project eligible for assistance under this section; and

"(B) with funds deposited into the rural projects fund, make loans to a public or private entity to carry out a rural infrastructure project.

"(2) SUBORDINATION OF LOAN.—The amount of a loan or other form of credit assistance provided for a project described in paragraph (1) may be subordinated to any other debt financing for the project.

"(3) MAXIMUM AMOUNT OF ASSISTANCE.—A State infrastructure bank established under this section may—

"(A) with funds deposited into the highway account, transit account, or rail account, make loans or provide other forms of credit assistance to a public or private entity in an amount up to 100 percent of the cost of carrying out a project eligible for assistance under this section; and

"(B) with funds deposited into the rural projects fund, make loans to a public or private entity in an amount not to exceed 80 percent of the cost of carrying out a rural infrastructure project.

"(4) INITIAL ASSISTANCE.—Initial assistance provided with respect to a project from Federal funds deposited into a State infrastructure bank under this section may not be made in the form of a grant.";

(4) in subsection (g)—

(A) in paragraph (1), by striking "each account" and inserting "the highway account, the transit account, and the rail account"; and

(B) in paragraph (4), by inserting ", except that any loan funded from the rural projects fund of the bank shall bear interest at or below the interest rate charged for the TIFIA loan provided to the bank under section 603" after "feasible"; and

(5) in subsection (k), by striking "For each of fiscal years 2005 through 2009" and inserting "For each fiscal year".

TITLE IV—TECHNICAL CORRECTIONS

SEC. 14001. TECHNICAL CORRECTIONS.

(a) Section 101(a)(29) of title 23, United States Code, is amended—

(1) in subparagraph (B), by inserting a comma after "disabilities"; and

(2) in subparagraph (F)(i), by striking "133(b)(11)" and inserting "133(b)(14)".

(b) Section 119(d)(1)(A) of title 23, United States Code, is amended by striking "mobility," and inserting "congestion reduction, system reliability,".

(c) Section 126(b) of title 23, United States Code (as amended by section 11014(b)), is amended by striking "133(d)" and inserting "133(d)(1)(A)".

(d) Section 127(a)(3) of title 23, United States Code, is amended by striking "118(b)(2) of this title" and inserting "118(b)".

(e) Section 150(c)(3)(B) of title 23, United States Code, is amended by striking the semicolon at the end and inserting a period.

(f) Section 153(h)(2) of title 23, United States Code, is amended by striking "paragraphs (1) through (3)" and inserting "paragraphs (1), (2), and (4)".

(g) Section 163(f)(2) of title 23, United States Code, is amended by striking "118(b)(2)" and inserting "118(b)".

(h) Section 165(c)(7) of title 23, United States Code, is amended by striking "paragraphs (2), (4), (7), (8), (14), and (19)" and inserting "paragraphs (2), (4), (6), (7), and (14)".

(i) Section 202(b)(3) of title 23, United States Code, is amended—

(1) in subparagraph (A)(i), in the matter preceding subclause (I), by inserting "(a)(6)," after "subsections"; and

(2) in subparagraph (C)(ii)(IV), by striking "(III).]" and inserting "(III).".

(j) Section 217(a) of title 23, United States Code, is amended by striking "104(b)(3)" and inserting "104(b)(4)".

(k) Section 327(a)(2)(B)(iii) of title 23, United States Code, is amended by striking "(42 U.S.C. 13 4321 et seq.)" and inserting "(42 U.S.C. 4321 et seq.)".

(l) Section 504(a)(4) of title 23, United States Code, is amended by striking "104(b)(3)" and inserting "104(b)(2)".

(m) Section 515 of title 23, United States Code, is amended by striking "this chapter" each place it appears and inserting "sections 512 through 518".

(n) Section 518(a) of title 23, United States Code, is amended by inserting "a report" after "House of Representatives".

(o) Section 6302(b)(3)(B)(vi)(III) of title 49, United States Code, is amended by striking "6310" and inserting "6309".

(p) Section 1301(l)(3) of SAFETEA–LU (23 U.S.C. 101 note; Public Law 109–59) is amended—

(1) in subparagraph (A)(i), by striking "complied" and inserting "compiled"; and

(2) in subparagraph (B), by striking "paragraph (1)" and inserting "subparagraph (A)".

(q) Section 4407 of SAFETEA–LU (Public Law 109–59; 119 Stat. 1777), is amended by striking "hereby enacted into law" and inserting "granted".

(r) Section 51001(a)(1) of the Transportation Research and Innovative Technology Act of 2012 (126 Stat. 864) is amended by striking "sections 503(b), 503(d), and 509" and inserting "section 503(b)".

TITLE V—MISCELLANEOUS

SEC. 15001. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

Section 1528 of MAP–21 (40 U.S.C. 14501 note; Public Law 112–141) is amended—

(1) by striking "2021" each place it appears and inserting "2050"; and

(2) by striking "shall be 100 percent" each place it appears and inserting "shall be up to 100 percent, as determined by the State".

SEC. 15002. APPALACHIAN REGIONAL DEVELOPMENT PROGRAM.

(a) HIGH-SPEED BROADBAND DEVELOPMENT INITIATIVE.—

(1) IN GENERAL.—Subchapter I of chapter 145 of subtitle IV of title 40, United States Code, is amended by adding at the end the following:

"§ 14509. High-speed broadband deployment initiative

"(a) IN GENERAL.—The Appalachian Regional Commission may provide technical assistance, make grants, enter into contracts, or otherwise provide amounts to individuals or entities in the Appalachian region for projects and activities—

"(1) to increase affordable access to broadband networks throughout the Appalachian region;

"(2) to conduct research, analysis, and training to increase broadband adoption efforts in the Appalachian region;

"(3) to provide technology assets, including computers, smartboards, and video projectors to educational systems throughout the Appalachian region;

"(4) to increase distance learning opportunities throughout the Appalachian region;

"(5) to increase the use of telehealth technologies in the Appalachian region; and

"(6) to promote e-commerce applications in the Appalachian region.

"(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any activity eligible for a grant under this section—

"(1) not more than 50 percent may be provided from amounts appropriated to carry out this section; and

"(2) notwithstanding paragraph (1)—

"(A) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, not more than 80 percent may be provided from amounts appropriated to carry out this section; and

"(B) in the case of a project to be carried out in a county for which an at-risk designation is in effect under section 14526, not more than

70 percent may be provided from amounts appropriated to carry out this section.

"(c) SOURCES OF ASSISTANCE.—Subject to subsection (b), a grant provided under this section may be provided from amounts made available to carry out this section in combination with amounts made available—

"(1) under any other Federal program; or

"(2) from any other source.

"(d) FEDERAL SHARE.—Notwithstanding any provision of law limiting the Federal share under any other Federal program, amounts made available to carry out this section may be used to increase that Federal share, as the Appalachian Regional Commission determines to be appropriate.".

(2) CONFORMING AMENDMENT.—The analysis for chapter 145 of title 40, United States Code, is amended by inserting after the item relating to section 14508 the following:

"14509. High-speed broadband deployment initiative.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 14703 of title 40, United States Code, is amended—

(1) in subsection (a)(5), by striking "fiscal year 2012" and inserting "each of fiscal years 2012 through 2021";

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following:

"(c) HIGH-SPEED BROADBAND DEPLOYMENT INITIATIVE.—Of the amounts made available under subsection (a), $10,000,000 shall be used to carry out section 14509 for each of fiscal years 2016 through 2021.".

(c) TERMINATION.—Section 14704 of title 40, United States Code, is amended by striking "2012" and inserting "2021".

(d) EFFECTIVE DATE.—This section and the amendments made by this section take effect on October 1, 2015.

SEC. 15003. WATER INFRASTRUCTURE FINANCE AND INNOVATION.

Section 3907(a) of title 33, United States Code, is amended—

(1) by striking paragraph (5); and

(2) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

SEC. 15004. ADMINISTRATIVE PROVISIONS TO ENCOURAGE POLLINATOR HABITAT AND FORAGE ON TRANSPORTATION RIGHTS-OF-WAY.

(a) IN GENERAL.—Section 319 of title 23, United States Code, is amended—

(1) in subsection (a), by inserting "(including the enhancement of habitat and forage for pollinators)" before "adjacent"; and

(2) by adding at the end the following:

"(c) ENCOURAGEMENT OF POLLINATOR HABITAT AND FORAGE DEVELOPMENT AND PROTECTION ON TRANSPORTATION RIGHTS-OF-WAY.—In carrying out any program administered by the Secretary under this title, the Secretary shall, in conjunction with willing States, as appropriate—

"(1) encourage integrated vegetation management practices on roadsides and other transportation rights-of-way, including reduced mowing; and

"(2) encourage the development of habitat and forage for Monarch butterflies, other native pollinators, and honey bees through plantings of native forbs and grasses, including noninvasive, native milkweed species that can serve as migratory way stations for butterflies and facilitate migrations of other pollinators.".

(b) PROVISION OF HABITAT, FORAGE, AND MIGRATORY WAY STATIONS FOR MONARCH BUTTERFLIES, OTHER NATIVE POLLINATORS, AND HONEY BEES.—Section 329(a)(1) of title 23, United States Code, is amended by inserting "provision of habitat, forage, and migratory way stations

for Monarch butterflies, other native pollinators, and honey bees,'' before ''and aesthetic enhancement''.

SEC. 15005. STUDY ON PERFORMANCE OF BRIDGES.

(a) IN GENERAL.—Subject to subsection (c), the Administrator of the Federal Highway Administration (referred to in this section as the ''Administrator'') shall commission the Transportation Research Board of the National Academy of Sciences to conduct a study on the performance of bridges that received funding under the innovative bridge research and construction program (referred to in this section as the ''program'') under section 503(b) of title 23, United States Code (as in effect on the day before the date of enactment of SAFETEA–LU (Public Law 109–59; 119 Stat. 1144)) in meeting the goals of that program, which included—

(1) the development of new, cost-effective innovative material highway bridge applications;

(2) the reduction of maintenance costs and lifecycle costs of bridges, including the costs of new construction, replacement, or rehabilitation of deficient bridges;

(3) the development of construction techniques to increase safety and reduce construction time and traffic congestion;

(4) the development of engineering design criteria for innovative products and materials for use in highway bridges and structures;

(5) the development of cost-effective and innovative techniques to separate vehicle and pedestrian traffic from railroad traffic;

(6) the development of highway bridges and structures that will withstand natural disasters, including alternative processes for the seismic retrofit of bridges; and

(7) the development of new nondestructive bridge evaluation technologies and techniques.

(b) CONTENTS.—The study commissioned under subsection (a) shall include—

(1) an analysis of the performance of bridges that received funding under the program in meeting the goals described in paragraphs (1) through (7) of subsection (a);

(2) an analysis of the utility, compared to conventional materials and technologies, of each of the innovative materials and technologies used in projects for bridges under the program in meeting the needs of the United States in 2015 and in the future for a sustainable and low lifecycle cost transportation system;

(3) recommendations to Congress on how the installed and lifecycle costs of bridges could be reduced through the use of innovative materials and technologies, including, as appropriate, any changes in the design and construction of bridges needed to maximize the cost reductions; and

(4) a summary of any additional research that may be needed to further evaluate innovative approaches to reducing the installed and lifecycle costs of highway bridges.

(c) PUBLIC COMMENT.—Before commissioning the study under subsection (a), the Administrator shall provide an opportunity for public comment on the study proposal.

(d) DATA FROM STATES.—Each State that received funds under the program shall provide to the Transportation Research Board any relevant data needed to carry out the study commissioned under subsection (a).

(e) DEADLINE.—The Administrator shall submit to Congress the study commissioned under subsection (a) not later than 3 years after the date of enactment of this Act.

SEC. 15006. SPORT FISH RESTORATION AND RECREATIONAL BOATING SAFETY.

Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c), as amended by section 73103, is amended—

(1) in subsection (a), in the matter preceding paragraph (1) by striking "2015" and inserting "2021"; and

(2) in subsection (b)(1)(A) by striking "2015" and inserting "2021".

DIVISION B—PUBLIC TRANSPORTATION

TITLE XXI—FEDERAL PUBLIC TRANSPORTATION ACT

SEC. 21001. SHORT TITLE.

This title may be cited as the "Federal Public Transportation Act of 2015".

SEC. 21002. DEFINITIONS.

Section 5302 of title 49, United States Code, is amended—

(1) in paragraph (1)(E), by striking "bicycle storage facilities and installing equipment" and inserting "bicycle storage shelters and parking facilities and the installation of equipment";

(2) in paragraph (3)—

(A) by striking subparagraph (F) and inserting the following:

"(F) leasing equipment or a facility for use in public transportation;";

(B) in subparagraph (G)—

(i) in clause (iv), by adding "and" at the end;

(ii) in clause (v), by striking "and" at the end; and

(iii) by striking clause (vi);

(C) in subparagraph (K), by striking "or" at the end;

(D) in subparagraph (L), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

"(M) associated transit improvements; or

"(N) technological changes or innovations to modify low or no emission vehicles (as defined in section 5339(c)) or facilities."; and

(3) by adding at the end the following:

"(24) VALUE CAPTURE.—The term 'value capture' means recovering the increased value to property located near public transportation resulting from investments in public transportation.".

SEC. 21003. METROPOLITAN TRANSPORTATION PLANNING.

Section 5303 of title 49, United States Code, is amended—

(1) in subsection (a)(1), by inserting "resilient" after "development of";

(2) in subsection (c)(2), by striking "and bicycle transportation facilities" and inserting ", bicycle transportation facilities, intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities, and commuter vanpool providers";

(3) in subsection (d)—

(A) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively;

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

"(3) REPRESENTATION.—

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

"(B) PUBLIC TRANSPORTATION REPRESENTATIVE.—Subject to the bylaws or enabling statute of the metropolitan planning organization, a representative of a provider of public transportation may also serve as a representative of a local municipality.

"(C) POWERS OF CERTAIN OFFICIALS.—An official described in paragraph (2)(B) shall have responsibilities, actions, duties, voting rights, and any other authority commensurate with other officials described in paragraph (2)(B)."; and

(C) in paragraph (5), as so redesignated, by striking "paragraph (5)" and inserting "paragraph (6)";

(4) in subsection (e)(4)(B), by striking "subsection (d)(5)" and inserting "subsection (d)(6)";

(5) in subsection (g)(3)(A), by inserting "natural disaster risk reduction," after "environmental protection,";

(6) in subsection (h)(1)—

(A) in subparagraph (G), by striking "and" at the end;

(B) in subparagraph (H), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(I) improve the resilience and reliability of the transportation system.";

(7) in subsection (i)—

(A) in paragraph (2)—

(i) in subparagraph (A)(i), by striking "transit" and inserting "public transportation facilities, intercity bus facilities";

(ii) in subparagraph (G)—

(I) by striking "and provide" and inserting ", provide"; and

(II) by inserting before the period at the end the following: ", and reduce vulnerability due to natural disasters of the existing transportation infrastructure"; and

(iii) in subparagraph (H), by inserting before the period at the end the following: ", including consideration of the role that intercity buses may play in reducing congestion, pollution, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated";

(B) in paragraph (6)(A)—

(i) by inserting "public ports," before "freight shippers"; and

(ii) by inserting "(including intercity bus operators and commuter vanpool providers)" after "private providers of transportation"; and

(C) in paragraph (8), by striking "paragraph (2)(C)" each place that term appears and inserting "paragraph (2)(E)";

(8) in subsection (j)(5)(A), by striking "subsection (k)(4)" and inserting "subsection (k)(3)";

(9) in subsection (k)—

(A) by striking paragraph (3); and

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

(10) in subsection (l)—

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

(B) in paragraph (2)(D), by striking "of less than 200,000" and inserting "with a population of 200,000 or less";

(11) by striking subsection (n);

(12) by redesignating subsections (o), (p), and (q) as subsections (n), (o), and (p), respectively;

(13) in subsection (o), as so redesignated, by striking "set aside under section 104(f) of title 23"

and inserting "apportioned under paragraphs (5)(D) and (6) of section 104(b) of title 23"; and

(14) by adding at the end the following:

"(q) TREATMENT OF LAKE TAHOE REGION.—

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

"(2) TREATMENT.—For purposes of this title, the Lake Tahoe Region shall be treated as—

"(A) a metropolitan planning organization;

"(B) a transportation management area under subsection (k); and

"(C) an urbanized area, which is comprised of—

"(i) a population of 145,000 and 25 square miles of land area in the State of California; and

"(ii) a population of 65,000 and 12 square miles of land area in the State of Nevada.".

SEC. 21004. STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.

(a) IN GENERAL.—Section 5304 of title 49, United States Code, is amended—

(1) in subsection (a)(2), by striking "and bicycle transportation facilities" and inserting ", bicycle transportation facilities, intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities, and commuter vanpool providers";

(2) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (G), by striking "and" at the end;

(ii) in subparagraph (H), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(I) improve the resilience and reliability of the transportation system."; and

(B) in paragraph (2)—

(i) in subparagraph (B)(ii), by striking "urbanized areas with a population of fewer than 200,000 individuals, as calculated according to the most recent decen-

nial census, and" and inserting "areas"; and

(ii) in subparagraph (C)—

(I) by striking "title 23" and inserting "this chapter"; and

(II) by striking "urbanized areas with a population of fewer than 200,000 individuals, as calculated according to the most recent decennial census, and" and inserting "areas";

(3) in subsection (e)(1)—

(A) by striking "'In" and inserting "In"; and

(B) by striking "subsection (l)" and inserting "subsection (k)";

(4) in subsection (f)—

(A) in paragraph (2)(B)(i), by striking "subsection (l)" and inserting "subsection (k)";

(B) in paragraph (3)(A)—

(i) in clause (i), by striking "subsection (l)" and inserting "subsection (k)"; and

(ii) in clause (ii), by inserting "(including intercity bus operators and com-

muter vanpool providers)'' after ''private providers of transportation'';

(C) in paragraph (7), in the matter preceding subparagraph (A), by striking ''should'' and inserting ''shall''; and

(D) in paragraph (8), by inserting '', including consideration of the role that intercity buses may play in reducing congestion, pollution, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated'' before the period at the end;

(5) in subsection (g)—

(A) in paragraph (2)(B)(i), by striking ''subsection (l)'' and inserting ''subsection (k)'';

(B) in paragraph (3)—

(i) by inserting ''public ports,'' before ''freight shippers''; and

(ii) by inserting ''(including intercity bus operators)'' after ''private providers of transportation''; and

(C) in paragraph (6)(A), by striking ''subsection (l)'' and inserting ''subsection (k)'';

(6) by striking subsection (i); and

(7) by redesignating subsections (j), (k), and (l) as subsections (i), (j), and (k), respectively.

(b) CONFORMING AMENDMENT.—Section 5303(b)(5) of title 49, United States Code, is amended by striking "section 5304(l)" and inserting "section 5304(k)".

SEC. 21005. URBANIZED AREA FORMULA GRANTS.

Section 5307 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by inserting "or general public demand response service" before "during" each place that term appears; and

(B) by adding at the end the following:

"(3) EXCEPTION TO SPECIAL RULE.—Notwithstanding paragraph (2), if a public transportation system described in that paragraph executes a written agreement with 1 or more other public transportation systems within the urbanized area to allocate funds for the purposes described in that paragraph by a method other than by measuring vehicle revenue hours, each public transportation system that is a party to the written agreement may follow the terms of the written agreement without regard to measured vehicle revenue hours referred to in that paragraph.

"(4) TEMPORARY AND TARGETED ASSISTANCE.—

"(A) ELIGIBILITY.—The Secretary may make a grant under this section to finance the operating cost of equipment and facilities to a recipient for use in public transportation in an area that the Secretary determines has—

"(i) a population of not fewer than 200,000 individuals, as determined by the Bureau of the Census; and

"(ii) a 3-month unemployment rate, as reported by the Bureau of Labor Statistics, that is—

"(I) greater than 7 percent; and

"(II) at least 2 percentage points greater than the lowest 3-month unemployment rate for the area during the 5-year period preceding the date of the determination.

"(B) AWARD OF GRANT.—

"(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the Secretary may make a grant under this paragraph for not more than 2 consecutive fiscal years.

"(ii) ADDITIONAL YEAR.—If, at the end of the second fiscal year following the

date on which the Secretary makes a determination under subparagraph (A) with respect to an area, the Secretary determines that the 3-month unemployment rate for the area is at least 2 percentage points greater than the unemployment rate for the area at the time the Secretary made the determination under subparagraph (A), the Secretary may make a grant to a recipient in the area for 1 additional consecutive fiscal year.

"(iii) EXCLUSION PERIOD.—Beginning on the last day of the last consecutive fiscal year for which a recipient receives a grant under this paragraph, the Secretary may not make a subsequent grant under this paragraph to the recipient for a number of fiscal years equal to the number of consecutive fiscal years in which the recipient received a grant under this paragraph.

"(C) LIMITATION.—

"(i) FIRST FISCAL YEAR.—For the first fiscal year following the date on which the Secretary makes a determination under subparagraph (A) with respect to an area,

not more than 25 percent of the amount apportioned to a designated recipient under section 5336 for the fiscal year shall be available for operating assistance for the area.

"(ii) SECOND AND THIRD FISCAL YEARS.—For the second and third fiscal years following the date on which the Secretary makes a determination under subparagraph (A) with respect to an area, not more than 20 percent of the amount apportioned to a designated recipient under section 5336 for the fiscal year shall be available for operating assistance for the area.

"(D) PERIOD OF AVAILABILITY FOR OPERATING ASSISTANCE.—Operating assistance awarded under this paragraph shall be available for expenditure to a recipient in an area until the end of the second fiscal year following the date on which the Secretary makes a determination under subparagraph (A) with respect to the area, after which time any unexpended funds shall be available to the recipient for other eligible activities under this section.

"(E) CERTIFICATION.—The Secretary may make a grant for operating assistance under this paragraph for a fiscal year only if the recipient certifies that—

"(i) the recipient will maintain public transportation service levels at or above the current service level, which shall be demonstrated by providing an equal or greater number of vehicle hours of service in the fiscal year than the number of vehicle hours of service provided in the preceding fiscal year;

"(ii) any non-Federal entity that provides funding to the recipient, including a State or local governmental entity, will maintain the tax rate or rate of allocations dedicated to public transportation at or above the rate for the preceding fiscal year;

"(iii) the recipient has allocated the maximum amount of funding under this section for preventive maintenance costs eligible as a capital expense necessary to maintain the level and quality of service provided in the preceding fiscal year; and

"(iv) the recipient will not use funding under this section for new capital assets except as necessary for the existing system to maintain or achieve a state of good repair, assure safety, or replace obsolete technology."; and

(2) in subsection (c)(1)—

(A) in subparagraph (C), by inserting "in a state of good repair" after "equipment and facilities";

(B) in subparagraph (J), by adding "and" at the end;

(C) by striking subparagraph (K); and

(D) by redesignating subparagraph (L) as subparagraph (K).

SEC. 21006. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS.

(a) IN GENERAL.—Section 5309 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking "and weekend days";

(B) in paragraph (6)—

(i) in subparagraph (A), by inserting ", small start projects," after "new fixed guideway capital projects"; and

(ii) by striking subparagraph (B) and inserting the following:

"(B) 2 or more projects that are any combination of new fixed guideway capital projects, small start projects, and core capacity improvement projects."; and

(C) in paragraph (7)—

(i) in subparagraph (A), by striking "$75,000,000" and inserting "$100,000,000"; and

(ii) in subparagraph (B), by striking "$250,000,000" and inserting "$300,000,000";

(2) in subsection (d)—

(A) in paragraph (1)(B), by striking ", policies and land use patterns that promote public transportation,"; and

(B) in paragraph (2)(A)—

(i) in clause (iii), by adding "and" at the end;

(ii) by striking clause (iv); and

(iii) by redesignating clause (v) as clause (iv);

(3) in subsection (g)(2)(A)(i), by striking ", the policies and land use patterns that support public transportation,";

(4) in subsection (i)—

(A) in paragraph (1), by striking "subsection (d) or (e)" and inserting "subsection (d), (e), or (h)";

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting "new fixed guideway capital project or core capacity improvement" after "federally funded";

(ii) by striking subparagraph (D) and inserting the following:

"(D) the program of interrelated projects, when evaluated as a whole—

"(i) meets the requirements of subsection (d)(2), subsection (e)(2), or paragraphs (3) and (4) of subsection (h), as applicable, if the program is comprised entirely of—

"(I) new fixed guideway capital projects;

"(II) core capacity improvement projects; or

"(III) small start projects; or

"(ii) meets the requirements of subsection (d)(2) if the program is comprised of any combination of new fixed guideway projects, small start projects, and core capacity improvement projects;"; and

(iii) in subparagraph (F), by inserting "or (h)(5), as applicable" after "subsection (f)"; and

(C) in paragraph (3), by striking subparagraph (A) and inserting the following:

"(A) PROJECT ADVANCEMENT.—A project receiving a grant under this section that is part of a program of interrelated projects may not advance—

"(i) in the case of a small start project, from the project development phase to the construction phase unless the Secretary determines that the program of interrelated projects meets the applicable requirements of this section and there is a reasonable likelihood that the program will continue to meet such requirements; or

"(ii) in the case of a new fixed guideway capital project or a core capacity improvement project, from the project development phase to the engineering phase, or from the engineering phase to the construction phase, unless the Secretary determines that the program of interrelated projects meets the applicable requirements of this section and there is a reasonable likelihood that the program will continue to meet such requirements."; and

(5) by adding at the end the following:

"(p) JOINT PUBLIC TRANSPORTATION AND INTERCITY PASSENGER RAIL PROJECTS.—

"(1) IN GENERAL.—The Secretary may make grants for new fixed guideway capital projects and core capacity improvement projects that provide both public transportation and intercity passenger rail service.

"(2) ELIGIBLE COSTS.—Eligible costs for a project under this subsection shall be limited to the net capital costs of the public transportation costs attributable to the project based on projected use of the new segment or expanded capacity of the project corridor, not including project elements designed to

achieve or maintain a state of good repair, as determined by the Secretary under paragraph (4).

"(3) PROJECT JUSTIFICATION AND LOCAL FINANCIAL COMMITMENT.—A project under this subsection shall be evaluated for project justification and local financial commitment under subsections (d), (e), (f), and (h), as applicable to the project, based on—

"(A) the net capital costs of the public transportation costs attributable to the project as determined under paragraph (4); and

"(B) the share of funds dedicated to the project from sources other than this section included in the unified finance plan for the project.

"(4) CALCULATION OF NET CAPITAL PROJECT COST.—The Secretary shall estimate the net capital costs of a project under this subsection based on—

"(A) engineering studies;

"(B) studies of economic feasibility;

"(C) the expected use of equipment or facilities; and

"(D) the public transportation costs attributable to the project.

"(5) GOVERNMENT SHARE OF NET CAPITAL PROJECT COST.—

"(A) GOVERNMENT SHARE.—The Government share shall not exceed 80 percent of the net capital cost attributable to the public transportation costs of a project under this subsection as determined under paragraph (4).

"(B) NON-GOVERNMENT SHARE.—The remainder of the net capital cost attributable to the public transportation costs of a project under this subsection shall be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.".

(b) EXPEDITED PROJECT DELIVERY FOR CAPITAL INVESTMENT GRANTS PILOT PROGRAM.—

(1) DEFINITIONS.—In this subsection, the following definitions shall apply:

(A) APPLICANT.—The term "applicant" means a State or local governmental authority that applies for a grant under this subsection.

(B) CAPITAL PROJECT; FIXED GUIDEWAY; LOCAL GOVERNMENTAL AUTHORITY; PUBLIC TRANSPORTATION; STATE; STATE OF GOOD REPAIR.—The terms "capital project", "fixed guideway", "local governmental authority", "public transportation", "State", and "state of good re-

pair'' have the meanings given those terms in section 5302 of title 49, United States Code.

(C) CORE CAPACITY IMPROVEMENT PROJECT.—The term ''core capacity improvement project''—

(i) means a substantial corridor-based capital investment in an existing fixed guideway system that increases the capacity of a corridor by not less than 10 percent; and

(ii) may include project elements designed to aid the existing fixed guideway system in making substantial progress towards achieving a state of good repair.

(D) CORRIDOR-BASED BUS RAPID TRANSIT PROJECT.—The term ''corridor-based bus rapid transit project'' means a small start project utilizing buses in which the project represents a substantial investment in a defined corridor as demonstrated by features that emulate the services provided by rail fixed guideway public transportation systems—

(i) including—

(I) defined stations;

(II) traffic signal priority for public transportation vehicles;

(III) short headway bidirectional services for a substantial part of weekdays; and

(IV) any other features the Secretary may determine support a long-term corridor investment; and

(ii) the majority of which does not operate in a separated right-of-way dedicated for public transportation use during peak periods.

(E) ELIGIBLE PROJECT.—The term "eligible project" means a new fixed guideway capital project, a small start project, or a core capacity improvement project that has not entered into a full funding grant agreement with the Federal Transit Administration before the date of enactment of this Act.

(F) FIXED GUIDEWAY BUS RAPID TRANSIT PROJECT.—The term "fixed guideway bus rapid transit project" means a bus capital project—

(i) in which the majority of the project operates in a separated right-of-way dedi-

cated for public transportation use during peak periods;

(ii) that represents a substantial investment in a single route in a defined corridor or subarea; and

(iii) that includes features that emulate the services provided by rail fixed guideway public transportation systems, including—

(I) defined stations;

(II) traffic signal priority for public transportation vehicles;

(III) short headway bidirectional services for a substantial part of weekdays and weekend days; and

(IV) any other features the Secretary may determine are necessary to produce high-quality public transportation services that emulate the services provided by rail fixed guideway public transportation systems.

(G) NEW FIXED GUIDEWAY CAPITAL PROJECT.—The term "new fixed guideway capital project" means—

(i) a fixed guideway project that is a minimum operable segment or extension to an existing fixed guideway system; or

(ii) a fixed guideway bus rapid transit project that is a minimum operable segment or an extension to an existing bus rapid transit system.

(H) RECIPIENT.—The term "recipient" means a recipient of funding under chapter 53 of title 49, United States Code.

(I) SMALL START PROJECT.—The term "small start project" means a new fixed guideway capital project, a fixed guideway bus rapid transit project, or a corridor-based bus rapid transit project for which—

(i) the Federal assistance provided or to be provided under this subsection is less than $75,000,000; and

(ii) the total estimated net capital cost is less than $300,000,000.

(2) GENERAL AUTHORITY.—The Secretary may make grants under this subsection to States and local governmental authorities to assist in financing—

(A) new fixed guideway capital projects or small start projects, including the acquisition of

real property, the initial acquisition of rolling stock for the system, the acquisition of rights-of-way, and relocation, for projects in the advanced stages of planning and design; and

(B) core capacity improvement projects, including the acquisition of real property, the acquisition of rights-of-way, double tracking, signalization improvements, electrification, expanding system platforms, acquisition of rolling stock associated with corridor improvements increasing capacity, construction of infill stations, and such other capacity improvement projects as the Secretary determines are appropriate to increase the capacity of an existing fixed guideway system corridor by not less than 10 percent. Core capacity improvement projects do not include elements to improve general station facilities or parking, or acquisition of rolling stock alone.

(3) GRANT REQUIREMENTS.—

(A) IN GENERAL.—The Secretary may make not more than 10 grants under this subsection for an eligible project if the Secretary determines that—

(i) the eligible project is part of an approved transportation plan required under

sections 5303 and 5304 of title 49, United States Code;

(ii) the applicant has, or will have—

(I) the legal, financial, and technical capacity to carry out the eligible project, including the safety and security aspects of the eligible project;

(II) satisfactory continuing control over the use of the equipment or facilities;

(III) the technical and financial capacity to maintain new and existing equipment and facilities; and

(IV) advisors providing guidance to the applicant on the terms and structure of the project that are independent from investors in the project;

(iii) the eligible project is supported, or will be supported, in part, through a public-private partnership, provided such support is determined by local policies, criteria, and decisionmaking under section 5306(a) of title 49, United States Code;

(iv) the eligible project is justified based on findings presented by the project sponsor to the Secretary, including—

(I) mobility improvements attributable to the project;

(II) environmental benefits associated with the project;

(III) congestion relief associated with the project;

(IV) economic development effects derived as a result of the project; and

(V) estimated ridership projections; and

(v) the eligible project is supported by an acceptable degree of local financial commitment (including evidence of stable and dependable financing sources).

(B) CERTIFICATION.—An applicant that has submitted the certifications required under subparagraphs (A), (B), (C), and (H) of section 5307(c)(1) of title 49, United States Code, shall be deemed to have provided sufficient information upon which the Secretary may make the determinations required under this paragraph.

(C) TECHNICAL CAPACITY.—The Secretary shall use an expedited technical capacity review process for applicants that have recently and successfully completed not less than 1 new fixed guideway capital project, small start project, or core capacity improvement project, if—

(i) the applicant achieved budget, cost, and ridership outcomes for the project that are consistent with or better than projections; and

(ii) the applicant demonstrates that the applicant continues to have the staff expertise and other resources necessary to implement a new project.

(D) FINANCIAL COMMITMENT.—

(i) REQUIREMENTS.—In determining whether an eligible project is supported by an acceptable degree of local financial commitment and shows evidence of stable and dependable financing sources for purposes of subparagraph (A)(v), the Secretary shall require that—

(I) each proposed source of capital and operating financing is stable, reli-

able, and available within the proposed eligible project timetable; and

(II) resources are available to recapitalize, maintain, and operate the overall existing and proposed public transportation system, including essential feeder bus and other services necessary, without degradation to the existing level of public transportation services.

(ii) CONSIDERATIONS.—In assessing the stability, reliability, and availability of proposed sources of financing under clause (i), the Secretary shall consider—

(I) the reliability of the forecasting methods used to estimate costs and revenues made by the applicant and the contractors to the applicant;

(II) existing grant commitments;

(III) the degree to which financing sources are dedicated to the proposed eligible project;

(IV) any debt obligation that exists or is proposed by the applicant, for

the proposed eligible project or other public transportation purpose; and

(V) private contributions to the eligible project, including cost-effective project delivery, management or transfer of project risks, expedited project schedule, financial partnering, and other public-private partnership strategies.

(E) LABOR STANDARDS.—The requirements under section 5333 of title 49, United States Code, shall apply to each recipient of a grant under this subsection.

(4) PROJECT ADVANCEMENT.—An applicant that desires a grant under this subsection and meets the requirements of paragraph (3) shall submit to the Secretary, and the Secretary shall approve for advancement, a grant request that contains—

(A) identification of an eligible project;

(B) a schedule and finance plan for the construction and operation of the eligible project;

(C) an analysis of the efficiencies of the proposed eligible project development and delivery methods and innovative financing arrangement

for the eligible project, including any documents related to the—

(i) public-private partnership required under paragraph (3)(A)(iii); and

(ii) project justification required under paragraph (3)(A)(iv); and

(D) a certification that the existing public transportation system of the applicant or, in the event that the applicant does not operate a public transportation system, the public transportation system to which the proposed project will be attached, is in a state of good repair.

(5) WRITTEN NOTICE FROM THE SECRETARY.—

(A) IN GENERAL.—Not later than 120 days after the date on which the Secretary receives a grant request of an applicant under paragraph (4), the Secretary shall provide written notice to the applicant—

(i) of approval of the grant request; or

(ii) if the grant request does not meet the requirements under paragraph (4), of disapproval of the grant request, including a detailed explanation of the reasons for the disapproval.

(B) CONCURRENT NOTICE.—The Secretary shall provide concurrent notice of an approval or disapproval of a grant request under subparagraph (A) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(6) WAIVER.—The Secretary may grant a waiver to an applicant that does not comply with paragraph (4)(D) if—

(A) the eligible project meets the definition of a core capacity improvement project; and

(B) the Secretary certifies that the eligible project will allow the applicant to make substantial progress in achieving a state of good repair.

(7) SELECTION CRITERIA.—The Secretary may enter into a full funding grant agreement with an applicant under this subsection for an eligible project for which an application has been submitted and approved for advancement by the Secretary under paragraph (4), only if the applicant has completed the planning and activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(8) LETTERS OF INTENT AND FULL FUNDING GRANT AGREEMENTS.—

(A) LETTERS OF INTENT.—

(i) AMOUNTS INTENDED TO BE OBLIGATED.—The Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for an eligible project under this subsection, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the eligible project. When a letter is issued for an eligible project under this subsection, the amount shall be sufficient to complete at least an operable segment.

(ii) TREATMENT.—The issuance of a letter under clause (i) is deemed not to be an obligation under section 1108(c), 1501, or 1502(a) of title 31, United States Code, or an administrative commitment.

(B) FULL FUNDING GRANT AGREEMENTS.—

(i) IN GENERAL.—Except as provided in clause (v), an eligible project shall be

carried out under this subsection through a full funding grant agreement.

(ii) CRITERIA.—The Secretary shall enter into a full funding grant agreement, based the requirements of this subparagraph, with each applicant receiving assistance for an eligible project that has received a written notice of approval under paragraph (5)(A)(i).

(iii) TERMS.—A full funding grant agreement shall—

(I) establish the terms of participation by the Federal Government in the eligible project;

(II) establish the maximum amount of Federal financial assistance for the eligible project;

(III) include the period of time for completing construction of the eligible project, consistent with the terms of the public-private partnership agreement, even if that period extends beyond the period of an authorization; and

(IV) make timely and efficient management of the eligible project easier according to the law of the United States.

(iv) SPECIAL FINANCIAL RULES.—

(I) IN GENERAL.—A full funding grant agreement under this subparagraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this subparagraph, to obligate an additional amount from future available budget authority specified in law.

(II) STATEMENT OF CONTINGENT COMMITMENT.—A full funding grant agreement shall state that the contingent commitment is not an obligation of the Federal Government.

(III) INTEREST AND OTHER FINANCING COSTS.—Interest and other financing costs of efficiently carrying out a part of the eligible project within a reasonable time are a cost of car-

rying out the eligible project under a full funding grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the eligible project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

(IV) COMPLETION OF OPERABLE SEGMENT.—The amount stipulated in an agreement under this subparagraph for a new fixed guideway capital project, core capacity improvement project, or small start project shall be sufficient to complete at least an operable segment.

(v) EXCEPTION.—

(I) IN GENERAL.—The Secretary, to the maximum extent practicable, shall provide Federal assistance under this subsection for a small start project in a single grant. If the Secretary can-

not provide such a single grant, the Secretary may execute an expedited grant agreement in order to include a commitment on the part of the Secretary to provide funding for the project in future fiscal years.

(II) TERMS OF EXPEDITED GRANT AGREEMENTS.—In executing an expedited grant agreement under this clause, the Secretary may include in the agreement terms similar to those established under clause (iii).

(C) LIMITATION ON AMOUNTS.—

(i) IN GENERAL.—The Secretary may enter into full funding grant agreements under this paragraph for eligible projects that contain contingent commitments to incur obligations in such amounts as the Secretary determines are appropriate.

(ii) APPROPRIATION REQUIRED.—An obligation may be made under this paragraph only when amounts are appropriated for obligation.

(D) NOTIFICATION TO CONGRESS.—

(i) IN GENERAL.—Not later than 30 days before the date on which the Secretary issues a letter of intent or enters into a full funding grant agreement for an eligible project under this paragraph, the Secretary shall notify, in writing, the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives of the proposed letter of intent or full funding grant agreement.

(ii) CONTENTS.—The written notification under clause (i) shall include a copy of the proposed letter of intent or full funding grant agreement for the eligible project.

(9) GOVERNMENT SHARE OF NET CAPITAL PROJECT COST.—

(A) IN GENERAL.—A grant for an eligible project shall not exceed 25 percent of the net capital project cost.

(B) REMAINDER OF NET CAPITAL PROJECT COST.—The remainder of the net capital project cost shall be provided from an undistributed cash

surplus, a replacement or depreciation cash fund or reserve, or new capital.

(C) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed as authorizing the Secretary to require a non-Federal financial commitment for a project that is more than 75 percent of the net capital project cost.

(D) SPECIAL RULE FOR ROLLING STOCK COSTS.—In addition to amounts allowed pursuant to subparagraph (A), a planned extension to a fixed guideway system may include the cost of rolling stock previously purchased if the applicant satisfies the Secretary that only amounts other than amounts provided by the Federal Government were used and that the purchase was made for use on the extension. A refund or reduction of the remainder may be made only if a refund of a proportional amount of the grant of the Federal Government is made at the same time.

(E) FAILURE TO CARRY OUT PROJECT.—If an applicant does not carry out an eligible project for reasons within the control of the applicant, the applicant shall repay all Federal

funds awarded for the eligible project from all Federal funding sources, for all eligible project activities, facilities, and equipment, plus reasonable interest and penalty charges allowable by law.

(F) CREDITING OF FUNDS RECEIVED.—Any funds received by the Federal Government under this paragraph, other than interest and penalty charges, shall be credited to the appropriation account from which the funds were originally derived.

(10) AVAILABILITY OF AMOUNTS.—

(A) IN GENERAL.—An amount made available for an eligible project shall remain available to that eligible project for 5 fiscal years, including the fiscal year in which the amount is made available. Any amounts that are unobligated to the eligible project at the end of the 5-fiscal-year period may be used by the Secretary for any purpose under this subsection.

(B) USE OF DEOBLIGATED AMOUNTS.—An amount available under this subsection that is deobligated may be used for any purpose under this subsection.

(11) ANNUAL REPORT ON EXPEDITED PROJECT DELIVERY FOR CAPITAL INVESTMENT GRANTS.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report that includes a proposed amount to be available to finance grants for anticipated projects under this subsection.

(12) BEFORE AND AFTER STUDY AND REPORT.—

(A) STUDY REQUIRED.—Each recipient shall conduct a study that—

(i) describes and analyzes the impacts of the eligible project on public transportation services and public transportation ridership;

(ii) describes and analyzes the consistency of predicted and actual benefits and costs of the innovative project development and delivery methods or innovative financing for the eligible project; and

(iii) identifies reasons for any differences between predicted and actual outcomes for the eligible project.

(B) SUBMISSION OF REPORT.—Not later than 2 years after an eligible project that is selected under this subsection begins revenue operations, the recipient shall submit to the Secretary a report on the results of the study conducted under subparagraph (A).

(13) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

(A) require the privatization of the operation or maintenance of any project for which an applicant seeks funding under this subsection;

(B) revise the determinations by local policies, criteria, and decisionmaking under section 5306(a) of title 49, United States Code;

(C) alter the requirements for locally developed, coordinated, and implemented transportation plans under sections 5303 and 5304 of title 49, United States Code; or

(D) alter the eligibilities or priorities for assistance under this subsection or section 5309 of title 49, United States Code.

SEC. 21007. MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES.

(a) COORDINATION OF PUBLIC TRANSPORTATION SERVICES WITH OTHER FEDERALLY ASSISTED LOCAL TRANSPORTATION SERVICES.—

(1) DEFINITIONS.—In this subsection—

(A) the term "allocated cost model" means a method of determining the cost of trips by allocating the cost to each trip purpose served by a transportation provider in a manner that is proportional to the level of transportation service that the transportation provider delivers for each trip purpose, to the extent permitted by applicable Federal requirements; and

(B) the term "Council" means the Interagency Transportation Coordinating Council on Access and Mobility established under Executive Order 13330 (49 U.S.C. 101 note).

(2) COORDINATING COUNCIL ON ACCESS AND MOBILITY STRATEGIC PLAN.—Not later than 2 years after the date of enactment of this Act, the Council shall publish a strategic plan for the Council that—

(A) outlines the role and responsibilities of each Federal agency with respect to local transportation coordination, including non-emergency medical transportation;

(B) identifies a strategy to strengthen interagency collaboration;

(C) addresses any outstanding recommendations made by the Council in the 2005 Report to the President relating to the implementation of Executive Order 13330, including—

(i) a cost-sharing policy endorsed by the Council; and

(ii) recommendations to increase participation by recipients of Federal grants in locally developed, coordinated planning processes; and

(D) to the extent feasible, addresses recommendations by the Comptroller General of the United States concerning local coordination of transportation services.

(3) DEVELOPMENT OF COST-SHARING POLICY IN COMPLIANCE WITH APPLICABLE FEDERAL REQUIREMENTS.—In establishing the cost-sharing policy required under paragraph (2), the Council may consider, to the extent practicable—

(A) the development of recommended strategies for grantees of programs funded by members of the Council, including strategies for grantees of programs that fund non-emergency medical

transportation, to use the cost-sharing policy in a manner that does not violate applicable Federal requirements; and

(B) optional incorporation of an allocated cost model to facilitate local coordination efforts that comply with applicable requirements of programs funded by members of the Council, such as—

(i) eligibility requirements;

(ii) service delivery requirements; and

(iii) reimbursement requirements.

(b) PILOT PROGRAM FOR INNOVATIVE COORDINATED ACCESS AND MOBILITY.—

(1) DEFINITIONS.—In this subsection—

(A) the term "eligible project" has the meaning given the term "capital project" in section 5302 of title 49, United States Code; and

(B) the term "eligible recipient" means a recipient or subrecipient, as those terms are defined in section 5310 of title 49, United States Code.

(2) GENERAL AUTHORITY.—The Secretary may make grants under this subsection to eligible recipients to assist in financing innovative projects for the transportation disadvantaged that improve the co-

ordination of transportation services and non-emergency medical transportation services, including—

(A) the deployment of coordination technology;

(B) projects that create or increase access to community One-Call/One-Click Centers; and

(C) such other projects as determined by the Secretary.

(3) APPLICATION.—An eligible recipient shall submit to the Secretary an application that, at a minimum, contains—

(A) a detailed description of the eligible project;

(B) an identification of all eligible project partners and their specific role in the eligible project, including—

(i) private entities engaged in the coordination of non-emergency medical transportation services for the transportation disadvantaged; or

(ii) nonprofit entities engaged in the coordination of non-emergency medical transportation services for the transportation disadvantaged;

(C) a description of how the eligible project would—

(i) improve local coordination or access to coordinated transportation services;

(ii) reduce duplication of service, if applicable; and

(iii) provide innovative solutions in the State or community; and

(D) specific performance measures the eligible project will use to quantify actual outcomes against expected outcomes.

(4) GOVERNMENT SHARE OF COSTS.—

(A) IN GENERAL.—The Government share of the cost of an eligible project carried out under this subsection shall not exceed 80 percent.

(B) NON-GOVERNMENT SHARE.—The non-Government share of the cost of an eligible project carried out under this subsection may be derived from in-kind contributions.

(5) RULE OF CONSTRUCTION.—For purposes of this subsection, non-emergency medical transportation services shall be limited to services eligible under Federal programs other than programs authorized under chapter 53 of title 49, United States Code.

(c) TECHNICAL CORRECTION.—Section 5310(a) of title 49, United States Code, is amended by striking paragraph (1) and inserting the following:

"(1) RECIPIENT.—The term 'recipient' means—

"(A) a designated recipient or a State that receives a grant under this section directly; or

"(B) a State or local governmental entity that operates a public transportation service.".

SEC. 21008. FORMULA GRANTS FOR RURAL AREAS.

Section 5311 of title 49, United States Code, is amended—

(1) in subsection (c)(1), as amended by division G, by striking subparagraphs (A) and (B) and inserting the following:

"(A) $5,000,000 for each fiscal year shall be distributed on a competitive basis by the Secretary.

"(B) $30,000,000 for each fiscal year shall be apportioned as formula grants, as provided in subsection (j).''; and

(2) in subsection (j)(1)—

(A) in subparagraph (A)(iii), by striking "(as defined by the Bureau of the Census)" and inserting "(American Indian Areas, Alaska Na-

tive Areas, and Hawaiian Home Lands, as defined by the Bureau of the Census)''; and

(B) by adding at the end the following:

''(E) ALLOCATION BETWEEN MULTIPLE INDIAN TRIBES.—If more than 1 Indian tribe provides public transportation service on tribal lands in a single Tribal Statistical Area, and the Indian tribes do not determine how to allocate the funds apportioned under clause (iii) of subparagraph (A) between the Indian tribes, the Secretary shall allocate the funds such that each Indian tribe shall receive an amount equal to the total amount apportioned under such clause (iii) multiplied by the ratio of the number of annual unlinked passenger trips provided by each Indian tribe, as reported to the National Transit Database, to the total unlinked passenger trips provided by all the Indian tribes in the Tribal Statistical Area.''.

SEC. 21009. RESEARCH, DEVELOPMENT, DEMONSTRATION, AND DEPLOYMENT PROGRAM.

(a) IN GENERAL.—Section 5312 of title 49, United States Code, is amended—

*(1) in the section heading, by striking ''**projects**'' and inserting ''**program**'';*

(2) in subsection (a), in the subsection heading, by striking "PROJECTS" and inserting "PROGRAM";

(3) in subsection (d)—

(A) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by inserting "demonstration, deployment, or evaluation" before "project that";

(ii) in subparagraph (A), by striking "and" at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(iv) by adding at the end the following: "(C) the deployment of low or no emission vehicles, zero emission vehicles, or associated advanced technology."; and

(B) by striking paragraph (5) and inserting the following:

"(5) PROHIBITION.—The Secretary may not make grants under this subsection for the demonstration, deployment, or evaluation of a vehicle that is in revenue service unless the Secretary determines that the project makes significant technological advancements in the vehicle.

"(6) DEFINITIONS.—In this subsection—

"(A) the term 'direct carbon emissions' means the quantity of direct greenhouse gas emissions from a vehicle, as determined by the Administrator of the Environmental Protection Agency;

"(B) the term 'low or no emission vehicle' means—

"(i) a passenger vehicle used to provide public transportation that the Secretary determines sufficiently reduces energy consumption or harmful emissions, including direct carbon emissions, when compared to a comparable standard vehicle; or

"(ii) a zero emission vehicle used to provide public transportation; and

"(C) the term 'zero emission vehicle' means a low or no emission vehicle that produces no carbon or particulate matter.";

(4) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively;

(5) by inserting after subsection (d) the following:

"(e) LOW OR NO EMISSION VEHICLE COMPONENT ASSESSMENT.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'covered institution of higher education' means an institution of higher education with which the Secretary enters into a contract or cooperative agreement, or to which the Secretary makes a grant, under paragraph (2)(B) to operate a facility designated under paragraph (2)(A);

"(B) the terms 'direct carbon emissions' and 'low or no emission vehicle' have the meanings given those terms in subsection (d)(6);

"(C) the term 'institution of higher education' has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and

"(D) the term 'low or no emission vehicle component' means an item that is separately installed in and removable from a low or no emission vehicle.

"(2) ASSESSING LOW OR NO EMISSION VEHICLE COMPONENTS.—

"(A) IN GENERAL.—The Secretary shall designate not more than 2 facilities to conduct testing, evaluation, and analysis of low or no

emission vehicle components intended for use in low or no emission vehicles.

"(B) OPERATION AND MAINTENANCE.—

"(i) IN GENERAL.—The Secretary shall enter into a contract or cooperative agreement with, or make a grant to, not more than 2 institutions of higher education to each operate and maintain a facility designated under subparagraph (A).

"(ii) REQUIREMENTS.—An institution of higher education described in clause (i) shall have—

"(I) previous experience with transportation-related advanced component and vehicle evaluation;

"(II) laboratories capable of testing and evaluation;

"(III) direct access to or a partnership with a testing facility capable of emulating real-world circumstances in order to test low or no emission vehicle components installed on the intended vehicle;

"(IV) extensive knowledge of public-private partnerships in the trans-

portation sector, with emphasis on development and evaluation of materials, products, and components;

"(V) the ability to reduce costs to partners by leveraging existing programs to provide complementary research, development, testing, and evaluation; and

"(VI) the means to conduct performance assessments on low or no emission vehicle components based on industry standards.

"(C) FEES.—A covered institution of higher education shall establish and collect fees, which shall be approved by the Secretary, for the assessment of low or no emission components at the applicable facility designated under subparagraph (A).

"(D) AVAILABILITY OF AMOUNTS TO PAY FOR ASSESSMENT.—The Secretary shall enter into a contract or cooperative agreement with, or make a grant to, each covered institution of higher education under which—

"(i) the Secretary shall pay 50 percent of the cost of assessing a low or no emission

vehicle component at the applicable facility designated under subparagraph (A) from amounts made available to carry out this section; and

"(ii) the remaining 50 percent of such cost shall be paid from amounts recovered through the fees established and collected pursuant to subparagraph (C).

"(E) VOLUNTARY TESTING.—A manufacturer of a low or no emission vehicle component is not required to assess the low or no emission vehicle component at a facility designated under subparagraph (A).

"(F) COMPLIANCE WITH SECTION 5318.—Notwithstanding whether a low or no emission vehicle component is assessed at a facility designated under subparagraph (A), each new bus model shall comply with the requirements under section 5318.

"(G) SEPARATE FACILITY.—Each facility designated under subparagraph (A) shall be separate and distinct from the facility operated and maintained under section 5318.

"(3) LOW OR NO EMISSION VEHICLE COMPONENT PERFORMANCE REPORTS.—Not later than 2 years

after the date of enactment of the Federal Public Transportation Act of 2015, and annually thereafter, the Secretary shall issue a report on low or no emission vehicle component assessments conducted at each facility designated under paragraph (2)(A), which shall include information related to the maintainability, reliability, performance, structural integrity, efficiency, and noise of those low or no emission vehicle components.

"(4) PUBLIC AVAILABILITY OF ASSESSMENTS.—Each assessment conducted at a facility designated under paragraph (2)(A) shall be made publically available, including to affected industries.

"(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require—

"(A) a low or no emission vehicle component to be tested at a facility designated under paragraph (2)(A); or

"(B) the development or disclosure of a privately funded component assessment.";

(6) in subsection (f), as so redesignated—

(A) in paragraph (2), by striking "and" at the end;

(B) by redesignating paragraph (3) as paragraph (4);

(C) by inserting after paragraph (2) the following:

"(3) a list of any projects that returned negative results in the preceding fiscal year and an analysis of such results; and"; and

(D) in paragraph (4), as so redesignated, by inserting before the period at the end the following: "based on projects in the pipeline, ongoing projects, and anticipated research efforts necessary to advance certain projects to a subsequent research phase"; and

(7) by adding at the end the following:

"(h) COOPERATIVE RESEARCH PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish—

"(A) a public transportation cooperative research program under this subsection; and

"(B) an independent governing board for the program, which shall recommend public transportation research, development, and technology transfer activities the Secretary considers appropriate.

"(2) FEDERAL ASSISTANCE.—The Secretary may make grants to, and cooperative agreements with, the National Academy of Sciences to carry out activities

under this subsection that the Secretary determines appropriate.

"(3) GOVERNMENT SHARE.—If there would be a clear and direct financial benefit to an entity under a grant or contract financed under this section, the Secretary shall establish a Government share consistent with that benefit.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 49.—Chapter 53 of title 49, United States Code, is amended by striking section 5313.

(2) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 53 of title 49, United States Code, is amended by striking the items relating to sections 5312 and 5313 and inserting the following:

"5312. Research, development, demonstration, and deployment program.
"[5313. Repealed.]".

SEC. 21010. PRIVATE SECTOR PARTICIPATION.

(a) IN GENERAL.—Section 5315 of title 49, United States Code, is amended by adding at the end the following:

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter—

"(1) the eligibilities, requirements, or priority for assistance provided under this chapter; or

"(2) the requirements of section 5306(a).".

(b) MAP–21 TECHNICAL CORRECTION.—Section 20013(d) of the Moving Ahead for Progress in the 21st Cen-

tury Act (Public Law 112–141; 126 Stat. 694) is amended by striking "5307(c)" and inserting "5307(b)".

SEC. 21011. INNOVATIVE PROCUREMENT.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting after section 5315 the following:

"§ 5316. Innovative procurement

"(a) DEFINITION.—In this section, the term 'grantee' means a recipient or subrecipient of assistance under this chapter.

"(b) COOPERATIVE PROCUREMENT.—

"(1) DEFINITIONS; GENERAL RULES.—

"(A) DEFINITIONS.—In this subsection—

"(i) the term 'cooperative procurement contract' means a contract—

"(I) entered into between a State government or eligible nonprofit and 1 or more vendors; and

"(II) under which the vendors agree to provide an option to purchase rolling stock and related equipment to multiple participants;

"(ii) the term 'eligible nonprofit entity' means—

"(I) a nonprofit entity that is not a grantee; or

"(II) a consortium of entities described in subclause (I);

"(iii) the terms 'lead nonprofit entity' and 'lead procurement agency' mean an eligible nonprofit entity or a State government, respectively, that acts in an administrative capacity on behalf of each participant in a cooperative procurement contract;

"(iv) the term 'participant' means a grantee that participates in a cooperative procurement contract; and

"(v) the term 'participate' means to purchase rolling stock and related equipment under a cooperative procurement contract using assistance provided under this chapter.

"(B) GENERAL RULES.—

"(i) PROCUREMENT NOT LIMITED TO INTRASTATE PARTICIPANTS.—A grantee may participate in a cooperative procurement contract without regard to whether the grantee is located in the same State as the parties to the contract.

"(ii) VOLUNTARY PARTICIPATION.—Participation by grantees in a cooperative procurement contract shall be voluntary.

"(iii) CONTRACT TERMS.—The lead procurement agency or lead nonprofit entity for a cooperative procurement contract shall develop the terms of the contract.

"(iv) DURATION.—A cooperative procurement contract—

"(I) subject to subclauses (II) and (III), may be for an initial term of not more than 2 years;

"(II) may include not more than 3 optional extensions for terms of not more than 1 year each; and

"(III) may be in effect for a total period of not more than 5 years, including each extension authorized under subclause (II).

"(v) ADMINISTRATIVE EXPENSES.—A lead procurement agency or lead nonprofit entity, as applicable, that enters into a cooperative procurement contract—

"(I) may charge the participants in the contract for the cost of admin-

istering, planning, and providing technical assistance for the contract in an amount that is not more than 1 percent of the total value of the contract; and

"(II) with respect to the cost described in subclause (I), may incorporate the cost into the price of the contract or directly charge the participants for the cost, but not both.

"(2) STATE COOPERATIVE PROCUREMENT SCHEDULES.—

"(A) AUTHORITY.—A State government may enter into a cooperative procurement contract with 1 or more vendors if—

"(i) the vendors agree to provide an option to purchase rolling stock and related equipment to the State government and any other participant; and

"(ii) the State government acts throughout the term of the contract as the lead procurement agency.

"(B) APPLICABILITY OF POLICIES AND PROCEDURES.—In procuring rolling stock and related equipment under a cooperative procure-

ment contract under this subsection, a State government shall comply with the policies and procedures that apply to procurement by the State government when using non-Federal funds, to the extent that the policies and procedures are in conformance with applicable Federal law.

"(3) PILOT PROGRAM FOR NONPROFIT COOPERATIVE PROCUREMENTS.—

"(A) ESTABLISHMENT.—The Secretary shall establish and carry out a pilot program to demonstrate the effectiveness of cooperative procurement contracts administered by nonprofit entities.

"(B) DESIGNATION.—In carrying out the program under this paragraph, the Secretary shall designate not less than 1 eligible nonprofit entity to enter into a cooperative procurement contract under which the nonprofit entity acts throughout the term of the contract as the lead nonprofit entity.

"(C) NUMBER OF ENTITIES.—The Secretary may designate not more than 3 geographically diverse eligible nonprofit entities under subparagraph (B).

"(D) NOTICE OF INTENT TO PARTICIPATE.—At a time determined appropriate by the lead nonprofit entity, each participant in a cooperative procurement contract under this paragraph shall submit to the lead nonprofit entity a nonbinding notice of intent to participate.

"(c) LEASING ARRANGEMENTS.—

"(1) CAPITAL LEASE DEFINED.—

"(A) IN GENERAL.—In this subsection, the term 'capital lease' means any agreement under which a grantee acquires the right to use rolling stock or related equipment for a specified period of time, in exchange for a periodic payment.

"(B) MAINTENANCE.—A capital lease may require that the lessor provide maintenance of the rolling stock or related equipment covered by the lease.

"(2) PROGRAM TO SUPPORT INNOVATIVE LEASING ARRANGEMENTS.—

"(A) AUTHORITY.—A grantee may use assistance provided under this chapter to enter into a capital lease if—

"(i) the rolling stock or related equipment covered under the lease is eligible for capital assistance under this chapter; and

"(ii) there is or will be no Federal interest in the rolling stock or related equipment covered under the lease as of the date on which the lease takes effect.

"(B) GRANTEE REQUIREMENTS.—A grantee that enters into a capital lease shall—

"(i) maintain an inventory of the rolling stock or related equipment acquired under the lease; and

"(ii) maintain on the accounting records of the grantee the liability of the grantee under the lease.

"(C) ELIGIBLE LEASE COSTS.—The costs for which a grantee may use assistance under this chapter, with respect to a capital lease, include—

"(i) the cost of the rolling stock or related equipment;

"(ii) associated financing costs, including interest, legal fees, and financial advisor fees;

"(iii) ancillary costs such as delivery and installation charges; and

"(iv) maintenance costs.

"(D) TERMS.—A grantee shall negotiate the terms of any lease agreement that the grantee enters into.

"(E) APPLICABILITY OF PROCUREMENT REQUIREMENTS.—

"(i) LEASE REQUIREMENTS.—Part 639 of title 49, Code of Federal Regulations, or any successor regulation, and implementing guidance applicable to leasing shall not apply to a capital lease.

"(ii) BUY AMERICA.—The requirements under section 5323(j) shall apply to a capital lease.

"(3) INCENTIVE PROGRAM FOR CAPITAL LEASING OF ROLLING STOCK.—

"(A) AUTHORITY.—The Secretary shall carry out an incentive program for capital leasing of rolling stock (referred to in this paragraph as the 'program').

"(B) SELECTION OF PARTICIPANTS.—

"(i) IN GENERAL.—The Secretary shall select not less than 6 grantees to participate in the program, which shall be—

"(I) geographically diverse; and

"(II) evenly distributed among grantees in accordance with clause (ii).

"(ii) POPULATION SIZE.—In selecting an even distribution of grantees under clause (i)(II), the Secretary shall select not less than—

"(I) 2 grantees that serve rural areas;

"(II) 2 grantees that serve urbanized areas with a population of fewer than 200,000 individuals, as determined by the Bureau of the Census; and

"(III) 2 grantees that serve urbanized areas with a population of 200,000 or more individuals, as determined by the Bureau of the Census.

"(iii) WAIVER.—The Secretary may waive a requirement under clause (ii) if an insufficient number of eligible grantees of a particular population size apply to participate in the program.

"(C) PARTICIPANT REQUIREMENTS.—

"(i) IN GENERAL.—A grantee that participates in the program shall—

"(I) enter into a capital lease for a period of not less than 5 years; and

"(II) replace not less than ¼ of the grantee's fleet through the capital lease.

"(ii) VEHICLE REQUIREMENTS.—The vehicles replaced under clause (i)(II), with respect to the fleet as constituted on the day before the date on which the capital lease is entered into, shall—

"(I) be the oldest vehicles in the fleet; or

"(II) produce the highest quantity of direct greenhouse gas emissions relative to the other vehicles in the fleet, as determined by the Administrator of the Environmental Protection Agency.

"(iii) WAIVER OF FEDERAL INTEREST REQUIREMENTS.—If a grantee participating in the program seeks to replace vehicles that have a remaining Federal interest, the Secretary shall—

"(I) evaluate the economic and environmental benefits of waiving the

Federal interest, as demonstrated by the grantee;

"(II) if the grantee demonstrates a net economic or environmental benefit, grant an early disposition of the vehicles; and

"(III) publish each evaluation and final determination of the Secretary under this clause in a conspicuous location on the website of the Federal Transit Administration.

"(D) PARTICIPANT BENEFIT.—During the period during which a capital lease described in subparagraph (C)(i)(I), entered into by a grantee participating in the program, is in effect, the limit on the Government share of operating expenses under subsection (d)(2) of section 5307, subsection (d)(2) of section 5310, or subsection (g)(2) of section 5311 shall not apply with respect to any grant awarded to the grantee under the applicable section.

"(E) REPORTING REQUIREMENT.—Not later than 3 years after the date on which a grantee enters into a capital lease under the program,

the grantee shall submit to the Secretary a report that contains—

"(i) an evaluation of the overall costs and benefits of leasing rolling stock;

"(ii) a cost comparison of leasing versus buying rolling stock;

"(iii) a comparison of the expected short-term and long-term maintenance costs of leasing versus buying rolling stock; and

"(iv) a projected budget showing the changes in overall operating and capital expenses due to the capital lease that the grantee entered into under the program.

"(4) INCENTIVE PROGRAM FOR CAPITAL LEASING OF CERTAIN ZERO EMISSION VEHICLE COMPONENTS.—

"(A) DEFINITIONS.—In this paragraph—

"(i) the term 'removable power source'—

"(I) means a power source that is separately installed in, and removable from, a zero emission vehicle; and

"(II) may include a battery, a fuel cell, an ultra-capacitor, or other

advanced power source used in a zero emission vehicle; and

"(ii) the term 'zero emission vehicle' has the meaning given the term in section 5339(c).

"(B) LEASED POWER SOURCES.—Notwithstanding any other provision of law, for purposes of this subsection, the cost of a removable power source that is necessary for the operation of a zero emission vehicle shall not be treated as part of the cost of the vehicle if the removable power source is acquired using a capital lease.

"(C) ELIGIBLE CAPITAL LEASE.—A grantee may acquire a removable power source by itself through a capital lease.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 53 of title 49, United States Code, is amended by inserting after the item relating to section 5315 the following:

"5316. Innovative procurement.".

(2) CONFORMING AMENDMENT.—Section 5325(e)(2) of title 49, United States Code, is amended by inserting after "this subsection" the following: ", section 5316,".

SEC. 21012. HUMAN RESOURCES AND TRAINING.

Section 5322 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), in the paragraph heading, by striking "PROGRAM ESTABLISHED" and inserting "IN GENERAL";

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

"(2) PROGRAMS.—A program eligible for assistance under subsection (a) shall—

"(A) provide skills training, on-the-job training, and work-based learning;

"(B) offer career pathways that support the movement from initial or short-term employment opportunities to sustainable careers;

"(C) address current or projected workforce shortages;

"(D) replicate successful workforce development models; or

"(E) respond to such other workforce needs as the Secretary determines appropriate.";

(D) in paragraph (3), as so redesignated—

(i) in subparagraph (G), by striking "and" at the end;

(ii) in subparagraph (H), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(I) give priority to minorities, women, individuals with disabilities, veterans, low-income populations, and other underserved populations."; and

(E) by adding at the end the following:

"(4) COORDINATION.—A recipient of assistance under this subsection shall—

"(A) identify the workforce needs and commensurate training needs at the local level in coordination with entities such as local employers, local public transportation operators, labor union organizations, workforce development boards, State workforce agencies, State apprenticeship agencies (where applicable), university transportation centers, community colleges, and community-based organizations representing minorities, women, disabled individuals, veterans, and low-income populations; and

"(B) to the extent practicable, conduct local training programs in coordination with existing local training programs supported by the Secretary, the Department of Labor (including registered apprenticeship programs), and the Department of Education.

"(5) PROGRAM OUTCOMES.—A recipient of assistance under this subsection shall demonstrate outcomes for any program that includes skills training, on-the-job training, and work-based learning, including—

"(A) the impact on reducing public transportation workforce shortages in the area served;

"(B) the diversity of training participants;

"(C) the number of participants obtaining certifications or credentials required for specific types of employment;

"(D) employment outcomes, including job placement, job retention, and wages, using performance metrics established in consultation with the Secretary and the Secretary of Labor and consistent with metrics used by programs under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.); and

"(E) to the extent practical, evidence that the program did not preclude workers who are participating in skills training, on-the-job training, and work-based learning from being referred to, or hired on, projects funded under this chapter without regard to the length of time of their participation in the program."; and

(2) in subsection (d), by striking paragraph (4) and inserting the following:

"(4) USE FOR TECHNICAL ASSISTANCE.—The Secretary may use not more than 1 percent of the amounts made available to carry out this section to provide technical assistance for activities and programs developed, conducted, and overseen under this subsection.

"(5) AVAILABILITY OF AMOUNTS.—

"(A) IN GENERAL.—Not more than 0.5 percent of the amounts made available to a recipient under sections 5307, 5337, and 5339 is available for expenditure by the recipient, with the approval of the Secretary, to pay not more than 80 percent of the cost of eligible activities under this subsection.

"(B) EXISTING PROGRAMS.—A recipient may use amounts made available under para-

graph (A) to carry out existing local education and training programs for public transportation employees supported by the Secretary, the Department of Labor, or the Department of Education.".

SEC. 21013. GENERAL PROVISIONS.

Section 5323 of title 49, United States Code, is amended—

(1) in subsection (j)—

(A) in paragraph (2), by striking subparagraph (C) and inserting the following:

"(C) when procuring rolling stock (including train control, communication, and traction power equipment, and rolling stock prototypes) under this chapter—

"(i) the cost of components and subcomponents produced in the United States—

"(I) for fiscal years 2016 and 2017, is more than 60 percent of the cost of all components of the rolling stock;

"(II) for fiscal years 2018 and 2019, is more than 65 percent of the

cost of all components of the rolling stock; and

"(III) for fiscal year 2020 and each fiscal year thereafter, is more than 70 percent of the cost of all components of the rolling stock; and

"(ii) final assembly of the rolling stock has occurred in the United States; or";

(B) by redesignating paragraphs (5) through (9) as paragraphs (7) through (11), respectively;

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

"(5) ROLLING STOCK FRAMES OR CAR SHELLS.—In carrying out paragraph (2)(C) in the case of a rolling stock procurement receiving assistance under this chapter in which the average cost of a rolling stock vehicle in the procurement is more than $300,000, if rolling stock frames or car shells are not produced in the United States, the Secretary shall include in the calculation of the domestic content of the rolling stock the cost of steel or iron used in the rolling stock frames or car shells if—

"(A) all manufacturing processes for the steel or iron occur in the United States; and

"(B) the amount of steel or iron used in the rolling stock frames or car shells is significant.

"(6) CERTIFICATION OF DOMESTIC SUPPLY AND DISCLOSURE.—

"(A) CERTIFICATION OF DOMESTIC SUPPLY.—If the Secretary denies an application for a waiver under paragraph (2), the Secretary shall provide to the applicant a written certification that—

"(i) the steel, iron, or manufactured goods, as applicable, (referred to in this subparagraph as the 'item') is produced in the United States in a sufficient and reasonably available amount;

"(ii) the item produced in the United States is of a satisfactory quality; and

"(iii) includes a list of known manufacturers in the United States from which the item can be obtained.

"(B) DISCLOSURE.—The Secretary shall disclose the waiver denial and the written certification to the public in an easily identifiable location on the website of the Department of Transportation.";

(D) in paragraph (8), as so redesignated, by striking "Federal Public Transportation Act of 2012" and inserting "Federal Public Transportation Act of 2015"; and

(E) by inserting after paragraph (11), as so redesignated, the following:

"(12) PRODUCTION IN UNITED STATES.—For purposes of this subsection, steel and iron may be considered produced in the United States if all the manufacturing processes, except metallurgical processes involving refinement of steel additives, took place in the United States.

"(13) DEFINITION OF SMALL PURCHASE.—For purposes of determining whether a purchase qualifies for a general public interest waiver under paragraph (2)(A) of this subsection, including under any regulation promulgated under that paragraph, the term 'small purchase' means a purchase of not more than $150,000.";

(2) in subsection (q)(1), by striking the second sentence; and

(3) by adding at the end the following:

"(s) VALUE CAPTURE REVENUE ELIGIBLE FOR LOCAL SHARE.—Notwithstanding any other provision of law, a recipient of assistance under this chapter may use the revenue

generated from value capture financing mechanisms as local matching funds for capital projects and operating costs eligible under this chapter.

"(t) VALUE ENGINEERING.—Nothing in this chapter shall be construed to authorize the Secretary to mandate the use of value engineering in projects funded under this chapter.".

SEC. 21014. PROJECT MANAGEMENT OVERSIGHT.

Section 5327 of title 49, United States Code, is amended—

(1) in subsection (c), by striking "section 5338(i)" and inserting "section 5338(h)"; and

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by striking "section 5338(i)" and inserting "section 5338(h)"; and

(ii) by striking "and" at the end; and

(B) by striking paragraph (2) and inserting the following:

"(2) a requirement that oversight—

"(A) begin during the project development phase of a project, unless the Secretary finds it more appropriate to begin the oversight during another phase of the project, to maximize the

transportation benefits and cost savings associated with project management oversight; and

"(B) be limited to quarterly reviews of compliance by the recipient with the project management plan approved under subsection (b) unless the Secretary finds that the recipient requires more frequent oversight because the recipient has, for 2 consecutive quarterly reviews, failed to meet the requirements of such plan and the project is at risk of going over budget or becoming behind schedule; and

"(3) a process for recipients that the Secretary has found require more frequent oversight to return to quarterly reviews for purposes of paragraph (2)(B).".

SEC. 21015. PUBLIC TRANSPORTATION SAFETY PROGRAM.

(a) IN GENERAL.—Section 5329 of title 49, United States Code, is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (C), by striking "and" at the end;

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following:

"(D) minimum safety standards to ensure the safe operation of public transportation systems that—

"(i) are not related to performance standards for public transportation vehicles developed under subparagraph (C); and

"(ii) to the extent practicable, take into consideration—

"(I) relevant recommendations of the National Transportation Safety Board;

"(II) best practices standards developed by the public transportation industry;

"(III) any minimum safety standards or performance criteria being implemented across the public transportation industry; and

"(IV) any additional information that the Secretary determines necessary and appropriate; and";

(2) in subsection (f)(2), by inserting after "public transportation system of a recipient" the following: "or the public transportation industry generally"; and

(3) in subsection (g)(1), in the matter preceding subparagraph (A), by striking "an eligible State, as defined in subsection (e)," and inserting "a recipient".

(b) REVIEW OF PUBLIC TRANSPORTATION SAFETY STANDARDS.—

(1) REVIEW REQUIRED.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall commence a review of the safety standards and protocols used in rail fixed guideway public transportation systems in the United States that examines the efficacy of existing standards and protocols.

(B) CONTENTS OF REVIEW.—In conducting the review under this paragraph, the Secretary shall review—

(i) minimum safety performance standards developed by the public transportation industry;

(ii) safety performance standards, practices, or protocols in use by rail fixed guideway public transportation systems, including—

(I) written emergency plans and procedures for passenger evacuations;

(II) training programs to ensure public transportation personnel compliance and readiness in emergency situations;

(III) coordination plans with local emergency responders having jurisdiction over a rail fixed guideway public transportation system, including—

(aa) emergency preparedness training, drills, and familiarization programs for those first responders; and

(bb) the scheduling of regular field exercises to ensure appropriate response and effective radio and public safety communications;

(IV) maintenance, testing, and inspection programs to ensure the proper functioning of—

(aa) tunnel, station, and vehicle ventilation systems;

(bb) signal and train control systems, track, mechanical systems, and other infrastructure; and

(cc) other systems as necessary;

(V) certification requirements for train and bus operators and control center employees;

(VI) consensus-based standards, practices, or protocols available to the public transportation industry; and

(VII) any other standards, practices, or protocols the Secretary determines appropriate; and

(iii) vehicle safety standards, practices, or protocols in use by public transportation systems, concerning—

(I) bus design and the workstation of bus operators, as it relates to—

(aa) the reduction of blindspots that contribute to accidents involving pedestrians; and

(bb) protecting bus operators from the risk of assault; and

(II) scheduling fixed route bus service with adequate time and access for operators to use restroom facilities.

(2) EVALUATION.—After conducting the review under paragraph (1), the Secretary shall, in consultation with representatives of the public transportation industry, evaluate the need to establish Federal minimum public transportation safety standards, including—

(A) standards governing worker safety;

(B) standards for the operation of signals, track, on-track equipment, mechanical systems, and control systems; and

(C) any other areas the Secretary, in consultation with the public transportation industry, determines require further evaluation.

(3) REPORT.—Upon completing the review and evaluation required under paragraphs (1) and (2), respectively, and not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the of House of Representatives a report that includes—

(A) findings based on the review conducted under paragraph (1);

(B) the outcome of the evaluation conducted under paragraph (2);

(C) a comprehensive set of recommendations to improve the safety of the public transportation industry, including recommendations for legislative changes where applicable; and

(D) actions that the Secretary will take to address the recommendations provided under subparagraph (C), including, if necessary, the establishment of Federal minimum public transportation safety standards.

SEC. 21016. STATE OF GOOD REPAIR GRANTS.

Section 5337 of title 49, United States Code, is amended—

(1) in subsection (c)—

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

"(1) IN GENERAL.—Of the amount authorized or made available for a fiscal year under section 5338(a)(2)(L)—

"(A) $100,000,000 shall be made available in accordance with this subsection; and

"(B) 97.15 percent of the remainder shall be apportioned to recipients in accordance with this subsection."; and

(B) in paragraph (2)(B), by inserting "the provisions of" before "section 5336(b)(1)";

(2) in subsection (d)—

(A) in paragraph (2), by striking "section 5338(a)(2)(I), 2.85 percent" and inserting "section 5338(a)(2)(L), the remainder after the application of subsection (c)(1)"; and

(B) by adding at the end the following:

"(5) USE OF FUNDS.—Amounts apportioned under this subsection may be used for any project that is an eligible project under subsection (b)(1).";

and

(3) by adding at the end the following:

"(e) GOVERNMENT SHARE OF COSTS.—

"(1) CAPITAL PROJECTS.—A grant for a capital project under this section shall be for 80 percent of the net project cost of the project. The recipient may provide additional local matching amounts.

"(2) REMAINING COSTS.—The remainder of the net project costs shall be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.".

SEC. 21017. AUTHORIZATIONS.

Section 5338 of title 49, United States Code, as amended by division G, is amended to read as follows:

"§ 5338. Authorizations

"(a) GRANTS.—

"(1) IN GENERAL.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5305, 5307, 5310, 5311, 5312, 5314, 5318, 5322(b), 5322(d), 5335, 5337, 5339, and 5340, section 20005(b) of the Federal Public Transportation Act of 2012, and section 21007(b) of the Federal Public Transportation Act of 2015—

"(A) $9,184,747,400 for fiscal year 2016;

"(B) $9,380,039,349 for fiscal year 2017;

"(C) $9,685,745,744 for fiscal year 2018;

"(D) $10,101,051,238 for fiscal year 2019;

"(E) $10,351,763,806 for fiscal year 2020; and

"(F) $10,609,442,553 for fiscal year 2021.

"(2) ALLOCATION OF FUNDS.—Of the amounts made available under paragraph (1)—

"(A) $132,020,000 for fiscal year 2016, $134,934,342 for fiscal year 2017, $138,004,098 for fiscal year 2018, $141,328,616 for fiscal year 2019, $144,893,631 for fiscal year 2020, and

$148,557,701 for fiscal year 2021 shall be available to carry out section 5305;

"(B) $10,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 20005(b) of the Federal Public Transportation Act of 2012;

"(C) $4,538,905,700 for fiscal year 2016, $4,639,102,043 for fiscal year 2017, $4,794,641,615 for fiscal year 2018, $4,975,879,158 for fiscal year 2019, $5,101,395,710 for fiscal year 2020, and $5,230,399,804 for fiscal year 2021 shall be allocated in accordance with section 5336 to provide financial assistance for urbanized areas under section 5307;

"(D) $263,466,000 for fiscal year 2016, $269,282,012 for fiscal year 2017, $275,408,178 for fiscal year 2018, $288,264,292 for fiscal year 2019, $295,535,759 for fiscal year 2020, and $303,009,267 for fiscal year 2021 shall be available to provide financial assistance for services for the enhanced mobility of seniors and individuals with disabilities under section 5310;

"(E) $2,000,000 for each of fiscal years 2016 through 2021 shall be available for the pilot

program for innovative coordinated access and mobility under section 21007(b) of the Federal Public Transportation Act of 2015;

"(F) $619,956,000 for fiscal year 2016, $633,641,529 for fiscal year 2017, $648,056,873 for fiscal year 2018, $678,308,311 for fiscal year 2019, $695,418,638 for fiscal year 2020, and $713,004,385 for fiscal year 2021 shall be available to provide financial assistance for rural areas under section 5311, of which not less than—

"(i) $35,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5311(c)(1); and

"(ii) $20,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5311(c)(2);

"(G) $30,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5312, of which—

"(i) $5,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5312(e); and

"(ii) $5,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5312(h);

"(H) $4,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5314;

"(I) $3,000,000 for each of fiscal years 2016 through 2021 shall be available for bus testing under section 5318;

"(J) $5,000,000 for each of fiscal years 2016 through 2021 shall be available for the national transit institute under section 5322(d);

"(K) $4,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5335;

"(L) $2,428,342,500 for fiscal year 2016, $2,479,740,661 for fiscal year 2017, $2,533,879,761 for fiscal year 2018, $2,592,511,924 for fiscal year 2019, $2,655,385,537 for fiscal year 2020, and $2,720,006,127 for fiscal year 2021 shall be available to carry out section 5337;

"(M) $430,794,600 for fiscal year 2016, $440,304,391 for fiscal year 2017, $495,321,316 for fiscal year 2018, $585,851,498 for fiscal year

2019, $605,422,352 for fiscal year 2020, and $625,536,993 for fiscal year 2021 shall be available for the bus and bus facilities program under section 5339(a);

"(N) $180,000,000 for each of fiscal years 2016 and 2017, $185,000,000 for fiscal year 2018, and $190,000,000 for each of fiscal years 2019 through 2021 shall be available for bus and bus facilities competitive grants under section 5339(b) and no or low emission grants under section 5339(c), of which $55,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5339(c);

"(O) $533,262,600 for fiscal year 2016, $545,034,372 for fiscal year 2017, $557,433,904 for fiscal year 2018, $586,907,438 for fiscal year 2019, $601,712,178 for fiscal year 2020, and $616,928,276 for fiscal year 2021 shall be allocated in accordance with section 5340 to provide financial assistance for urbanized areas under section 5307 and rural areas under section 5311; and

"(P) $4,000,000 for each of fiscal years 2019 through 2021 shall be available to carry out section 5322(b).

"(b) RESEARCH, DEVELOPMENT, DEMONSTRATION, AND DEPLOYMENT PROGRAM.—There are authorized to be appropriated to carry out section 5312, other than subsections (e) and (h) of that section, $20,000,000 for each of fiscal years 2016 through 2021.

"(c) TECHNICAL ASSISTANCE AND STANDARDS DEVELOPMENT.—There are authorized to be appropriated to carry out section 5314, $7,000,000 for each of fiscal years 2016 through 2021.

"(d) HUMAN RESOURCES AND TRAINING.—There are authorized to be appropriated to carry out subsections (a), (b), (c), and (e) of section 5322, $5,000,000 for each of fiscal years 2016 through 2021.

"(e) EMERGENCY RELIEF PROGRAM.—There are authorized to be appropriated such sums as are necessary to carry out section 5324.

"(f) CAPITAL INVESTMENT GRANTS.—There are authorized to be appropriated to carry out section 5309 of this title and section 21006(b) of the Federal Public Transportation Act of 2015, $2,301,785,760 for fiscal year 2016, $2,352,597,681 for fiscal year 2017, $2,406,119,278 for fiscal year 2018, $2,464,082,691 for fiscal year 2019, $2,526,239,177 for fiscal year 2020, and $2,590,122,713 for fiscal year 2021, of which $276,214,291 for fiscal year 2016, $282,311,722 for fiscal year 2017, $288,734,313 for fiscal

year 2018, $295,689,923 for fiscal year 2019, $303,148,701 for fiscal year 2020, and $310,814,726 for fiscal year 2021 shall be available to carry out section 21006(b) of the Federal Public Transportation Act of 2015.

"(g) ADMINISTRATION.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out section 5334, $115,016,543 for fiscal year 2016, $117,555,533 for fiscal year 2017, $120,229,921 for fiscal year 2018, $123,126,260 for fiscal year 2019, $126,232,120 for fiscal year 2020, and $129,424,278 for fiscal year 2021.

"(2) SECTION 5329.—Of the amounts authorized to be appropriated under paragraph (1), not less than $8,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5329.

"(3) SECTION 5326.—Of the amounts made available under paragraph (2), not less than $2,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5326.

"(h) OVERSIGHT.—

"(1) IN GENERAL.—Of the amounts made available to carry out this chapter for a fiscal year, the Secretary may use not more than the following amounts for the activities described in paragraph (2):

"(A) 0.5 percent of amounts made available to carry out section 5305.

"(B) 0.75 percent of amounts made available to carry out section 5307.

"(C) 1 percent of amounts made available to carry out section 5309.

"(D) 1 percent of amounts made available to carry out section 601 of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432; 126 Stat. 4968).

"(E) 0.5 percent of amounts made available to carry out section 5310.

"(F) 0.5 percent of amounts made available to carry out section 5311.

"(G) 1 percent of amounts made available to carry out section 5337, of which not less than 0.25 percent shall be available to carry out section 5329.

"(H) 0.75 percent of amounts made available to carry out section 5339.

"(2) ACTIVITIES.—The activities described in this paragraph are as follows:

"(A) Activities to oversee the construction of a major capital project.

"(B) Activities to review and audit the safety and security, procurement, management, and financial compliance of a recipient or subrecipient of funds under this chapter.

"(C) Activities to provide technical assistance generally, and to provide technical assistance to correct deficiencies identified in compliance reviews and audits carried out under this section.

"(3) GOVERNMENT SHARE OF COSTS.—The Government shall pay the entire cost of carrying out a contract under this subsection.

"(4) AVAILABILITY OF CERTAIN FUNDS.—Funds made available under paragraph (1)(C) shall be made available to the Secretary before allocating the funds appropriated to carry out any project under a full funding grant agreement.

"(i) GRANTS AS CONTRACTUAL OBLIGATIONS.—

"(1) GRANTS FINANCED FROM HIGHWAY TRUST FUND.—A grant or contract that is approved by the Secretary and financed with amounts made available from the Mass Transit Account of the Highway Trust Fund pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project.

"(2) GRANTS FINANCED FROM GENERAL FUND.—A grant or contract that is approved by the Secretary and financed with amounts appropriated in advance from the General Fund of the Treasury pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project only to the extent that amounts are appropriated for such purpose by an Act of Congress.

"(j) AVAILABILITY OF AMOUNTS.—Amounts made available by or appropriated under this section shall remain available until expended.".

SEC. 21018. GRANTS FOR BUS AND BUS FACILITIES.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, as amended by division G, is amended by striking section 5339 and inserting the following:

"§ 5339. Grants for bus and bus facilities

"(a) FORMULA GRANTS.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'low or no emission vehicle' has the meaning given that term in subsection (c)(1);

"(B) the term 'State' means a State of the United States; and

"(C) the term 'territory' means the District of Columbia, Puerto Rico, the Northern Mariana

Islands, Guam, American Samoa, and the United States Virgin Islands.

"(2) GENERAL AUTHORITY.—The Secretary may make grants under this subsection to assist eligible recipients described in paragraph (4)(A) in financing capital projects—

"(A) to replace, rehabilitate, and purchase buses and related equipment, including technological changes or innovations to modify low or no emissions vehicles or facilities; and

"(B) to construct bus-related facilities.

"(3) GRANT REQUIREMENTS.—The requirements of—

"(A) section 5307 shall apply to recipients of grants made in urbanized areas under this subsection; and

"(B) section 5311 shall apply to recipients of grants made in rural areas under this subsection.

"(4) ELIGIBLE RECIPIENTS AND SUBRECIPIENTS.—

"(A) RECIPIENTS.—Eligible recipients under this subsection are—

"(i) designated recipients that allocate funds to fixed route bus operators; or

"(ii) State or local governmental entities that operate fixed route bus service.

"(B) SUBRECIPIENTS.—A recipient that receives a grant under this subsection may allocate amounts of the grant to subrecipients that are public agencies or private nonprofit organizations engaged in public transportation.

"(5) DISTRIBUTION OF GRANT FUNDS.—Funds allocated under section 5338(a)(2)(M) shall be distributed as follows:

"(A) NATIONAL DISTRIBUTION.—$103,000,000 for each of fiscal years 2016 through 2021 shall be allocated to all States and territories, with each State receiving $2,000,000 for each such fiscal year and each territory receiving $500,000 for each such fiscal year.

"(B) DISTRIBUTION USING POPULATION AND SERVICE FACTORS.—The remainder of the funds not otherwise distributed under subparagraph (A) shall be allocated pursuant to the formula set forth in section 5336 other than subsection (b).

"(6) TRANSFERS OF APPORTIONMENTS.—

"(A) TRANSFER FLEXIBILITY FOR NATIONAL DISTRIBUTION FUNDS.—The Governor of a State

may transfer any part of the State's apportionment under paragraph (5)(A) to supplement amounts apportioned to the State under section 5311(c) of this title or amounts apportioned to urbanized areas under subsections (a) and (c) of section 5336 of this title.

"(B) TRANSFER FLEXIBILITY FOR POPULATION AND SERVICE FACTORS FUNDS.—The Governor of a State may expend in an urbanized area with a population of less than 200,000 any amounts apportioned under paragraph (5)(B) that are not allocated to designated recipients in urbanized areas with a population of 200,000 or more.

"(7) GOVERNMENT SHARE OF COSTS.—

"(A) CAPITAL PROJECTS.—A grant for a capital project under this subsection shall be for 80 percent of the net capital costs of the project. A recipient of a grant under this subsection may provide additional local matching amounts.

"(B) REMAINING COSTS.—The remainder of the net project cost shall be provided—

"(i) in cash from non-Government sources other than revenues from providing public transportation services;

"(ii) from revenues derived from the sale of advertising and concessions;

"(iii) from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital;

"(iv) from amounts received under a service agreement with a State or local social service agency or private social service organization; or

"(v) from revenues generated from value capture financing mechanisms.

"(8) PERIOD OF AVAILABILITY TO RECIPIENTS.—Amounts made available under this subsection may be obligated by a recipient for 3 fiscal years after the fiscal year in which the amount is apportioned. Not later than 30 days after the end of the 3-fiscal-year period described in the preceding sentence, any amount that is not obligated on the last day of that period shall be added to the amount that may be apportioned under this subsection in the next fiscal year.

"(b) BUS AND BUS FACILITIES COMPETITIVE GRANTS.—

"(1) IN GENERAL.—The Secretary may make grants under this subsection to designated recipients

to assist in the financing of bus and bus facilities capital projects, including—

"(A) replacing, rehabilitating, purchasing, or leasing buses or related equipment; and

"(B) rehabilitating, purchasing, constructing, or leasing bus-related facilities.

"(2) GRANT CONSIDERATIONS.—In making grants under this subsection, the Secretary shall consider the age and condition of buses, bus fleets, related equipment, and bus-related facilities.

"(3) STATEWIDE APPLICATIONS.—A State may submit a statewide application on behalf of a public agency or private nonprofit organization engaged in public transportation in rural areas or other areas for which the State allocates funds. The submission of a statewide application shall not preclude the submission and consideration of any application under this subsection from other eligible recipients in an urbanized area in a State.

"(4) REQUIREMENTS FOR THE SECRETARY.—The Secretary shall—

"(A) disclose all metrics and evaluation procedures to be used in considering grant applications under this subsection upon issuance of

the notice of funding availability in the Federal Register; and

"(B) publish a summary of final scores for selected projects, metrics, and other evaluations used in awarding grants under this subsection in the Federal Register.

"(5) RURAL PROJECTS.—Not less 10 percent of the amounts made available under this subsection in a fiscal year shall be distributed to projects in rural areas.

"(6) GRANT REQUIREMENTS.—

"(A) IN GENERAL.—A grant under this subsection shall be subject to the requirements of—

"(i) section 5307 for recipients of grants made in urbanized areas; and

"(ii) section 5311 for recipients of grants made in rural areas.

"(B) GOVERNMENT SHARE OF COSTS.—The Government share of the cost of an eligible project carried out under this subsection shall not exceed 80 percent.

"(7) AVAILABILITY OF FUNDS.—Any amounts made available to carry out this subsection—

"(A) shall remain available for 2 fiscal years after the fiscal year for which the amount is made available; and

"(B) that remain unobligated at the end of the period described in subparagraph (A) shall be added to the amount made available to an eligible project in the following fiscal year.

"(8) LIMITATION.—Of the amounts made available under this subsection, not more than 15 percent may be awarded to a single grantee.

"(c) LOW OR NO EMISSION GRANTS.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'direct carbon emissions' means the quantity of direct greenhouse gas emissions from a vehicle, as determined by the Administrator of the Environmental Protection Agency;

"(B) the term 'eligible project' means a project or program of projects in an eligible area for—

"(i) acquiring low or no emission vehicles;

"(ii) leasing low or no emission vehicles;

"(iii) acquiring low or no emission vehicles with a leased power source;

"(iv) constructing facilities and related equipment for low or no emission vehicles;

"(v) leasing facilities and related equipment for low or no emission vehicles;

"(vi) constructing new public transportation facilities to accommodate low or no emission vehicles; or

"(vii) rehabilitating or improving existing public transportation facilities to accommodate low or no emission vehicles;

"(C) the term 'leased power source' means a removable power source, as defined in paragraph (4)(A) of section 5316(c), that is made available through a capital lease under that section;

"(D) the term 'low or no emission bus' means a bus that is a low or no emission vehicle;

"(E) the term 'low or no emission vehicle' means—

"(i) a passenger vehicle used to provide public transportation that the Secretary determines sufficiently reduces energy consumption or harmful emissions, including

direct carbon emissions, when compared to a comparable standard vehicle; or

"(ii) a zero emission vehicle used to provide public transportation;

"(F) the term 'recipient' means a designated recipient, a local governmental authority, or a State that receives a grant under this subsection for an eligible project; and

"(G) the term 'zero emission vehicle' means a low or no emission vehicle that produces no carbon or particulate matter.

"(2) GENERAL AUTHORITY.—The Secretary may make grants to recipients to finance eligible projects under this subsection.

"(3) GRANT REQUIREMENTS.—

"(A) IN GENERAL.—A grant under this subsection shall be subject to the requirements of section 5307.

"(B) GOVERNMENT SHARE OF COSTS FOR CERTAIN PROJECTS.—Section 5323(i) applies to eligible projects carried out under this subsection, unless the recipient requests a lower grant percentage.

"(C) COMBINATION OF FUNDING SOURCES.—

"(i) COMBINATION PERMITTED.—An eligible project carried out under this subsection may receive funding under section 5307 or any other provision of law.

"(ii) GOVERNMENT SHARE.—Nothing in this subparagraph shall be construed to alter the Government share required under paragraph (7), section 5307, or any other provision of law.

"(4) COMPETITIVE PROCESS.—The Secretary shall—

"(A) not later than 30 days after the date on which amounts are made available for obligation under this subsection for a full fiscal year, solicit grant applications for eligible projects on a competitive basis; and

"(B) award a grant under this subsection based on the solicitation under subparagraph (A) not later than the earlier of—

"(i) 75 days after the date on which the solicitation expires; or

"(ii) the end of the fiscal year in which the Secretary solicited the grant applications.

"(5) CONSIDERATION.—In awarding grants under this subsection, the Secretary shall only consider eligible projects relating to the acquisition or leasing of low or no emission buses that—

"(A) make greater reductions in energy consumption and harmful emissions, including direct carbon emissions, than comparable standard buses or other low or no emission buses; and

"(B) are part of a long-term integrated fleet management plan for the recipient.

"(6) AVAILABILITY OF FUNDS.—Any amounts made available to carry out this subsection—

"(A) shall remain available to an eligible project for 2 fiscal years after the fiscal year for which the amount is made available; and

"(B) that remain unobligated at the end of the period described in subparagraph (A) shall be added to the amount made available to an eligible project in the following fiscal year.

"(7) GOVERNMENT SHARE OF COSTS.—

"(A) IN GENERAL.—The Federal share of the cost of an eligible project carried out under this subsection shall not exceed 80 percent.

"(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of an eligible project car-

ried out under this subsection may be derived from in-kind contributions.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 53 of title 49, United States Code, is amended by striking the item relating to section 5339 and inserting the following:

"5339. Grants for bus and bus facilities.".

SEC. 21019. SALARY OF FEDERAL TRANSIT ADMINISTRATOR.

(a) IN GENERAL.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

"Federal Transit Administrator.".

(b) CONFORMING AMENDMENT.—Section 5314 of title 5, United States Code, is amended by striking "Federal Transit Administrator.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first pay period beginning on or after the first day of the first fiscal year beginning after the date of enactment of this Act.

SEC. 21020. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CHAPTER 53 OF TITLE 49, UNITED STATES CODE.—

(1) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended—

(A) by striking section 5319;

(B) in section 5325—

(i) in subsection (e)(2), by striking "at least two"; and

(ii) in subsection (h), by striking "Federal Public Transportation Act of 2012" and inserting "Federal Public Transportation Act of 2015";

(C) in section 5336—

(i) in subsection (a), by striking "subsection (h)(4)" and inserting "subsection (h)(5)"; and

(ii) in subsection (h), as amended by division G—

(I) by striking paragraph (1) and inserting the following:

"(1) $30,000,000 for each fiscal year shall be set aside to carry out section 5307(h);"; and

(II) in paragraph (3), by striking "1.5 percent" and inserting "2 percent"; and

(D) in section 5340(b), by striking "section 5338(b)(2)(M)" and inserting "section 5338(a)(2)(O)".

(2) TABLE OF SECTIONS.—The table of sections for chapter 53 of title 49, United States Code, is

amended by striking the item relating to section 5319 and inserting the following:

"[5319. Repealed.]".

(b) CHAPTER 105 OF TITLE 49, UNITED STATES CODE.—Section 10501(c) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)(i), by striking "section 5302(a)" and inserting "section 5302"; and

(B) in subparagraph (B)—

(i) by striking "mass transportation" and inserting "public transportation"; and

(ii) by striking "section 5302(a)" and inserting "section 5302"; and

(2) in paragraph (2)(A), by striking "mass transportation" and inserting "public transportation".

DIVISION C—COMPREHENSIVE TRANSPORTATION AND CONSUMER PROTECTION ACT OF 2015

SEC. 31001. SHORT TITLE.

This division may be cited as the "Comprehensive Transportation and Consumer Protection Act of 2015."

SEC. 31002. REFERENCES TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, wherever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 31003. EFFECTIVE DATE.

Subtitle A of title XXXII, sections 33103, 34101(g), 34105, 34106, 34107, 34133, 34141, 34202, 34203, 34204, 34205, 34206, 34207, 34208, 34211, 34212, 34213, 34214, 34215, subtitles C and D of title XXXIV, and title XXXV take effect on the date of enactment of this Act.

TITLE XXXI—OFFICE OF THE SECRETARY

Subtitle A—Accelerating Project Delivery

SEC. 31101. DELEGATION OF AUTHORITY.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following:

"§ 116. Administrations; acting officers

"No person designated to serve as the acting head of an administration in the department of transportation under section 3345 of title 5 may continue to perform the functions and duties of the office if the time limitations in

section 3346 of that title would prevent the person from continuing to serve in a formal acting capacity.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 1 is amended by inserting after the item relating to section 115 the following:

''116. Administrations; acting officers.''.

(c) APPLICATION.—The amendment under subsection (a) shall apply to any applicable office with a position designated for a Senate confirmed official.

SEC. 31102. INFRASTRUCTURE PERMITTING IMPROVEMENT CENTER.

(a) IN GENERAL.—Subchapter I of chapter 3, as amended by sections 31104 and 31106 of this Act, is further amended by adding after section 311 the following:

''§ 312. Interagency Infrastructure Permitting Improvement Center

''(a) IN GENERAL.—There is established in the Office of the Secretary an Interagency Infrastructure Permitting Improvement Center (referred to in this section as the 'Center').

''(b) ROLES AND RESPONSIBILITIES.—

''(1) GOVERNANCE.—The Center shall report to the chair of the Steering Committee described in paragraph (2) to ensure that the perspectives of all member agencies are represented.

"(2) INFRASTRUCTURE PERMITTING STEERING COMMITTEE.—An Infrastructure Permitting Steering Committee (referred to in this section as the 'Steering Committee') is established to oversee the work of the Center. The Steering Committee shall be chaired by the Federal Chief Performance Officer in consultation with the Chair of the Council on Environmental Quality and shall be comprised of Deputy-level representatives from the following departments and agencies:

"(A) The Department of Defense.

"(B) The Department of the Interior.

"(C) The Department of Agriculture.

"(D) The Department of Commerce.

"(E) The Department of Transportation.

"(F) The Department of Energy.

"(G) The Department of Homeland Security.

"(H) The Environmental Protection Agency.

"(I) The Advisory Council on Historic Preservation.

"(J) The Department of the Army.

"(K) The Department of Housing and Urban Development.

"(L) Other agencies the Chair of the Steering Committee invites to participate.

"(3) ACTIVITIES.—The Center shall support the Chair of the Steering Committee and undertake the following:

"(A) Coordinate and support implementation of priority reform actions for Federal agency permitting and reviews for areas as defined and identified by the Steering Committee.

"(B) Support modernization efforts at Federal agencies and interagency pilots for innovative approaches to the permitting and review of infrastructure projects.

"(C) Provide technical assistance and training to field and headquarters staff of Federal agencies on policy changes, innovative approaches to project delivery, and other topics as appropriate.

"(D) Identify, develop, and track metrics for timeliness of permit reviews, permit decisions, and project outcomes.

"(E) Administer and expand the use of online transparency tools providing for—

"(i) tracking and reporting of metrics;

"(ii) development and posting of schedules for permit reviews and permit decisions; and

"(iii) sharing of best practices related to efficient project permitting and reviews.

"(F) Provide reporting to the President on progress toward achieving greater efficiency in permitting decisions and review of infrastructure projects and progress toward achieving better outcomes for communities and the environment.

"(G) Meet not less frequently than annually with groups or individuals representing State, Tribal, and local governments that are engaged in the infrastructure permitting process.

"(4) INFRASTRUCTURE SECTORS COVERED.—The Center shall support process improvements in the permitting and review of infrastructure projects in the following sectors:

"(A) Surface transportation.

"(B) Aviation.

"(C) Ports and waterways.

"(D) Water resource projects.

"(E) Renewable energy generation.

"(F) Electricity transmission.

"(G) Broadband.

"(H) Pipelines.

"(I) Other sectors, as determined by the Steering Committee.

"(c) PERFORMANCE MEASURES.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015, the Secretary, in coordination with the heads of other Federal agencies on the Steering Committee with responsibility for the review and approval of infrastructure projects sectors described in subsection (b)(4), shall evaluate and report on—

"(A) the progress made toward aligning Federal reviews of such projects and the improvement of project delivery associated with those projects; and

"(B) the effectiveness of the Center in achieving reduction of permitting time and project delivery time.

"(2) PERFORMANCE TARGETS.—Not later than 180 days after the date on which the Secretary of Transportation establishes performance measures in accordance with paragraph (1), the Secretary shall establish performance targets relating to each of the

measures and standards described in subparagraphs (A) and (B) of paragraph (1).

"(3) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015 and biennially thereafter, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

"(A) the results of the evaluation conducted under paragraph (1); and

"(B) the progress towards achieving the targets established under paragraph (2).

"(4) INSPECTOR GENERAL REPORT.—Not later than 3 years after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015, the Inspector General of the Department of Transportation shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

"(A) the results of the evaluation conducted under paragraph (1); and

"(B) the progress towards achieving the targets established under paragraph (2).".

(b) CONFORMING AMENDMENT.—The table of contents of chapter 3, as amended by sections 31104 and 31106 of this Act, is further amended by inserting after the item relating to section 311 the following:

"312. Interagency Infrastructure Permitting Improvement Center.".

SEC. 31103. ACCELERATED DECISION-MAKING IN ENVIRONMENTAL REVIEWS.

(a) IN GENERAL.—Subchapter I of chapter 3 is amended by inserting after section 304 the following:

"§304a. Accelerated decision-making in environmental reviews

"(a) IN GENERAL.—In preparing a final environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if the Department of Transportation, when acting as lead agency, modifies the statement in response to comments that are minor and are confined to factual corrections or explanations of why the comments do not warrant additional Departmental response, the Department may write on errata sheets attached to the statement instead of rewriting the draft statement, subject to the condition that the errata sheets—

"(1) cite the sources, authorities, or reasons that support the position of the Department; and

"(2) if appropriate, indicate the circumstances that would trigger Departmental reappraisal or further response.

"(b) INCORPORATION.—To the maximum extent practicable, the Department shall expeditiously develop a single document that consists of a final environmental impact statement and a record of decision, unless—

"(1) the final environmental impact statement makes substantial changes to the proposed action that are relevant to environmental or safety concerns; or

"(2) there are significant new circumstances or information relevant to environmental concerns and that bear on the proposed action or the impacts of the proposed action.".

(b) CONFORMING AMENDMENT.—The table of contents of chapter 3 is amended by inserting after the item relating to section 304 the following:

"304a. Accelerated decision-making in environmental reviews.".

SEC. 31104. ENVIRONMENTAL REVIEW ALIGNMENT AND REFORM.

(a) IN GENERAL.—Subchapter I of chapter 3 is amended by inserting after section 309 the following:

"§ 310. Aligning Federal environmental reviews

"(a) COORDINATED AND CONCURRENT ENVIRONMENTAL REVIEWS.—Not later than 1 year after the date of enactment of the Comprehensive Transportation and

Consumer Protection Act of 2015, the Department of Transportation, in coordination with the Steering Committee described in section 312 of this title, shall develop a coordinated and concurrent environmental review and permitting process for transportation projects when initiating an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (referred to in this section as 'NEPA'). The coordinated and concurrent environmental review and permitting process shall—

"(1) ensure that the Department of Transportation and Federal agencies of jurisdiction possess sufficient information early in the review process to determine a statement of a transportation project's purpose and need and range of alternatives for analysis that the lead agency and agencies of jurisdiction will rely upon for concurrent environmental reviews and permitting decisions required for the proposed project;

"(2) achieve early concurrence or issue resolution during the NEPA scoping process on the Department of Transportation's statement of a project's purpose and need and during development of the environmental impact statement on the range of alternatives for analysis that the lead agency and agencies of jurisdiction will rely upon for concurrent environ-

mental reviews and permitting decisions required for the proposed project absent circumstances that require reconsideration in order to meet an agency of jurisdiction's legal obligations; and

"(3) achieve concurrence or issue resolution in an expedited manner if circumstances arise that require a reconsideration of the purpose and need or range of alternatives considered during any Federal agency's environmental or permitting review in order to meet an agency of jurisdiction's legal obligations.

"(b) ENVIRONMENTAL CHECKLIST.—The Secretary of Transportation and Federal agencies of jurisdiction likely to have substantive review or approval responsibilities on transportation projects, not later than 90 days after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015, shall jointly develop a checklist to help project sponsors identify potential natural, cultural, and historic resources in the area of a proposed project. The purpose of the checklist is—

"(1) to identify agencies of jurisdiction and cooperating agencies,

"(2) to develop the information needed for the purpose and need and alternatives for analysis; and

"(3) to improve interagency collaboration to help expedite the permitting process for the lead agency and Federal agencies of jurisdiction.

"(c) INTERAGENCY COLLABORATION.—Consistent with Federal environmental statutes and the priority reform actions for Federal agency permitting and reviews defined and identified by the Steering Committee established under section 312, the Secretary shall facilitate annual interagency collaboration sessions at the appropriate jurisdictional level to coordinate business plans and facilitate coordination of workload planning and workforce management. This engagement shall ensure agency staff is fully engaged and utilizing the flexibility of existing regulations, policies, and guidance and identifying additional actions to facilitate high quality, efficient, and targeted environmental reviews and permitting decisions. The sessions and the interagency collaborations they generate shall focus on how to work with State and local transportation entities to improve project planning, siting, and application quality and how to consult and coordinate with relevant stakeholders and Federal, tribal, State, and local representatives early in permitting processes.

"(d) PERFORMANCE MEASUREMENT.—Not later than 1 year after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015, the

Secretary of Transportation, in coordination with the Steering Committee established under section 312 of this title, shall establish a program to measure and report on progress towards aligning Federal reviews as outlined in this section.''.

(b) CONFORMING AMENDMENT.—The table of contents of subchapter I of chapter 3 is amended by inserting after the item relating to section 309 the following:

''310. Aligning Federal environmental reviews.''.

SEC. 31105. MULTIMODAL CATEGORICAL EXCLUSIONS.

Section 304 is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''operating authority'' and inserting ''operating administration or secretarial office'';

(ii) by inserting ''has expertise but'' before ''is not the lead''; and

(iii) by inserting ''proposed multimodal'' before ''project'';

(B) by amending paragraph (2) to read as follows:

''(2) LEAD AUTHORITY.—The term 'lead authority' means a Department of Transportation operating administration or secretarial office that has the lead

responsibility for a proposed multimodal project.''; and

(C) in paragraph (3), by striking ''has the meaning given the term in section 139(a) of title 23'' and inserting ''means an action by the Department of Transportation that involves expertise of 1 or more Department of Transportation operating administrations or secretarial offices'';

(2) in subsection (b), by striking ''under this title'' and inserting ''by the Secretary of Transportation'';

(3) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''a categorical exclusion designated under the implementing regulations or'' and inserting ''categorical exclusions designated under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) implementing''; and

(ii) by striking ''other components of the'' and inserting ''a proposed multimodal'';

(B) by amending paragraphs (1) and (2) to read as follows:

"(1) the lead authority makes a preliminary determination on the applicability of a categorical exclusion to a proposed multimodal project and notifies the cooperating authority of its intent to apply the cooperating authority categorical exclusion;

"(2) the cooperating authority does not object to the lead authority's preliminary determination of its applicability;";

(C) in paragraph (3)—

(i) by inserting "the lead authority determines that" before "the component of"; and

(ii) by inserting "proposed multimodal" before "project to be covered"; and

(D) by amending paragraph (4) to read as follows:

"(4) the lead authority, with the concurrence of the cooperating authority—

"(A) follows implementing regulations or procedures under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

"(B) determines that the proposed multimodal project does not individually or cu-

mulatively have a significant impact on the environment; and

"(C) determines that extraordinary circumstances do not exist that merit additional analysis and documentation in an environmental impact statement or environmental assessment required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)."; ***and***

(4) by amending subsection (d) to read as follows:

"(d) COOPERATING AUTHORITY EXPERTISE.—A cooperating authority shall provide expertise to the lead authority on aspects of the multimodal project in which the cooperating authority has expertise.".

SEC. 31106. IMPROVING TRANSPARENCY IN ENVIRONMENTAL REVIEWS.

(a) IN GENERAL.—Subchapter I of chapter 3, as amended by section 31104 of this Act, is further amended by inserting after section 310 the following:

"§311. Improving transparency in environmental reviews

"(a) IN GENERAL.—Not later than 2 years after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015, the Secretary of Trans-

portation shall establish an online platform and, in coordination with Federal agencies described in subsection (b), issue reporting standards to make publicly available the status and progress with respect to compliance with applicable requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other Federal approval required under applicable laws for projects and activities requiring an environmental assessment or an environmental impact statement.

"(b) FEDERAL AGENCY PARTICIPATION.—A Federal agency of jurisdiction over an approval required for a project under applicable laws shall provide information regarding the status and progress of the approval to the online platform, consistent with the standards established under subsection (a).

"(c) ASSIGNMENT OF RESPONSIBILITIES.—An entity with assigned authority for responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), under section 326 or section 327 of title 23 shall be responsible for supplying project development and compliance status for all applicable projects.".

(b) CONFORMING AMENDMENT.—The table of contents of subchapter I of chapter 3, as amended by section 31104 of this Act, is further amended by inserting after the item relating to section 310, the following:

"311. Improving transparency in environmental reviews.".

SEC. 31107. LOCAL TRANSPORTATION INFRASTRUCTURE PROGRAM.

Section 610 of title 23, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (1), by striking subparagraph (A) and inserting the following:

"(A) 10 percent of the funds apportioned to the State for each of fiscal years 2016 through 2021 under each of sections 104(b)(1), 104(b)(2), and 144; and";

(B) in paragraph (2), by striking "2005 through 2009" and inserting "2016 through 2021";

(C) in paragraph (3), by striking "2005 through 2009" and inserting "2016 through 2021"; and

(D) in paragraph (5), by striking "section 133(d)(3)" and inserting "section 133(d)(4)"; and

(2) in subsection (k), by striking "2005 through 2009" and inserting "2016 through 2021".

SEC. 31108. AUTHORIZATION OF GRANTS FOR POSITIVE TRAIN CONTROL.

(a) IN GENERAL.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry

out this section $199,000,000 for fiscal year 2016 to assist in financing the installation of positive train control systems.

(b) PROGRAMS.—The amounts made available under subsection (a) of this section may be used to assist in financing the installation of positive train control systems through—

(1) grants made under the rail safety technology grants program under section 20158 of title 49, United States Code;

(2) grants made under the consolidated rail infrastructure and safety improvements program under section 24408 of title 49, United States Code; and

(3) funding the cost, including the subsidy cost or cost of credit risk premiums, of direct loans and loan guarantees under sections 502 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.).

(c) ELIGIBLE RECIPIENTS.—The amounts made available under subsection (a) of this section may be used only to assist a recipient of funds under chapter 53 of title 49, United States Code, through the programs described in subsection (b).

(d) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to 1 percent from the amounts

made available under subsection (a) of this section for the costs of project management oversight of grants authorized under that subsection.

(e) SAVINGS CLAUSE.—Nothing in this section may be construed as authorizing the amounts appropriated under subsection (a) to be used for any purpose other than financing the installation of positive train control systems.

(f) GRANTS FINANCED FROM HIGHWAY TRUST FUND.—A grant, contract, direct loan, or loan guarantee that is approved by the Secretary and financed with amounts made available from the Mass Transit Account of the Highway Trust Fund under this section is a contractual obligation of the Government to pay the Government share of the cost of the project.

(g) AVAILABILITY OF AMOUNTS.—Notwithstanding subsection (h), amounts made available under this section shall remain available until expended.

(h) SUNSET.—The Secretary of Transportation shall provide the grants, direct loans, and loan guarantees under subsection (b) by September 30, 2017.

Subtitle B—Research

SEC. 31201. FINDINGS.

Congress makes the followings findings:

(1) Federal transportation research planning and coordination—

(A) should occur within the Office of the Secretary; and

(B) should be, to the extent practicable, multi-modal and not occur solely within the sub-agencies of the Department of Transportation.

(2) Managing a multi-modal research portfolio within the Office of the Secretary will—

(A) help identify opportunities where research could be applied across modes; and

(B) prevent duplication of efforts and waste of limited Federal resources.

(3) An ombudsman for research at the Department of Transportation will—

(A) give stakeholders a formal opportunity to address concerns;

(B) ensure unbiased research; and

(C) improve the overall research products of the Department.

(4) Increasing transparency of transportation research efforts will—

(A) build stakeholder confidence in the final product; and

(B) lead to the improved implementation of research findings.

SEC. 31202. MODAL RESEARCH PLANS.

(a) IN GENERAL.—Not later than June 15 of the year preceding the research fiscal year, the head of each modal administration and joint program office of the Department of Transportation shall submit a comprehensive annual modal research plan to the Assistant Secretary for Research and Technology of the Department of Transportation (referred to in this subtitle as the "Assistant Secretary").

(b) REVIEW.—

(1) IN GENERAL.—Not later than October 1 of each year, the Assistant Secretary, for each plan submitted pursuant to subsection (a), shall—

(A) review the scope of the research; and

(B)(i) approve the plan; or

(ii) request that the plan be revised.

(2) PUBLICATIONS.—Not later than January 30 of each year, the Secretary shall publish each plan that has been approved under paragraph (1)(B)(i) on a public website.

(3) REJECTION OF DUPLICATIVE RESEARCH EFFORTS.—The Assistant Secretary may not approve any plan submitted by the head of a modal administration or joint program office pursuant to subsection (a) if such plan duplicates the research efforts of any other modal administration.

(c) FUNDING LIMITATIONS.—No funds may be expended by the Department of Transportation on research that has not previously been approved as part of a modal research plan approved by the Assistant Secretary unless—

(1) such research is required by an Act of Congress;

(2) such research was part of a contract that was funded before the date of enactment of this Act; or

(3) the Secretary of Transportation certifies to Congress that such research is necessary before the approval of a modal research plan.

(d) DUPLICATIVE RESEARCH.—

(1) IN GENERAL.—Except as provided in paragraph (2), no funds may be expended by the Department of Transportation on research projects that the Secretary identifies as duplicative under subsection (b)(3).

(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

(A) updates to previously commissioned research;

(B) research commissioned to carry out an Act of Congress; or

(C) research commissioned before the date of enactment of this Act.

(e) CERTIFICATION.—

(1) IN GENERAL.—The Secretary shall annually certify to Congress that—

(A) each modal research plan has been reviewed; and

(B) there is no duplication of study for research directed, commissioned, or conducted by the Department of Transportation.

(2) CORRECTIVE ACTION PLAN.—If the Secretary, after submitting a certification under paragraph (1), identifies duplication of research within the Department of Transportation, the Secretary shall—

(A) notify Congress of the duplicative research; and

(B) submit a corrective action plan to Congress that will eliminate such duplicative research.

SEC. 31203. CONSOLIDATED RESEARCH PROSPECTUS AND STRATEGIC PLAN.

(a) PROSPECTUS.—

(1) IN GENERAL.—The Secretary shall annually publish, on a public website, a comprehensive prospectus on all research projects conducted by the Department of Transportation, including, to the extent

practicable, research funded through University Transportation Centers.

(2) CONTENTS.—The prospectus published under paragraph (1) shall—

(A) include the consolidated modal research plans approved under section 1302;

(B) describe the research objectives, progress, and allocated funds for each research project;

(C) identify research projects with multimodal applications;

(D) specify how relevant modal administrations have assisted, will contribute to, or plan to use the findings from the research projects identified under paragraph (1);

(E) identify areas in which multiple modal administrations are conducting research projects on similar subjects or subjects which have bearing on multiple modes;

(F) describe the interagency and cross modal communication and coordination that has occurred to prevent duplication of research efforts within the Department of Transportation;

(G) indicate how research is being disseminated to improve the efficiency and safety of transportation systems;

(H) describe how agencies developed their research plans; and

(I) describe the opportunities for public and stakeholder input.

(b) FUNDING REPORT.—In conjunction with each of the President's annual budget requests under section 1105 of title 31, United States Code, the Secretary shall submit a report to appropriate committees of Congress that describes—

(1) the amount spent in the last completed fiscal year on transportation research and development; and

(2) the amount proposed in the current budget for transportation research and development.

(c) PERFORMANCE PLANS AND REPORTS.—In the plans and reports submitted under sections 1115 and 1116 of title 31, United States Code, the Secretary shall include—

(1) a summary of the Federal transportation research and development activities for the previous fiscal year in each topic area;

(2) the amount spent in each topic area;

(3) a description of the extent to which the research and development is meeting the expectations set forth in subsection (d)(3)(A); and

(4) any amendments to the strategic plan developed under subsection (d).

(d) TRANSPORTATION RESEARCH AND DEVELOPMENT STRATEGIC PLAN.—

(1) IN GENERAL.—The Secretary shall develop a 5-year transportation research and development strategic plan to guide future Federal transportation research and development activities.

(2) CONSISTENCY.—The strategic plan developed under paragraph (1) shall be consistent with—

(A) section 306 of title 5, United States Code;

(B) sections 1115 and 1116 of title 31, United States Code; and

(C) any other research and development plan within the Department of Transportation.

(3) CONTENTS.—The strategic plan developed under paragraph (1) shall—

(A) describe the primary purposes of the transportation research and development program, which shall include—

(i) promoting safety;

(ii) reducing congestion;

(iii) improving mobility;

(iv) preserving the existing transportation system;

(v) improving the durability and extending the life of transportation infrastructure; and

(vi) improving goods movement;

(B) for each of the purposes referred to in subparagraph (A), list the primary research and development topics that the Department of Transportation intends to pursue to accomplish that purpose, which may include—

(i) fundamental research in the physical and natural sciences;

(ii) applied research;

(iii) technology research; and

(iv) social science research intended for each topic; and

(C) for each research and development topic—

(i) identify the anticipated annual funding levels for the period covered by the strategic plan; and

(ii) include any additional information the Department of Transportation expects to discover at the end of the period

covered by the strategic plan as a result of the research and development in that topic area.

(4) CONSIDERATIONS.—The Secretary shall ensure that the strategic plan developed under this section—

(A) reflects input from a wide range of stakeholders;

(B) includes and integrates the research and development programs of all the Department of Transportation's modal administrations, including aviation, transit, rail, and maritime; and

(C) takes into account how research and development by other Federal, State, private sector, and nonprofit institutions—

(i) contributes to the achievement of the purposes identified under paragraph (3)(A); and

(ii) avoids unnecessary duplication of such efforts.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CHAPTER 5 OF TITLE 23.—Chapter 5 of title 23, United States Code, is amended—

(A) by striking section 508;

(B) in the table of contents, by striking the item relating to section 508;

(C) in section 502—

(i) in subsection (a)(9), by striking "transportation research and technology development strategic plan developed under section 508" and inserting "transportation research and development strategic plan under section 31203 of the Comprehensive Transportation and Consumer Protection Act of 2015"; and

(ii) in subsection (b)(4), by striking "transportation research and development strategic plan of the Secretary developed under section 508" and inserting "transportation research and development strategic plan under section 31203 of the Comprehensive Transportation and Consumer Protection Act of 2015"; and

(D) in section 512(b), by striking "as part of the transportation research and development strategic plan developed under section 508".

(2) INTELLIGENT TRANSPORTATION SYSTEMS.—Section 5205 of the Intelligent Transportation Systems Act of 1998 (23 U.S.C. 502 note) is amended—

(A) in subsection (b), by striking "as part of the Surface Transportation Research and Development Strategic Plan developed under section 508 of title 23, United States Code" and inserting "as part of the transportation research and development strategic plan under section 31203 of the Comprehensive Transportation and Consumer Protection Act of 2015"; and

(B) in subsection (e)(2)(A), by striking "or the Surface Transportation Research and Development Strategic Plan developed under section 508 of title 23, United States Code" and inserting "or the transportation research and development strategic plan under section 31203 of the Comprehensive Transportation and Consumer Protection Act of 2015".

(3) INTELLIGENT TRANSPORTATION SYSTEM RESEARCH.—Subtitle C of title V of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (23 U.S.C. 512 note) is amended—

(A) in section 5305(h)(3)(A), by striking "the strategic plan under section 508 of title 23, United States Code" and inserting "the 5-year transportation research and development strategic plan under section 31203 of the Com-

prehensive Transportation and Consumer Protection Act of 2015"; and

(B) in section 5307(c)(2)(A), by striking "or the surface transportation research and development strategic plan developed under section 508 of title 23, United States Code" and inserting "or the 5-year transportation research and development strategic plan under section 31203 of the Comprehensive Transportation and Consumer Protection Act of 2015".

SEC. 31204. RESEARCH OMBUDSMAN.

(a) IN GENERAL.—Subtitle III is amended by inserting after chapter 63 the following:

"CHAPTER 65—RESEARCH OMBUDSMAN

"Sec.
"6501. Research ombudsman.

"§ 6501. Research ombudsman

"(a) ESTABLISHMENT.—The Assistant Secretary for Research and Technology shall appoint a career Federal employee to serve as Research Ombudsman. This appointment shall not diminish the authority of peer review of research.

"(b) QUALIFICATIONS.—The Research Ombudsman appointed under subsection (a), to the extent practicable—

"(1) shall have a background in academic research and a strong understanding of sound study design;

"(2) shall develop a working knowledge of the stakeholder communities and research needs of the transportation field; and

"(3) shall not have served as a political appointee of the Department.

"(c) RESPONSIBILITIES.—

"(1) ADDRESSING COMPLAINTS AND QUESTIONS.—The Research Ombudsman shall—

"(A) receive complaints and questions about—

"(i) significant alleged omissions, improprieties, and systemic problems; and

"(ii) excessive delays of, or within, a specific research project; and

"(B) evaluate and address the complaints and questions described in subparagraph (A).

"(2) PETITIONS.—

"(A) REVIEW.—The Research Ombudsman shall review petitions relating to—

"(i) conflicts of interest;

"(ii) the study design and methodology;

"(iii) assumptions and potential bias;

"(iv) the length of the study; and

"(v) the composition of any data sampled.

"(B) RESPONSE TO PETITIONS.—The Research Ombudsman shall—

"(i) respond to relevant petitions within a reasonable period;

"(ii) identify deficiencies in the petition's study design; and

"(iii) propose a remedy for such deficiencies to the administrator of the modal administration responsible for completing the research project.

"(C) RESPONSE TO PROPOSED REMEDY.—The administrator of the modal administration charged with completing the research project shall respond to the proposed research remedy.

"(3) REQUIRED REVIEWS.—The Research Ombudsman shall evaluate the study plan for all statutorily required studies and reports before the commencement of such studies to ensure that the research plan has an appropriate sample size and composition to address the stated purpose of the study.

"(d) REPORTS.—

"(1) IN GENERAL.—Upon the completion of each review under subsection (c), the Research Ombudsman shall—

"(A) submit a report containing the results of such review to—

"(i) the Secretary;

"(ii) the head of the relevant modal administration; and

"(iii) the study or research leader; and

"(B) publish such results on a public website, with the modal administration response required under subsection (c)(2)(C).

"(2) INDEPENDENCE.—Each report required under this section shall be provided directly to the individuals described in paragraph (1) without any comment or amendment from the Secretary, the Deputy Secretary of Transportation, the head of any modal administration of the Department, or any other officer or employee of the Department or the Office of Management and Budget.

"(e) REPORT TO INSPECTOR GENERAL.—The Research Ombudsman shall submit any evidence of misfeasance, malfeasance, waste, fraud, or abuse uncovered during a review under this section to the Inspector General for further review.

"(f) REMOVAL.—The Research Ombudsman shall be subject to adverse employment action for misconduct or good cause in accordance with the procedures and grounds set forth in chapter 75 of title 5.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for subtitle III is amended by inserting after the item relating to chapter 63 the following:

"65. Research ombudsman ..... 6501".

SEC. 31205. SMART CITIES TRANSPORTATION PLANNING STUDY.

(a) IN GENERAL.—The Secretary shall conduct a study of digital technologies and information technologies, including shared mobility, data, transportation network companies, and on-demand transportation services—

(1) to understand the degree to which cities are adopting these technologies;

(2) to assess future planning, infrastructure and investment needs; and

(3) to provide best practices to plan for smart cities in which information and technology are used—

(A) to improve city operations;

(B) to grow the local economy;

(C) to improve response in times of emergencies and natural disasters; and

(D) to improve the lives of city residents.

(b) COMPONENTS.—The study conducted under subsection (a) shall—

(1) identify broad issues that influence the ability of the United States to plan for and invest in smart cities, including barriers to collaboration and access to scientific information; and

(2) review how the expanded use of digital technologies, mobile devices, and information may—

(A) enhance the efficiency and effectiveness of existing transportation networks;

(B) optimize demand management services;

(C) impact low-income and other disadvantaged communities;

(D) assess opportunities to share, collect, and use data;

(E) change current planning and investment strategies; and

(F) provide opportunities for enhanced coordination and planning.

(c) REPORTING.—Not later than 18 months after the date of enactment of this Act, the Secretary shall publish the report containing the results of the study required under subsection (a) to a public website.

SEC. 31206. BUREAU OF TRANSPORTATION STATISTICS INDEPENDENCE.

Section 6302 is amended by adding at the end the following:

"(d) INDEPENDENCE OF BUREAU.—

"(1) IN GENERAL.—The Director shall not be required—

"(A) to obtain the approval of any other officer or employee of the Department with respect to the collection or analysis of any information; or

"(B) prior to publication, to obtain the approval of any other officer or employee of the United States Government with respect to the substance of any statistical technical reports or press releases lawfully prepared by the Director.

"(2) BUDGET AUTHORITY.—The Director shall have a significant role in the disposition and allocation of the Bureau's authorized budget, including—

"(A) all hiring, grants, cooperative agreements, and contracts awarded by the Bureau to carry out this section; and

"(B) the disposition and allocation of amounts paid to the Bureau for cost-reimbursable projects.

"(3) EXCEPTIONS.—The Secretary shall direct external support functions, such as the coordination of activities involving multiple modal administrations.

"(4) INFORMATION TECHNOLOGY.—The Department Chief Information Officer shall consult with the Director to ensure decisions related to information technology guarantee the protection of the confidentiality of information provided solely for statistical purposes, in accordance with the Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note).".

SEC. 31207. CONFORMING AMENDMENTS.

(a) TITLE 49 AMENDMENTS.—

(1) ASSISTANT SECRETARIES; GENERAL COUNSEL.—Section 102(e) is amended—

(A) in paragraph (1), by striking "5" and inserting "6"; and

(B) in paragraph (1)(A), by inserting "an Assistant Secretary for Research and Technology," before "and an Assistant Secretary".

(2) OFFICE OF THE ASSISTANT SECRETARY FOR RESEARCH AND TECHNOLOGY OF THE DEPARTMENT OF TRANSPORTATION.—Section 112 is repealed.

(3) TABLE OF CONTENTS.—The table of contents of chapter 1 is amended by striking the item relating to section 112.

(4) RESEARCH CONTRACTS.—Section 330 is amended—

*(A) in the section heading, by striking "**contracts**" and inserting "**activities**";*

(B) in subsection (a), by inserting "IN GENERAL.—" before "The Secretary";

(C) in subsection (b), by inserting "RESPONSIBILITIES.—" before "In carrying out";

(D) in subsection (c), by inserting "PUBLICATIONS.—" before "The Secretary"; and

(E) by adding at the end the following:

"(d) DUTIES.—The Secretary shall provide for the following:

"(1) Coordination, facilitation, and review of the Department's research and development programs and activities.

"(2) Advancement, and research and development, of innovative technologies, including intelligent transportation systems.

"(3) Comprehensive transportation statistics research, analysis, and reporting.

"(4) Education and training in transportation and transportation-related fields.

"(5) Activities of the Volpe National Transportation Systems Center.

"(e) ADDITIONAL AUTHORITIES.—The Secretary may—

"(1) enter into grants and cooperative agreements with Federal agencies, State and local government agencies, other public entities, private organizations, and other persons—

"(A) to conduct research into transportation service and infrastructure assurance; and

"(B) to carry out other research activities of the Department;

"(2) carry out, on a cost-shared basis, collaborative research and development to encourage innovative solutions to multimodal transportation problems and stimulate the deployment of new technology with—

"(A) non-Federal entities, including State and local governments, foreign governments, institutions of higher education, corporations, institutions, partnerships, sole proprietorships, and trade associations that are incorporated or established under the laws of any State;

"(B) Federal laboratories; and

"(C) other Federal agencies; and

"(3) directly initiate contracts, grants, cooperative research and development agreements (as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)), and other agreements to fund, and accept funds from, the Transportation Research Board of the National Research Council of the National Academy of Sciences, State departments of transportation, cities, counties, institutions of higher education, associations, and the agents of those entities to carry out joint transportation research and technology efforts.

"(f) FEDERAL SHARE.—

"(1) IN GENERAL.—Subject to paragraph (2), the Federal share of the cost of an activity carried out under subsection (e)(3) shall not exceed 50 percent.

"(2) EXCEPTION.—If the Secretary determines that the activity is of substantial public interest or benefit, the Secretary may approve a greater Federal share.

"(3) NON-FEDERAL SHARE.—All costs directly incurred by the non-Federal partners, including personnel, travel, facility, and hardware development

costs, shall be credited toward the non-Federal share of the cost of an activity described in paragraph (1).

"(g) PROGRAM EVALUATION AND OVERSIGHT.—For fiscal years 2016 through 2021, the Secretary is authorized to expend not more than 1 and a half percent of the amounts authorized to be appropriated for necessary expenses for administration and operations of the Office of the Assistant Secretary for Research and Technology for the coordination, evaluation, and oversight of the programs administered under this section.

"(h) USE OF TECHNOLOGY.—The research, development, or use of a technology under a contract, grant, cooperative research and development agreement, or other agreement entered into under this section, including the terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

"(i) WAIVER OF ADVERTISING REQUIREMENTS.—Section 6101 of title 41 shall not apply to a contract, grant, or other agreement entered into under this section.".

(5) TABLE OF CONTENTS.—The item relating to section 330 in the table of contents of chapter 3 is amended by striking "Contracts" and inserting "Activities".

(6) BUREAU OF TRANSPORTATION STATISTICS.—Section 6302(a) is amended to read as follows:

"(a) IN GENERAL.—There shall be within the Department the Bureau of Transportation Statistics.".

(b) TITLE 5 AMENDMENTS.—

(1) POSITIONS AT LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking "Under Secretary of Transportation for Security.".

(2) POSITIONS AT LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking "Administrator, Research and Innovative Technology Administration.".

(3) POSITIONS AT LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking "(4)" in the undesignated item relating to Assistant Secretaries of Transportation and inserting "(5)".

(4) POSITIONS AT LEVEL V.—Section 5316 is amended by striking "Associate Deputy Secretary, Department of Transportation.".

SEC. 31208. REPEAL OF OBSOLETE OFFICE.

(a) IN GENERAL.—Section 5503 is repealed.

(b) TABLE OF CONTENTS.—The table of contents of chapter 55 is amended by striking the item relating to section 5503.

Subtitle C—Port Performance Act

SEC. 31301. SHORT TITLE.

This subtitle may be cited as the "Port Performance Act".

SEC. 31302. FINDINGS.

Congress finds the following:

(1) America's ports play a critical role in the Nation's transportation supply chain network.

(2) Reliable and efficient movement of goods through the Nation's ports ensures that American goods are available to customers throughout the world.

(3) Breakdowns in the transportation supply chain network, particularly at the Nation's ports, can result in tremendous economic losses for agriculture, businesses, and retailers that rely on timely shipments.

(4) A clear understanding of terminal and port productivity and throughput should help—

(A) to identify freight bottlenecks;

(B) to indicate performance and trends over time; and

(C) to inform investment decisions.

SEC. 31303. PORT PERFORMANCE FREIGHT STATISTICS PROGRAM.

(a) IN GENERAL.—Chapter 63 is amended by adding at the end the following:

"§ 6314. Port performance freight statistics program

"(a) IN GENERAL.—The Director shall establish, on behalf of the Secretary, a port performance statistics program to provide nationally consistent measures of performance of, at a minimum—

"(1) the Nation's top 25 ports by tonnage;

"(2) the Nation's top 25 ports by 20-foot equivalent unit; and

"(3) the Nation's top 25 ports by dry bulk.

"(b) ANNUAL REPORTS.—

"(1) PORT CAPACITY AND THROUGHPUT.—Not later than January 15 of each year, the Director shall submit an annual report to Congress that includes statistics on capacity and throughput at the ports described in subsection (a).

"(2) PORT PERFORMANCE MEASURES.—The Director shall collect monthly port performance measures for each of the United States ports referred to in subsection (a) that receives Federal assistance or is subject to Federal regulation to submit an annual report to the Bureau of Transportation Statistics that includes monthly statistics on capacity and through-

put as applicable to the specific configuration of the port.

"(A) MONTHLY MEASURES.—The Director shall collect monthly measures, including—

"(i) the average number of lifts per hour of containers by crane;

"(ii) the average vessel turn time by vessel type;

"(iii) the average cargo or container dwell time;

"(iv) the average truck time at ports;

"(v) the average rail time at ports; and

"(vi) any additional metrics, as determined by the Director after receiving recommendations from the working group established under subsection (c).

"(B) MODIFICATIONS.—The Director may consider a modification to a metric under subparagraph (A) if the modification meets the intent of the section.

"(c) RECOMMENDATIONS.—

"(1) IN GENERAL.—The Director shall obtain recommendations for—

"(A) specifications and data measurements for the port performance measures listed in subsection (b)(2);

"(B) additionally needed data elements for measuring port performance; and

"(C) a process for the Department of Transportation to collect timely and consistent data, including identifying safeguards to protect proprietary information described in subsection (b)(2).

"(2) WORKING GROUP.—Not later than 60 days after the date of the enactment of the Port Performance Act, the Director shall commission a working group composed of—

"(A) operating administrations of the Department of Transportation;

"(B) the Coast Guard;

"(C) the Federal Maritime Commission;

"(D) U.S. Customs and Border Protection;

"(E) the Marine Transportation System National Advisory Council;

"(F) the Army Corps of Engineers;

"(G) the Saint Lawrence Seaway Development Corporation;

"(H) the Advisory Committee on Supply Chain Competitiveness;

"(I) 1 representative from the rail industry;

"(J) 1 representative from the trucking industry;

"(K) 1 representative from the maritime shipping industry;

"(L) 1 representative from a labor organization for each industry described in subparagraphs (I) through (K);

"(M) 1 representative from a port authority;

"(N) 1 representative from a terminal operator;

"(O) representatives of the National Freight Advisory Committee of the Department; and

"(P) representatives of the Transportation Research Board of the National Academies.

"(3) RECOMMENDATIONS.—Not later than 1 year after the date of the enactment of the Port Performance Act, the working group commissioned under this subsection shall submit its recommendations to the Director.

"(d) ACCESS TO DATA.—The Director shall ensure that the statistics compiled under this section are readily acces-

sible to the public, consistent with applicable security constraints and confidentiality interests.".

(b) PROHIBITION ON CERTAIN DISCLOSURES.—Section 6307(b)(1) is amended by inserting "or section 6314(b)" after "section 6302(b)(3)(B)" each place it appears.

(c) COPIES OF REPORTS.—Section 6307(b)(2)(A) is amended by inserting "or section 6314(b)" after "section 6302(b)(3)(B)".

(d) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents for chapter 63 is amended by adding at the end the following:

"6314. Port performance freight statistics program.".

TITLE XXXII—COMMERCIAL MOTOR VEHICLE AND DRIVER PROGRAMS

Subtitle A—Compliance, Safety, and Accountability Reform

SEC. 32001. CORRELATION STUDY.

(a) IN GENERAL.—The Administrator of the Federal Motor Carrier Safety Administration (referred to in this subtitle as the "Administrator") shall commission the National Research Council of the National Academies to conduct a study of—

(1) the Safety Measurement System (referred to in this subtitle as "SMS"); and

(2) the Compliance, Safety, Accountability program (referred to in this subtitle as the "CSA program").

(b) SCOPE OF STUDY.—In carrying out the study commissioned pursuant to subsection (a), the National Research Council—

(1) shall analyze—

(A) the accuracy with which the Behavior Analysis and Safety Improvement Categories (referred to in this subtitle as "BASIC") safety measures used by SMS—

(i) identify high risk drivers and carriers; and

(ii) predict or be correlated with future crash risk, crash severity, or other safety indicators for individual drivers, motor carriers, and the highest risk carriers;

(B) the methodology used to calculate BASIC percentiles and identify carriers for enforcement, including the weights assigned to particular violations, and the tie between crash risk and specific regulatory violations, in order to accurately identify and predict future crash risk for motor carriers;

(C) the relative value of inspection information and roadside enforcement data;

(D) any data collection gaps or data sufficiency problems that may exist and the impact of those data gaps and insufficiencies on the efficacy of the CSA program; and

(E) the accuracy of data processing; and

(2) should consider—

(A) whether the current SMS provides comparable precision and confidence for SMS alerts and percentiles for the relative crash risk of individual large and small motor carriers;

(B) whether alternative systems would identify high risk carriers or identify high risk drivers and motor carriers more accurately; and

(C) the recommendations and findings of the Comptroller General of the United States and the Inspector General, and independent review team reports issued before the date of the enactment of this Act.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit a report containing the results of the completed study to—

(1) the Committee on Commerce, Science, and Transportation of the Senate;

(2) the Committee on Transportation and Infrastructure of the House of Representatives;

(3) the Inspector General of the Department of Transportation; and

(4) the Comptroller General of the United States.

(d) CORRECTIVE ACTION PLAN.—

(1) IN GENERAL.—Not later than 120 days after the Administrator submits a report under subsection (c) that identifies a deficiency or opportunity for improvement in the CSA program or in any element of SMS, the Administrator shall submit a corrective action plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that—

(A) responds to the concerns highlighted by the report;

(B) identifies how the Federal Motor Carrier Safety Administration will address such concerns; and

(C) provides an estimate of the cost, including changes in staffing, enforcement, and data collection necessary to implement the recommendations.

(2) PROGRAM REFORMS.—The corrective action plan submitted under paragraph (1) shall include an implementation plan that—

(A) includes benchmarks;

(B) includes programmatic reforms, revisions to regulations, or proposals for legislation; and

(C) shall be considered in any rulemaking by the Department of Transportation that relates to the CSA program, including the SMS data sets or analysis.

(e) INSPECTOR GENERAL REVIEW.—Not later than 120 days after the Administrator issues a corrective action plan under subsection (d), the Inspector General of the Department of Transportation shall—

(1) review the extent to which such plan implements—

(A) recommendations contained in the report submitted under subsection (c); and

(B) recommendations issued by the Comptroller General or the Inspector General before the date of enactment of this Act; and

(2) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure

of the House of Representatives on the responsiveness of the corrective action plan to the recommendations described in paragraph (1).

(f) FISCAL LIMITATION.—The Administrator shall carry out the study required under this section using amounts appropriated to the Federal Motor Carrier Safety Administration and available for obligation and expenditure as of the date of the enactment of this Act.

SEC. 32002. SAFETY IMPROVEMENT METRICS.

(a) IN GENERAL.—The Administrator shall incorporate a methodology into the CSA program or establish a third-party process to allow recognition, including credit, improved score, or by establishing a safety BASIC in SMS for safety technology, tools, programs, and systems approved by the Administrator through the qualification process developed under subsection (b) that exceed regulatory requirements or are used to enhance safety performance, including—

(1) the installation of qualifying advanced safety equipment, such as—

(A) collision mitigation systems;

(B) lane departure warnings;

(C) speed limiters;

(D) electronic logging devices;

(E) electronic stability control;

(F) critical event recorders; and

(G) strengthening rear guards and sideguards for underride protection;

(2) the use of enhanced driver fitness measures that exceed current regulatory requirements, such as—

(A) additional new driver training;

(B) enhanced and ongoing driver training; and

(C) remedial driver training to address specific deficiencies as identified in roadside inspection or enforcement reports;

(3) the adoption of qualifying administrative fleet safety management tools technologies, driver performance and behavior management technologies, and programs; and

(4) technologies and measures identified through the process described in subsection (c).

(b) QUALIFICATION.—The Administrator, through a notice and comment process, shall develop technical or other performance standards for technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems used by motor carriers that will qualify for credit under this section.

(c) ADDITIONAL REQUIREMENTS.—In modifying the CSA program under subsection (a), the Administrator, through notice and comment, shall develop a process for identifying and reviewing other technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems used by motor carriers to improve safety performance that—

(1) provides for a petition for reviewing technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems;

(2) seeks input and participation from industry stakeholders, including drivers, technology manufacturers, vehicle manufacturers, motor carriers, enforcement communities, and safety advocates, and the Motor Carrier Safety Advisory Committee; and

(3) includes technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems with a date certain for future statutory or regulatory implementation.

(d) SAFETY IMPROVEMENT METRICS USE AND VERIFICATION.—The Administrator, through notice and comment process, shall develop a process for—

(1) providing recognition or credit within a motor carrier's SMS score for the installation and use

of measures in paragraphs (1) through (4) of subsection (a);

(2) ensuring that the safety improvement metrics developed under this section are presented with other SMS data;

(3) verifying the installation or use of such technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems;

(4) modifying or removing recognition or credit upon verification of noncompliance with this section;

(5) ensuring that the credits or recognition referred to in paragraph (1) reflect the safety improvement anticipated as a result of the installation or use of the specific technology, advanced safety equipment, enhanced driver fitness measure, tool, program, or system;

(6) verifying the deployment and use of qualifying equipment or management systems by a motor carrier through a certification from the vehicle manufacturer, the system or service provider, the insurance carrier, or through documents submitted by the motor carrier to the Department of Transportation;

(7) annually reviewing the list of qualifying safety technology, advanced safety equipment, en-

hanced driver fitness measures, tools, programs, or systems; and

(8) removing systems mandated by law or regulation, or if such systems demonstrate a lack of efficacy, from the list of qualifying technologies, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems eligible for credit under the CSA program.

(e) DISSEMINATION OF INFORMATION.—The Administrator shall maintain a public website that contains information regarding—

(1) the technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems eligible for credit and improved scores;

(2) any petitions for study of the technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems; and

(3) statistics and information relating to the use of such technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems.

(f) PUBLIC REPORT.—Not later than 1 year after the establishment of the Safety Improvement Metrics System (referred to in this section as "SIMS") under this section,

and annually thereafter, the Administrator shall publish, on a public website, a report that identifies—

(1) the types of technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems that are eligible for credit;

(2) the number of instances in which each technology, advanced safety equipment, enhanced driver fitness measure, tool, program, or system is used;

(3) the number of motor carriers, and a description of the carrier's fleet size, that received recognition or credit under the modified CSA program; and

(4) the pre- and post-adoption safety performance of the motor carriers described in paragraph (3).

(g) IMPLEMENTATION AND OVERSIGHT RESPONSIBILITY.—The Administrator shall ensure that the activities described in subsections (a) through (f) of this section are not required under section 31102 of title 49, United States Code, as amended by this Act.

(h) EVALUATION.—

(1) IN GENERAL.—Not later than 2 years after the implementation of SIMS under this section, the Administrator shall conduct an evaluation of the effectiveness of SIMS by reviewing the impacts of SIMS on—

(A) law enforcement, commercial drivers and motor carriers, and motor carrier safety; and

(B) safety and adoption of new technologies.

(2) REPORT.—Not later than 30 months after the implementation of the program, the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

(A) the results of the evaluation conducted under paragraph (1); and

(B) the actions the Federal Motor Carrier Safety Administration plans to take to modify the demonstration program based on such results.

(i) USE OF ESTIMATES OF SAFETY EFFECTS.—In conducting regulatory impact analyses for rulemakings relating to the technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems selected for credit under the CSA program, the Administrator, to the extent practicable, shall use the data gathered under this section and appropriate statistical methodology, including sufficient sample sizes, composition, and appropriate comparison groups, including representative motor carriers of

all sizes, to estimate the effects on safety performance and reduction in the number and severity of accidents with qualifying technology, advanced safety equipment, tools, programs, and systems.

(j) SAVINGS PROVISION.—Nothing in this section may be construed to provide the Administrator with additional authority to change the requirements for the operation of a commercial motor vehicle.

SEC. 32003. DATA CERTIFICATION.

(a) LIMITATION.—Beginning not later than 1 day after the date of enactment of this Act, none of the analysis of violation information, enforcement prioritization, not-at-fault crashes, alerts, or the relative percentile for each Behavioral Analysis and Safety Improvement Category developed through the CSA program may be made available to the general public, but violation and inspection information submitted by the States may be presented, until the Inspector General of the Department of Transportation certifies that—

(1) any deficiencies identified in the correlation study required under section 32001 have been addressed;

(2) the corrective action plan has been implemented and the concerns raised by the correlation study under section 32001 have been addressed;

(3) the Administrator has fully implemented or satisfactorily addressed the issues raised in the February 2014 GAO report entitled "Modifying the Compliance, Safety, Accountability Program Would Improve the Ability to Identify High Risk Carriers" (GAO–14–114), which called into question the accuracy and completeness of safety performance calculations;

(4) the study required under section 32001 has been published on a public website; and

(5) the CSA program has been modified in accordance with section 32002.

(b) LIMITATION ON USE OF CSA ANALYSIS.—The enforcement prioritization, alerts, or the relative percentile for each Behavioral Analysis and Safety Improvement Category developed through the CSA program within the SMS system may not be used for safety fitness determinations until the requirements under subsection (a) have been satisfied.

(c) CONTINUED PUBLIC AVAILABILITY OF DATA.—Inspection and violation information submitted to the Federal Motor Carrier Safety Administration by commercial motor vehicle inspectors and qualified law enforcement officials shall remain available for public viewing.

(d) EXCEPTIONS.—

(1) IN GENERAL.—Notwithstanding the limitations set forth in subsections (a) and (b)—

(A) the Federal Motor Carrier Safety Administration and State and local commercial motor vehicle enforcement agencies may only use the information referred to in subsection (a) for purposes of investigation and enforcement prioritization;

(B) motor carriers and commercial motor vehicle drivers may access information referred to in subsection (a) that relates directly to the motor carrier or driver, respectively; and

(C) the data analysis of motorcoach operators may be provided online, with a notation indicating that the ratings or alerts listed are not intended to imply any Federal safety rating of the carrier.

(2) NOTATION.—The notation described under paragraph (1)(C) shall include: "Readers should not draw conclusions about a carrier's overall safety condition simply based on the data displayed in this system. Unless a motor carrier has received an UNSATISFACTORY safety rating under part 385 of title 49, Code of Federal Regulations, or has otherwise been ordered to discontinue operations by the Federal Motor

Carrier Safety Administration, it is authorized to operate on the Nation's roadways.".

(3) LIMITATION.—Nothing in subparagraphs (A) and (B) of paragraph (1) may be construed to restrict the official use by State enforcement agencies of the data collected by State enforcement personnel.

(e) CERTIFICATION.—The certification process described in subsection (a) shall occur concurrently with the implementation of SIMS under section 32002.

(f) COMPLETION.—The Secretary shall modify the CSA program in accordance with section 32002 not later than 1 year after the date of completion of the report described in section 32001(c).

SEC. 32004. DATA IMPROVEMENT.

(a) FUNCTIONAL SPECIFICATIONS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall develop functional specifications to ensure the consistent and accurate input of data into systems and databases relating to the CSA program.

(b) FUNCTIONALITY.—The specifications developed pursuant to subsection (a)—

(1) shall provide for the hardcoding and smart logic functionality for roadside inspection data collection systems and databases; and

(2) shall be made available to public and private sector developers.

(c) EFFECTIVE DATA MANAGEMENT.—The Administrator shall ensure that internal systems and databases accept and effectively manage data using uniform standards.

(d) CONSULTATION WITH THE STATES.—Before implementing the functional specifications described in subsection (a) or the standards described in subsection (c), the Administrator shall seek input from the State agencies responsible for enforcing section 31102 of title 49, United States Code.

SEC. 32005. ACCIDENT REPORT INFORMATION.

(a) REVIEW.—The Administrator shall initiate a demonstration program that allows motor carriers and drivers to request a review of crashes, and the removal of crash data for use in the Federal Motor Carrier Safety Administration's safety measurement system of crashes, and removal from any weighting, or carrier safety analysis, if the commercial motor vehicle was operated legally and another motorist in connection with the crash is found—

(1) to have been driving under the influence;

(2) to have been driving the wrong direction on a roadway;

(3) to have struck the commercial motor vehicle in the rear;

(4) to have struck the commercial motor vehicle which was legally stopped;

(5) by the investigating officer or agency to have been responsible for the crash; or

(6) to have committed other violations determined by the Administrator.

(b) DOCUMENTS.—As part of a request for review under subsection (a), the motor carrier or driver shall submit a copy of available police reports, crash investigations, judicial actions, insurance claim information, and any related court actions submitted by each party involved in the accident.

(c) SOLICITATION OF OTHER INFORMATION.—Following a notice and comment period, the Administrator may solicit other types of information to be collected under subsection (b) to facilitate appropriate reviews under this section.

(d) EVALUATION.—The Federal Motor Carrier Safety Administration shall review the information submitted under subsections (b) and (c).

(e) RESULTS.—Subject to subsection (h)(2), the results of the review under subsection (a)—

(1) shall be used to recalculate the motor carrier's crash BASIC percentile;

(2) if the carrier is determined not to be responsible for the crash incident, such information, shall be reflected on the website of the Federal Motor Carrier Safety Administration; and

(3) shall not be admitted as evidence or otherwise used in a civil action.

(f) FEE SYSTEM.—

(1) ESTABLISHMENT.—The Administrator may establish a fee system, in accordance with section 9701 of title 31, United States Code, in which a motor carrier is charged a fee for each review of a crash requested by such motor carrier under this section.

(2) DISPOSITION OF FEES.—Fees collected under this section—

(A) may be credited to the Department of Transportation appropriations account for purpose of carrying out this section; and

(B) shall be used to fully fund the operation of the review program authorized under this section.

(g) REVIEW AND REPORT.—Not earlier than 2 years after the establishment of the demonstration program under this section, the Administrator shall—

(1) conduct a review of the internal crash review program to determine if other crash types should be included; and

(2) submit a report to Congress that describes—

(A) the number of crashes reviewed;

(B) the number of crashes for which the commercial motor vehicle operator was determined not to be at fault; and

(C) relevant information relating to the program, including the cost to operate the program and the fee structure established.

(h) IMPLEMENTATION AND OVERSIGHT RESPONSIBILITY.—

(1) IN GENERAL.—The Administrator shall ensure that the activities described in subsections (a) through (d) of this section are not required under section 31102 of title 49, United States Code, as amended by this Act.

(2) REVIEWS INVOLVING FATALITIES.—If a review under subsection (a) involves a fatality, the Inspector General of the Department of Transportation shall audit and certify the review prior to making any changes under subsection (e).

SEC. 32006. POST-ACCIDENT REPORT REVIEW.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall convene a working group—

(1) to review the data elements of post-accident reports, for tow-away accidents involving commercial motor vehicles, that are reported to the Federal Government; and

(2) to report to the Secretary its findings and any recommendations, including best practices for State post-accident reports to achieve the data elements described in subsection (c).

(b) COMPOSITION.—Not less than 51 percent of the working group should be composed of individuals representing the States or State law enforcement officials. The remaining members of the working group shall represent industry, labor, safety advocates, and other interested parties.

(c) CONSIDERATIONS.—The working group shall consider requiring additional data elements, including—

(1) the primary cause of the accident, if the primary cause can be determined;

(2) the physical characteristics of the commercial motor vehicle and any other vehicle involved in the accident, including—

(A) the vehicle configuration;

(B) the gross vehicle weight if the weight can be readily determined;

(C) the number of axles; and

(D) the distance between axles, if the distance can be readily determined; and

(3) any data elements that could contribute to the appropriate consideration of requests under section 32005.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(1) review the findings of the working group;

(2) identify the best practices for State post-accident reports that are reported to the Federal Government, including identifying the data elements that should be collected following a tow-away commercial motor vehicle accident; and

(3) recommend to the States the adoption of new data elements to be collected following reportable commercial motor vehicle accidents.

SEC. 32007. RECOGNIZING EXCELLENCE IN SAFETY.

(a) IN GENERAL.—The Administrator shall establish a program to publicly recognize motor carriers and drivers whose safety records and programs exceed compliance with the Federal Motor Carrier Safety Administration's safety

regulations and demonstrate clear and outstanding safety practices.

(b) RESTRICTION.—The program established under subsection (a) may not be deemed to be an endorsement of, or a preference for, motor carriers or drivers recognized under the program.

SEC. 32008. HIGH RISK CARRIER REVIEWS.

(a) IN GENERAL.—After the completion of the certification under section 32003 of this Act, and the establishment of the Safety Fitness Determination program, the Secretary shall ensure that a review is completed on each motor carrier that demonstrates through performance data that it poses the highest safety risk. At a minimum, a review shall be conducted whenever a motor carrier is among the highest risk carriers for 4 consecutive months.

(b) REPORT.—Not later than 180 days after the completion of the certification under section 32003 of this Act and the establishment of the Safety Fitness Determination program, the Secretary shall post on a public website a report on the actions the Secretary has taken to comply with this section, including the number of high risk carriers identified and the high risk carriers reviewed.

(c) CONFORMING AMENDMENT.—Section 4138 of the Safe, Accountable, Flexible, Efficient Transportation Eq-

uity Act: A Legacy for Users (49 U.S.C. 31144 note) is repealed.

Subtitle B—Transparency and Accountability

SEC. 32201. PETITIONS FOR REGULATORY RELIEF.

(a) APPLICATIONS FOR REGULATORY RELIEF.—Notwithstanding subpart C of part 381 of title 49, Code of Federal Regulations, the Secretary shall allow an applicant representing a class or group of motor carriers to apply for a specific exemption from any provision of the regulations under part 395 of title 49, Code of Federal Regulations, for commercial motor vehicle drivers.

(b) REVIEW PROCESS.—

(1) IN GENERAL.—The Secretary shall establish the procedures for the application for and the review of an exemption under subsection (a).

(2) PUBLICATION.—Not later than 30 days after the date of receipt of an application for an exemption, the Secretary shall publish the application in the Federal Register and provide the public with an opportunity to comment.

(3) PUBLIC COMMENT.—

(A) IN GENERAL.—Each application shall be available for public comment for a 30-day period, but the Secretary may extend the oppor-

tunity for public comment for up to 60 days if it is a significant or complex request.

(B) REVIEW.—Beginning on the date that the public comment period under subparagraph (A) ends, the Secretary shall have 60 days to review all of the comments received.

(4) DETERMINATION.—At the end of the 60-day period under paragraph (3)(B), the Secretary shall publish a determination in the Federal Register, including—

(A) the reason for granting or denying the application; and

(B) if the application is granted—

(i) the specific class of persons eligible for the exemption;

(ii) each provision of the regulations to which the exemption applies; and

(iii) any conditions or limitations applied to the exemption.

(5) CONSIDERATIONS.—In making a determination whether to grant or deny an application for an exemption, the Secretary shall consider the safety impacts of the request and may provide appropriate conditions or limitations on the use of the exemption.

(c) OPPORTUNITY FOR RESUBMISSION.—If an application is denied and the applicant can reasonably address the reason for the denial, the Secretary may allow the applicant to resubmit the application.

(d) PERIOD OF APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection and subsection (f), each exemption granted under this section shall be valid for a period of 5 years unless the Secretary identifies a compelling reason for a shorter exemption period.

(2) RENEWAL.—At the end of the 5-year period under paragraph (1)—

(A) the Secretary, at the Secretary's discretion, may renew the exemption for an additional 5-year period; or

(B) an applicant may apply under subsection (a) for a permanent exemption from each applicable provision of the regulations.

(e) LIMITATION.—No exemption under this section may be granted to or used by any motor carrier that has an unsatisfactory or conditional safety fitness determination.

(f) PERMANENT EXEMPTIONS.—

(1) IN GENERAL.—The Secretary shall make permanent the following limited exceptions:

(A) Department of Defense Military Surface Deployment and Distribution Command transport of weapons, munitions, and sensitive classified cargo as published in the Federal Register Volume 80 on April 16, 2015 (80 Fed. Reg. 20556).

(B) Department of Energy transport of security-sensitive radioactive materials as published in the Federal Register Volume 80 on June 22, 2015 (80 Fed. Reg. 35703).

(C) Motor carriers that transport hazardous materials shipments requiring security plans under regulations of the Pipeline and Hazardous Materials Safety Administration as published in the Federal Register Volume 80 on May 1, 2015 (80 Fed. Reg. 25004).

(D) Perishable construction products as published in the Federal Register Volume 80 on April 2, 2015 (80 Fed. Reg. 17819).

(E) Passenger vehicle record of duty status change as published in the Federal Register Volume 80 on June 4, 2015 (80 Fed. Reg. 31961).

(F) Transport of commercial bee hives as published in the Federal Register Volume 80 on June 19, 2018. (80 Fed. Reg. 35425).

(G) Specialized carriers and drivers responsible for transporting loads requiring special permits as published in the Federal Register Volume 80 on June 18, 2015 (80 Fed. Reg. 34957).

(H) Safe transport of livestock as published in the Federal Register Volume 80 on June 12, 2015 (80 Fed. Reg. 33584).

(2) ADDITIONAL EXEMPTIONS.—The Secretary may make any temporary exemption from any provision of the regulations under part 395 of title 49, Code of Federal Regulations, for commercial motor vehicle drivers that is in effect on the date of enactment of this Act permanent if the Secretary determines that the permanent exemption will not degrade safety. The Secretary shall provide public notice and comment on a list of the additional temporary exemptions to be made permanent under this paragraph.

(3) REVOCATION OF EXEMPTIONS.—The Secretary may revoke an exemption issued under this section if the Secretary can demonstrate that the exemption has had a negative impact on safety.

SEC. 32202. INSPECTOR STANDARDS.

Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Motor Carrier Safety Administration shall revise the regulations under

part 385 of title 49, Code of Federal Regulations, as necessary, to incorporate by reference the certification standards for roadside inspectors issued by the Commercial Vehicle Safety Alliance.

SEC. 32203. TECHNOLOGY IMPROVEMENTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Government Accountability Office shall conduct a comprehensive analysis on the Federal Motor Carrier Safety Administration's information technology and data collection and management systems.

(b) REQUIREMENTS.—The study conducted under subsection (a) shall—

(1) evaluate the efficacy of the existing information technology, data collection, processing systems, and data management systems and programs, including their interaction with each other and their efficacy in meeting user needs;

(2) identify any redundancies among the systems and programs described in paragraph (1);

(3) explore the feasibility of consolidating data collection and processing systems;

(4) evaluate the ability of the systems and programs described in paragraph (1) to meet the needs of—

(A) the Federal Motor Carrier Safety Administration, at both the headquarters and State level;

(B) the State agencies that implement the Motor Carrier Safety Assistance Program under section 31102 of title 49, United States Code; and

(C) other users;

(5) evaluate the adaptability of the systems and programs described in paragraph (1), in order to make necessary future changes to ensure user needs are met in an easier, timely, and more cost efficient manner;

(6) investigate and make recommendations regarding—

(A) deficiencies in existing data sets impacting program effectiveness; and

(B) methods to improve any and all user interfaces; and

(7) evaluate the appropriate role the Federal Motor Carrier Safety Administration should take with respect to software and information systems design, development, and maintenance for the purpose of improving the efficacy of the systems and programs described in paragraph (1).

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

SEC. 32301. UPDATE ON STATUTORY REQUIREMENTS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until a final rule has been issued for each of the requirements described under paragraphs (1) through (5), the Administrator of the Federal Motor Carrier Safety Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of a final rule for—

(1) the minimum entry-level training requirements for an individual operating a commercial motor vehicle under section 31305(c) of title 49, United States Code;

(2) motor carrier safety fitness determinations;

(3) visibility of agricultural equipment under section 31601 of division C of the Moving Ahead for Progress in the 21st Century Act (49 U.S.C. 30111 note);

(4) regulations to require commercial motor vehicles in interstate commerce and operated by a driv-

er subject to the hours of service and record of duty status requirements under part 395 of title 49, Code of Federal Regulations, be equipped with an electronic control module capable of limiting the maximum speed of the vehicle; and

(5) any outstanding commercial motor vehicle safety regulation required by law and incomplete for more than 2 years.

(b) CONTENTS.—Each report under subsection (a) shall include a description of the work plan, an updated rulemaking timeline, current staff allocations, any resource constraints, and any other details associated with the development of the rulemaking.

SEC. 32302. STATUTORY RULEMAKING.

The Administrator of the Federal Motor Carrier Safety Administration shall prioritize the use of Federal Motor Carrier Safety Administration resources for the completion of each outstanding statutory requirement for a rulemaking before beginning any new rulemaking unless the Secretary certifies to Congress that there is a significant need to move forward with a new rulemaking.

SEC. 32303. GUIDANCE REFORM.

(a) GUIDANCE.—

(1) POINT OF CONTACT.—Each guidance document, other than a regulatory action, issued by the

Federal Motor Carrier Safety Administration shall have a date of publication or a date of revision, as applicable, and the name and contact information of a point of contact at the Federal Motor Carrier Safety Administration who can respond to questions regarding the general applicability of the guidance.

(2) PUBLIC ACCESSIBILITY.—

(A) IN GENERAL.—Each guidance document and interpretation issued by the Federal Motor Carrier Safety Administration shall be published on the Department of Transportation's public website on the date of issuance.

(B) REDACTION.—The Administrator of the Federal Motor Carrier Safety Administration may redact from a guidance document or interpretation under subparagraph (A) any information that would reveal investigative techniques that would compromise Federal Motor Carrier Safety Administration enforcement efforts.

(3) RULEMAKING.—Not later than 5 years after the date that a guidance document is published under paragraph (2) or during the comprehensive review under subsection (c), whichever is earlier, the Secretary, in consultation with the Administrator, shall

revise the applicable regulations to incorporate the guidance document to the extent practicable.

(4) REISSUANCE.—If a guidance document is not incorporated into the applicable regulations under paragraph (3), the Secretary shall—

(A) reissue an updated guidance document; and

(B) review and reissue an updated guidance document every 5 years during the comprehensive review process under subsection (c) until the date that the guidance document is removed or incorporated into the applicable regulations under paragraph (3) of this subsection.

(b) UPDATE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall review regulations, guidance, and enforcement policies published on the Department of Transportation's public website to ensure the regulations, guidance, and enforcement policies are current, readily accessible to the public, and meet the standards under subsection (c)(1).

(c) REVIEW.—

(1) IN GENERAL.—Subject to paragraph (2), not less than once every 5 years, the Administrator of the Federal Motor Carrier Safety Administration shall

conduct a comprehensive review of its guidance and enforcement policies to determine whether—

(A) the guidance and enforcement policies are consistent and clear;

(B) the guidance is uniformly and consistently enforceable; and

(C) the guidance is still necessary.

(2) NOTICE AND COMMENT.—Prior to beginning the review, the Administrator shall publish in the Federal Register a notice and request for comment soliciting input from stakeholders on which regulations should be updated or eliminated.

(3) PRIORITIZATION OF OUTSTANDING PETITIONS.—As part of the review under paragraph (1), the Administrator shall prioritize consideration of each outstanding petition (as defined in section 32304(b) of this Act) submitted by a stakeholder for rulemaking.

(4) REPORT.—

(A) IN GENERAL.—Not later than 60 days after the date that a review under paragraph (1) is complete, the Administrator shall publish on the Department of Transportation's public website a report detailing the review and a full inventory of guidance and enforcement policies.

(B) INCLUSIONS.—The report under subparagraph (A) of this paragraph shall include a summary of the response of the Federal Motor Carrier Safety Administration to each comment received under paragraph (2) indicating each request the Federal Motor Carrier Safety Administration is granting.

SEC. 32304. PETITIONS.

(a) IN GENERAL.—The Administrator of the Federal Motor Carrier Safety Administration shall—

(1) publish on the Department of Transportation's public website all petitions for regulatory action submitted;

(2) prioritize stakeholder petitions based on the likelihood of providing safety improvements;

(3) formally respond to each petition by indicating whether the Administrator will accept, deny, or further review, the petition not later than 180 days after the date the petition is published under paragraph (1);

(4) prioritize resulting actions consistent with an action's potential to reduce crashes, improve enforcement, and reduce unnecessary burdens; and

(5) not later than 60 days after the date of receipt, publish, and update as necessary, on the De-

partment of Transportation's public website an inventory of the petitions described in paragraph (1), including any applicable disposition information for that petition.

(b) DEFINITION OF PETITION.—In this section, the term "petition" means a request for new regulations, regulatory interpretations or clarifications, or retrospective review of regulations to eliminate or modify obsolete, ineffective, or overly-burdensome rules.

SEC. 32305. REGULATORY REFORM.

(a) REGULATORY IMPACT ANALYSIS.—

(1) IN GENERAL.—Within each regulatory impact analysis of a proposed or final rule issued by the Federal Motor Carrier Safety Administration, the Secretary shall whenever practicable—

(A) consider effects of the proposed or final rule on a carrier with differing characteristics; and

(B) formulate estimates and findings on the best available science.

(2) SCOPE.—To the extent feasible and appropriate, and consistent with law, the analysis described in paragraph (1) shall—

(A) use data generated from a representative sample of commercial vehicle operators,

motor carriers, or both, that will be covered under the proposed or final rule; and

(B) consider effects on commercial truck and bus carriers of various sizes and types.

(b) PUBLIC PARTICIPATION.—

(1) IN GENERAL.—Before promulgating a proposed rule under part B of subtitle VI of title 49, United States Code, if the proposed rule is likely to lead to the promulgation of a major rule the Secretary shall—

(A) issue an advance notice of proposed rulemaking; or

(B) determine to proceed with a negotiated rulemaking.

(2) REQUIREMENTS.—Each advance notice of proposed rulemaking issued under paragraph (1) shall—

(A) identify the compelling public concern for a potential regulatory action, such as failures of private markets to protect or improve the safety of the public, the environment, or the well-being of the American people;

(B) identify and request public comment on the best available science or technical informa-

tion on the need for regulatory action and on the potential regulatory alternatives;

(C) request public comment on the benefits and costs of potential regulatory alternatives reasonably likely to be included or analyzed as part of the notice of proposed rulemaking; and

(D) request public comment on the available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior.

(3) WAIVER.—This subsection shall not apply when the Secretary, for good cause, finds (and incorporates the finding and a brief statement of reasons for such finding in the proposed or final rule) an advance notice of proposed rulemaking impracticable, unnecessary, or contrary to the public interest.

(c) SAVINGS CLAUSE.—Nothing in this section may be construed to limit the contents of any Advance Notice of Proposed Rulemaking.

Subtitle D—State Authorities

SEC. 32401. EMERGENCY ROUTE WORKING GROUP.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a working group to determine best

practices for expeditious State approval of special permits for vehicles involved in emergency response and recovery.

(2) MEMBERS.—The working group shall include representatives from—

(A) State highway transportation departments or agencies;

(B) relevant modal agencies within the Department of Transportation;

(C) emergency response or recovery experts;

(D) relevant safety groups; and

(E) persons affected by special permit restrictions during emergency response and recovery efforts.

(b) CONSIDERATIONS.—In determining best practices under subsection (a), the working group shall consider whether—

(1) hurdles currently exist that prevent the expeditious State approval for special permits for vehicles involved in emergency response and recovery;

(2) it is possible to pre-identify and establish emergency routes between States through which infrastructure repair materials could be delivered following a natural disaster or an emergency;

(3) a State could pre-designate an emergency route identified under paragraph (1) as a certified emergency route if a motor vehicle that exceeds the otherwise applicable Federal and State truck length or width limits may safely operate along such route during period of emergency recovery; and

(4) an online map could be created to identify each pre-designated emergency route under paragraph (2), including information on specific limitations, obligations, and notification requirements along that route.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the working group shall submit to the Secretary a report of its findings under this section and any recommendations for the implementation of the best practices for expeditious State approval of special permits for vehicles involved in emergency recovery. Upon receipt, the Secretary shall publish the report on a public website.

(d) FEDERAL ADVISORY COMMITTEE ACT EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group established under this section.

SEC. 32402. ADDITIONAL STATE AUTHORITY.

Notwithstanding any other provision of law, not later than 180 days after the date of enactment of this Act, any

State impacted by section 4006 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2148) shall be provided the option to update the routes listed in the final list as long as the update shifts routes to divided highways or does not increase centerline miles by more than 5 percent and the change is expected to increase safety performance.

SEC. 32403. COMMERCIAL DRIVER ACCESS.

(a) INTERSTATE COMPACT PILOT PROGRAM.—

(1) IN GENERAL.—The Administrator of the Federal Motor Carrier Safety Administration may establish a 6-year pilot program to study the feasibility, benefits, and safety impacts of allowing a licensed driver between the ages of 18 and 21 to operate a commercial motor vehicle in interstate commerce.

(2) INTERSTATE COMPACTS.—The Secretary shall allow States, including the District of Columbia, to enter into an interstate compact with contiguous States to allow a licensed driver between the ages of 18 and 21 to operate a motor vehicle across the applicable State lines. The Secretary shall approve as many as 3 interstate compacts, with no more than 4 States per compact participating in each interstate compact.

(3) MUTUAL RECOGNITION OF LICENSES.—A valid intrastate commercial driver's licenses issued by a State participating in an interstate compact under paragraph (2) shall be recognized as valid not more than 100 air miles from the border of the driver's State of licensure in each State that is participating in that interstate compact.

(4) STANDARDS.—In developing an interstate compact under this subsection, participating States shall provide for minimum licensure standards acceptable for interstate travel under this section, which may include, for a licensed driver between the ages of 18 and 21 participating in the pilot program—

(A) age restrictions;

(B) distance from origin (measured in air miles);

(C) reporting requirements; or

(D) additional hours of service restrictions.

(5) LIMITATIONS.—An interstate compact under paragraph (2) may not permit special configuration or hazardous cargo operations to be transported by a licensed driver under the age of 21.

(6) ADDITIONAL REQUIREMENTS.—The Secretary may—

(A) prescribe such additional requirements, including training, for a licensed driver between the ages of 18 and 21 participating in the pilot program as the Secretary considers necessary; and

(B) provide risk mitigation restrictions and limitations.

(b) APPROVAL.—An interstate compact under subsection (a)(2) may not go into effect until it has been approved by the governor of each State (or the Mayor of the District of Columbia, if applicable) that is a party to the interstate compact, after consultation with the Secretary of Transportation and the Administrator of the Federal Motor Carrier Safety Administration.

(c) DATA COLLECTION.—The Secretary shall collect and analyze data relating to accidents (as defined in section 390.5 of title 49, Code of Federal Regulations) in which a driver under the age of 21 participating in the pilot program is involved.

(d) REPORT.—Beginning 3 years after the date the first compact is established and approved, the Secretary shall submit to Congress a report containing the data collection and findings of the pilot program, a determination of whether a licensed driver between the ages of 18 and 21 can operate a commercial motor vehicle in interstate com-

merce with an equivalent level of safety, and the reasons for that determination. The Secretary may extend the air mileage requirements under subsection (a)(3) to expand operation areas and gather additional data for analysis.

(e) TERMINATION.—The Secretary may terminate the pilot program if the data collected under subsection (c) indicates that drivers under the age of 21 do not operate in interstate commerce with an equivalent level of safety of those drivers age 21 and over.

Subtitle E—Motor Carrier Safety Grant Consolidation

SEC. 32501. DEFINITIONS.

(a) IN GENERAL.—Section 31101 is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

"(4) 'Secretary' means the Secretary of Transportation.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 31101, as amended by subsection (a), is amended—

(1) in paragraph (1)(B), by inserting a comma after "passengers"; and

(2) in paragraph (1)(C), by striking "of Transportation".

SEC. 32502. GRANTS TO STATES.

(a) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31102 is amended to read as follows:

"§ 31102. Motor Carrier Safety Assistance Program

"(a) IN GENERAL.—The Secretary shall administer a motor carrier safety assistance program funded under section 31104.

"(b) GOAL.—The goal of the program is to ensure that the Secretary, States, local governments, other political jurisdictions, federally-recognized Indian tribes, and other persons work in partnership to establish programs to improve motor carrier, commercial motor vehicle, and driver safety to support a safe and efficient surface transportation system—

"(1) by making targeted investments to promote safe commercial motor vehicle transportation, including the transportation of passengers and hazardous materials;

"(2) by investing in activities likely to generate maximum reductions in the number and severity of commercial motor vehicle crashes and fatalities resulting from such crashes;

"(3) by adopting and enforcing effective motor carrier, commercial motor vehicle, and driver safety regulations and practices consistent with Federal requirements; and

"(4) by assessing and improving statewide performance by setting program goals and meeting performance standards, measures, and benchmarks.

"(c) STATE PLANS.—

"(1) IN GENERAL.—The Secretary shall prescribe procedures for a State to submit a multiple-year plan, and annual updates thereto, under which the State agrees to assume responsibility for improving motor carrier safety, adopting and enforcing compatible regulations, standards, and orders of the Federal Government on commercial motor vehicle safety and hazardous materials transportation safety.

"(2) CONTENTS.—The Secretary shall approve a plan if the Secretary determines that the plan is adequate to comply with the requirements of this section, and the plan—

"(A) implements performance-based activities, including deployment and maintenance of technology to enhance the efficiency and effectiveness of commercial motor vehicle safety programs;

"(B) designates a lead State commercial motor vehicle safety agency responsible for administering the plan throughout the State;

"(C) contains satisfactory assurances that the lead State commercial motor vehicle safety agency has or will have the legal authority, resources, and qualified personnel necessary to enforce the regulations, standards, and orders;

"(D) contains satisfactory assurances that the State will devote adequate resources to the administration of the plan and enforcement of the regulations, standards, and orders;

"(E) provides a right of entry and inspection to carry out the plan;

"(F) provides that all reports required under this section be available to the Secretary on request;

"(G) provides that the lead State commercial motor vehicle safety agency will adopt the reporting requirements and use the forms for recordkeeping, inspections, and investigations that the Secretary prescribes;

"(H) requires all registrants of commercial motor vehicles to demonstrate knowledge of applicable safety regulations, standards, and orders of the Federal Government and the State;

"(I) provides that the State will grant maximum reciprocity for inspections conducted

under the North American Inspection Standards through the use of a nationally-accepted system that allows ready identification of previously inspected commercial motor vehicles;

"(J) ensures that activities described in subsection (h), if financed through grants to the State made under this section, will not diminish the effectiveness of the development and implementation of the programs to improve motor carrier, commercial motor vehicle, and driver safety as described in subsection (b);

"(K) ensures that the lead State commercial motor vehicle safety agency will coordinate the plan, data collection, and information systems with the State highway safety improvement program required under section 148(c) of title 23;

"(L) ensures participation in appropriate Federal Motor Carrier Safety Administration information technology and data systems and other information systems by all appropriate jurisdictions receiving Motor Carrier Safety Assistance Program funding;

"(M) ensures that information is exchanged among the States in a timely manner;

"(N) provides satisfactory assurances that the State will undertake efforts that will emphasize and improve enforcement of State and local traffic safety laws and regulations related to commercial motor vehicle safety;

"(O) provides satisfactory assurances in the plan that the State will address national priorities and performance goals, including—

"(i) activities aimed at removing impaired commercial motor vehicle drivers from the highways of the United States through adequate enforcement of regulations on the use of alcohol and controlled substances and by ensuring ready roadside access to alcohol detection and measuring equipment;

"(ii) activities aimed at providing an appropriate level of training to State motor carrier safety assistance program officers and employees on recognizing drivers impaired by alcohol or controlled substances; and

"(iii) when conducted with an appropriate commercial motor vehicle inspection, criminal interdiction activities, and appro-

priate strategies for carrying out those interdiction activities, including interdiction activities that affect the transportation of controlled substances (as defined under section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802) and listed in part 1308 of title 21, Code of Federal Regulations, as updated and republished from time to time) by any occupant of a commercial motor vehicle;

"(P) provides that the State has established and dedicated sufficient resources to a program to ensure that—

"(i) the State collects and reports to the Secretary accurate, complete, and timely motor carrier safety data; and

"(ii) the State participates in a national motor carrier safety data correction system prescribed by the Secretary;

"(Q) ensures that the State will cooperate in the enforcement of financial responsibility requirements under sections 13906, 31138, and 31139 of this title, and regulations issued under these sections;

"(R) ensures consistent, effective, and reasonable sanctions;

"(S) ensures that roadside inspections will be conducted at locations that are adequate to protect the safety of drivers and enforcement personnel;

"(T) provides that the State will include in the training manuals for the licensing examination to drive both noncommercial motor vehicles and commercial motor vehicles information on best practices for driving safely in the vicinity of noncommercial and commercial motor vehicles;

"(U) provides that the State will enforce the registration requirements of sections 13902 and 31134 of this title by prohibiting the operation of any vehicle discovered to be operated by a motor carrier without a registration issued under those sections or to be operated beyond the scope of the motor carrier's registration;

"(V) provides that the State will conduct comprehensive and highly visible traffic enforcement and commercial motor vehicle safety inspection programs in high-risk locations and corridors;

"(W) except in the case of an imminent hazard or obvious safety hazard, ensures that an inspection of a vehicle transporting passengers for a motor carrier of passengers is conducted at a station, terminal, border crossing, maintenance facility, destination, or other location where adequate food, shelter, and sanitation facilities are available for passengers, and reasonable accommodations are available for passengers with disabilities;

"(X) ensures that the State will transmit to its roadside inspectors the notice of each Federal exemption granted under section 31315(b) of this title and sections 390.23 and 390.25 of title 49 of the Code of Federal Regulations and provided to the State by the Secretary, including the name of the person granted the exemption and any terms and conditions that apply to the exemption;

"(Y) except as provided in subsection (d), provides that the State—

"(i) will conduct safety audits of interstate and, at the State's discretion, intrastate new entrant motor carriers under section 31144(g) of this title; and

"(ii) if the State authorizes a third party to conduct safety audits under section 31144(g) on its behalf, the State verifies the quality of the work conducted and remains solely responsible for the management and oversight of the activities;

"(Z) provides that the State agrees to fully participate in the performance and registration information system management under section 31106(b) not later than October 1, 2020, by complying with the conditions for participation under paragraph (3) of that section;

"(AA) provides that a State that shares a land border with another country—

"(i) will conduct a border commercial motor vehicle safety program focusing on international commerce that includes enforcement and related projects; or

"(ii) will forfeit all funds calculated by the Secretary based on border-related activities if the State declines to conduct the program described in clause (i) in its plan; and

"(BB) provides that a State that meets the other requirements of this section and agrees to

comply with the requirements established in subsection (l)(3) may fund operation and maintenance costs associated with innovative technology deployment under subsection (l)(3) with Motor Carrier Safety Assistance Program funds authorized under section 31104(a)(1).

"(3) PUBLICATION.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall publish each approved State multiple-year plan, and each annual update thereto, on the Department of Transportation's public website not later than 30 days after the date the Secretary approves the plan or update.

"(B) LIMITATION.—Before posting an approved State multiple-year plan or annual update under subparagraph (A), the Secretary shall redact any information identified by the State that, if disclosed—

"(i) would reasonably be expected to interfere with enforcement proceedings; or

"(ii) would reveal enforcement techniques or procedures that would reasonably be expected to risk circumvention of the law.

"(d) EXCLUSION OF U.S. TERRITORIES.—The requirement that a State conduct safety audits of new entrant motor carriers under subsection (c)(2)(Y) does not apply to a territory of the United States unless required by the Secretary.

"(e) INTRASTATE COMPATIBILITY.—The Secretary shall prescribe regulations specifying tolerance guidelines and standards for ensuring compatibility of intrastate commercial motor vehicle safety laws, including regulations, with Federal motor carrier safety regulations to be enforced under subsections (b) and (c). To the extent practicable, the guidelines and standards shall allow for maximum flexibility while ensuring a degree of uniformity that will not diminish motor vehicle safety.

"(f) MAINTENANCE OF EFFORT.—

"(1) BASELINE.—Except as provided under paragraphs (2) and (3) and in accordance with section 32508 of the Comprehensive Transportation and Consumer Protection Act of 2015, a State plan under subsection (c) shall provide that the total expenditure of amounts of the lead State commercial motor vehicle safety agency responsible for administering the plan will be maintained at a level each fiscal year at least equal to—

"(A) the average level of that expenditure for fiscal years 2004 and 2005; or

"(B) the level of that expenditure for the year in which the Secretary implements a new allocation formula under section 32508 of the Comprehensive Transportation and Consumer Protection Act of 2015.

"(2) ADJUSTED BASELINE AFTER FISCAL YEAR 2017.—At the request of a State, the Secretary may evaluate additional documentation related to the maintenance of effort and may make reasonable adjustments to the maintenance of effort baseline after the year in which the Secretary implements a new allocation formula under section 32508 of the Comprehensive Transportation and Consumer Protection Act of 2015, and this adjusted baseline will replace the maintenance of effort requirement under paragraph (1).

"(3) WAIVERS.—At the request of a State, the Secretary may waive or modify the requirements of this subsection for 1 fiscal year if the Secretary determines that a waiver or modification is reasonable, based on circumstances described by the State, to ensure the continuation of commercial motor vehicle enforcement activities in the State.

"(4) LEVEL OF STATE EXPENDITURES.—In estimating the average level of State expenditure under paragraph (1), the Secretary—

"(A) may allow the State to exclude State expenditures for Federally-sponsored demonstration and pilot programs and strike forces;

"(B) may allow the State to exclude expenditures for activities related to border enforcement and new entrant safety audits; and

"(C) shall require the State to exclude State matching amounts used to receive Federal financing under section 31104.

"(g) USE OF UNIFIED CARRIER REGISTRATION FEES AGREEMENT.—Amounts generated under section 14504a of this title and received by a State and used for motor carrier safety purposes may be included as part of the State's match required under section 31104 of this title or maintenance of effort required by subsection (f) of this section.

"(h) USE OF GRANTS TO ENFORCE OTHER LAWS.—When approved in the States' plan under subsection (c), a State may use Motor Carrier Safety Assistance Program funds received under this section—

"(1) if the activities are carried out in conjunction with an appropriate inspection of a commercial

motor vehicle to enforce Federal or State commercial motor vehicle safety regulations, for—

"(A) enforcement of commercial motor vehicle size and weight limitations at locations, excluding fixed weight facilities, such as near steep grades or mountainous terrains, where the weight of a commercial motor vehicle can significantly affect the safe operation of the vehicle, or at ports where intermodal shipping containers enter and leave the United States; and

"(B) detection of and enforcement actions taken as a result of criminal activity, including the trafficking of human beings, in a commercial motor vehicle or by any occupant, including the operator, of the commercial motor vehicle;

"(2) for documented enforcement of State traffic laws and regulations designed to promote the safe operation of commercial motor vehicles, including documented enforcement of such laws and regulations relating to noncommercial motor vehicles when necessary to promote the safe operation of commercial motor vehicles, if—

"(A) the number of motor carrier safety activities, including roadside safety inspections, conducted in the State is maintained at a level

at least equal to the average level of such activities conducted in the State in fiscal years 2004 and 2005; and

"(B) the State does not use more than 10 percent of the basic amount the State receives under a grant awarded under section 31104(a)(1) for enforcement activities relating to noncommercial motor vehicles necessary to promote the safe operation of commercial motor vehicles unless the Secretary determines that a higher percentage will result in significant increases in commercial motor vehicle safety; and

"(3) for the enforcement of household goods regulations on intrastate and interstate carriers if the State has adopted laws or regulations compatible with the Federal household goods regulations.

"(i) EVALUATION OF PLANS AND AWARD OF GRANTS.—

"(1) AWARDS.—The Secretary shall establish criteria for the application, evaluation, and approval of State plans under this section. Subject to subsection (j), the Secretary may allocate the amounts made available under section 31104(a)(1) among the States.

"(2) OPPORTUNITY TO CURE.—If the Secretary disapproves a plan under this section, the Secretary

shall give the State a written explanation of the reasons for disapproval and allow the State to modify and resubmit the plan for approval.

"(j) ALLOCATION OF FUNDS.—

"(1) IN GENERAL.—The Secretary, by regulation, shall prescribe allocation criteria for funds made available under section 31104(a)(1).

"(2) ANNUAL ALLOCATIONS.—On October 1 of each fiscal year, or as soon as practicable thereafter, and after making a deduction under section 31104(c), the Secretary shall allocate amounts made available in section 31104(a)(1) to carry out this section for the fiscal year among the States with plans approved under this section in accordance with the criteria under paragraph (1).

"(3) ELECTIVE ADJUSTMENTS.—Subject to the availability of funding and notwithstanding fluctuations in the data elements used by the Secretary to calculate the annual allocation amounts, after the creation of a new allocation formula under section 32508 of the Comprehensive Transportation and Consumer Protection Act of 2015 the Secretary may not make elective adjustments to the allocation formula that decrease a State's Federal funding levels by more than 3 percent in a fiscal year. The 3 percent limit

shall not apply to the withholding provisions of subsection (k).

"(k) PLAN MONITORING.—

"(1) IN GENERAL.—On the basis of reports submitted by the lead State agency responsible for administering an approved State plan and an investigation by the Secretary, the Secretary shall periodically evaluate State implementation of and compliance with the State plan.

"(2) WITHHOLDING OF FUNDS.—

"(A) DISAPPROVAL.—If, after notice and an opportunity to be heard, the Secretary finds that the State plan previously approved is not being followed or has become inadequate to ensure enforcement of the regulations, standards, or orders, or the State is otherwise not in compliance with the requirements of this section, the Secretary may withdraw approval of the plan and notify the State. The plan is no longer in effect once the State receives notice, and the Secretary shall withhold all funding under this section.

"(B) NONCOMPLIANCE WITHHOLDING.—In lieu of withdrawing approval of the plan, the Secretary may, after providing notice and an opportunity to be heard, withhold funding from

the State to which the State would otherwise be entitled under this section for the period of the State's noncompliance. In exercising this option, the Secretary may withhold—

"(i) up to 5 percent of funds during the fiscal year that the Secretary notifies the State of its noncompliance;

"(ii) up to 10 percent of funds for the first full fiscal year of noncompliance;

"(iii) up to 25 percent of funds for the second full fiscal year of noncompliance; and

"(iv) not more than 50 percent of funds for the third and any subsequent full fiscal year of noncompliance.

"(3) JUDICIAL REVIEW.—A State adversely affected by a determination under paragraph (2) may seek judicial review under chapter 7 of title 5. Notwithstanding the disapproval of a State plan under paragraph (2)(A) or the withholding under paragraph (2)(B), the State may retain jurisdiction in an administrative or a judicial proceeding that commenced before the notice of disapproval or withholding if the issues involved are not related directly to the reasons for the disapproval or withholding.

"(l) HIGH PRIORITY FINANCIAL ASSISTANCE PROGRAM.—

"(1) IN GENERAL.—The Secretary shall administer a high priority financial assistance program funded under section 31104 for the purposes described in paragraphs (2) and (3).

"(2) ACTIVITIES RELATED TO MOTOR CARRIER SAFETY.—The purpose of this paragraph is to make discretionary grants to and cooperative agreements with States, local governments, federally-recognized Indian tribes, other political jurisdictions as necessary, and any person to carry out high priority activities and projects that augment motor carrier safety activities and projects planned in accordance with subsections (b) and (c), including activities and projects that—

"(A) increase public awareness and education on commercial motor vehicle safety;

"(B) target unsafe driving of commercial motor vehicles and non-commercial motor vehicles in areas identified as high risk crash corridors;

"(C) support the enforcement of State household goods regulations on intrastate and interstate carriers if the State has adopted laws or

regulations compatible with the Federal household good laws;

"(D) improve the safe and secure movement of hazardous materials;

"(E) improve safe transportation of goods and persons in foreign commerce;

"(F) demonstrate new technologies to improve commercial motor vehicle safety;

"(G) support participation in performance and registration information systems management under section 31106(b)—

"(i) for entities not responsible for submitting the plan under subsection (c); or

"(ii) for entities responsible for submitting the plan under subsection (c)—

"(I) before October 1, 2020, to achieve compliance with the requirements of participation; and

"(II) beginning on October 1, 2020, or once compliance is achieved, whichever is sooner, for special initiatives or projects that exceed routine operations required for participation;

"(H) conduct safety data improvement projects—

"(i) that complete or exceed the requirements under subsection (c)(2)(P) for entities not responsible for submitting the plan under subsection (c); or

"(ii) that exceed the requirements under subsection (c)(2)(P) for entities responsible for submitting the plan under subsection (c); and

"(I) otherwise improve commercial motor vehicle safety and compliance with commercial motor vehicle safety regulations.

"(3) INNOVATIVE TECHNOLOGY DEPLOYMENT GRANT PROGRAM.—

"(A) IN GENERAL.—The Secretary shall establish an innovative technology deployment grant program to make discretionary grants funded under section 31104(a)(2) to eligible States for the innovative technology deployment of commercial motor vehicle information systems and networks.

"(B) PURPOSES.—The purposes of the program shall be—

"(i) to advance the technological capability and promote the deployment of intelligent transportation system applications

for commercial motor vehicle operations, including commercial motor vehicle, commercial driver, and carrier-specific information systems and networks; and

"(ii) to support and maintain commercial motor vehicle information systems and networks—

"(I) to link Federal motor carrier safety information systems with State commercial motor vehicle systems;

"(II) to improve the safety and productivity of commercial motor vehicles and drivers; and

"(III) to reduce costs associated with commercial motor vehicle operations and Federal and State commercial vehicle regulatory requirements.

"(C) ELIGIBILITY.—To be eligible for a grant under this paragraph, a State shall—

"(i) have a commercial motor vehicle information systems and networks program plan approved by the Secretary that describes the various systems and networks at the State level that need to be refined, revised, upgraded, or built to accomplish de-

ployment of commercial motor vehicle information systems and networks capabilities;

"(ii) certify to the Secretary that its commercial motor vehicle information systems and networks deployment activities, including hardware procurement, software and system development, and infrastructure modifications—

"(I) are consistent with the national intelligent transportation systems and commercial motor vehicle information systems and networks architectures and available standards; and

"(II) promote interoperability and efficiency to the extent practicable; and

"(iii) agree to execute interoperability tests developed by the Federal Motor Carrier Safety Administration to verify that its systems conform with the national intelligent transportation systems architecture, applicable standards, and protocols for commercial motor vehicle information systems and networks.

"(D) USE OF FUNDS.—Grant funds may be used—

"(i) for deployment activities and activities to develop new and innovative advanced technology solutions that support commercial motor vehicle information systems and networks;

"(ii) for planning activities, including the development or updating of program or top level design plans in order to become eligible or maintain eligibility under subparagraph (C); and

"(iii) for the operation and maintenance costs associated with innovative technology.

"(E) SECRETARY AUTHORIZATION.—The Secretary is authorized to award a State funding for the operation, and maintenance costs associated with innovative technology deployment with funds made available under both sections 31104(a)(1) and 31104(a)(2) of this title.".

(b) COMMERCIAL MOTOR VEHICLE OPERATORS GRANT PROGRAM.—Section 31103 is amended to read as follows:

"§ 31103. Commercial Motor Vehicle Operators Grant Program

"(a) IN GENERAL.—The Secretary shall administer a commercial motor vehicle operators grant program funded under section 31104.

"(b) PURPOSE.—The purpose of the grant program is to train individuals in the safe operation of commercial motor vehicles (as defined in section 31301).".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 31104 is amended to read as follows:

"§ 31104. Authorization of appropriations

"(a) FINANCIAL ASSISTANCE PROGRAMS.—The following sums are authorized to be appropriated from the Highway Trust Fund for the following Federal Motor Carrier Safety Administration Financial Assistance Programs:

"(1) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Subject to paragraph (2) of this subsection and subsection (c) of this section, to carry out section 31102—

"(A) $295,636,000 for fiscal year 2017;

"(B) $301,845,000 for fiscal year 2018;

"(C) $308,183,000 for fiscal year 2019;

"(D) $314,655,000 for fiscal year 2020; and

"(E) $321,263,000 for fiscal year 2021.

"(2) HIGH PRIORITY ACTIVITIES FINANCIAL ASSISTANCE PROGRAM.—Subject to subsection (c), to

make grants and cooperative agreements under section 31102(l) of this title, the Secretary may set aside from amounts made available under paragraph (1) of this subsection up to—

"(A) $42,323,000 for fiscal year 2017;

"(B) $43,212,000 for fiscal year 2018;

"(C) $44,119,000 for fiscal year 2019;

"(D) $45,046,000 for fiscal year 2020; and

"(E) $45,992,000 for fiscal year 2021.

"(3) COMMERCIAL MOTOR VEHICLE OPERATORS GRANT PROGRAM.—To carry out section 31103—

"(A) $1,000,000 for fiscal year 2017;

"(B) $1,000,000 for fiscal year 2018;

"(C) $1,000,000 for fiscal year 2019;

"(D) $1,000,000 for fiscal year 2020; and

"(E) $1,000,000 for fiscal year 2021.

"(4) COMMERCIAL DRIVER'S LICENSE PROGRAM IMPLEMENTATION FINANCIAL ASSISTANCE PROGRAM.—Subject to subsection (c), to carry out section 31313—

"(A) $31,273,000 for fiscal year 2017;

"(B) $31,930,000 for fiscal year 2018;

"(C) $32,600,000 for fiscal year 2019;

"(D) $33,285,000 for fiscal year 2020; and

"(E) $33,984,000 for fiscal year 2021.

"(b) REIMBURSEMENT AND PAYMENT TO RECIPIENTS FOR GOVERNMENT SHARE OF COSTS.—

"(1) IN GENERAL.—Amounts made available under subsection (a) shall be used to reimburse financial assistance recipients proportionally for the Federal Government's share of the costs incurred.

"(2) REIMBURSEMENT AMOUNTS.—The Secretary shall reimburse a recipient, in accordance with a financial assistance agreement made under section 31102, 31103, or 31313, an amount that is at least 85 percent of the costs incurred by the recipient in a fiscal year in developing and implementing programs under these sections. The Secretary shall pay the recipient an amount not more than the Federal Government share of the total costs approved by the Federal Government in the financial assistance agreement. The Secretary shall include a recipient's in-kind contributions in determining the reimbursement.

"(3) VOUCHERS.—Each recipient shall submit vouchers at least quarterly for costs the recipient incurs in developing and implementing programs under section 31102, 31103, or 31313.

"(c) DEDUCTIONS FOR PARTNER TRAINING AND PROGRAM SUPPORT.—On October 1 of each fiscal year, or as soon after that date as practicable, the Secretary may de-

duct from amounts made available under paragraphs (1), (2), and (4) of subsection (a) for that fiscal year not more than 1.50 percent of those amounts for partner training and program support in that fiscal year. The Secretary shall use at least 75 percent of those deducted amounts to train non-Federal Government employees and to develop related training materials in carrying out these programs.

"(d) GRANTS AND COOPERATIVE AGREEMENTS AS CONTRACTUAL OBLIGATIONS.—The approval of a financial assistance agreement by the Secretary under section 31102, 31103, or 31313 is a contractual obligation of the Federal Government for payment of the Federal Government's share of costs in carrying out the provisions of the grant or cooperative agreement.

"(e) ELIGIBLE ACTIVITIES.—The Secretary shall establish criteria for eligible activities to be funded with financial assistance agreements under this section and publish those criteria in a notice of funding availability before the financial assistance program application period.

"(f) PERIOD OF AVAILABILITY OF FINANCIAL ASSISTANCE AGREEMENT FUNDS FOR RECIPIENT EXPENDITURES.—

"(1) IN GENERAL.—The period of availability for a recipient to expend a grant or cooperative agreement authorized under subsection (a) is as follows:

"(A) For grants made for carrying out section 31102, other than section 31102(l), for the fiscal year in which it is obligated and for the next fiscal year.

"(B) For grants or cooperative agreements made for carrying out section 31102(l)(2), for the fiscal year in which it is obligated and for the next 2 fiscal years.

"(C) For grants made for carrying out section 31102(l)(3), for the fiscal year in which it is obligated and for the next 4 fiscal years.

"(D) For grants made for carrying out section 31103, for the fiscal year in which it is obligated and for the next fiscal year.

"(E) For grants or cooperative agreements made for carrying out 31313, for the fiscal year in which it is obligated and for the next 4 fiscal years.

"(2) REOBLIGATION.—Amounts not expended by a recipient during the period of availability shall be released back to the Secretary for reobligation for any purpose under sections 31102, 31103, 31104, and 31313 in accordance with subsection (i) of this section.

"(g) CONTRACT AUTHORITY; INITIAL DATE OF AVAILABILITY.—Amounts authorized from the Highway Trust Fund by this section shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

"(h) AVAILABILITY OF FUNDING.—Amounts made available under this section shall remain available until expended.

"(i) TRANSFER OF OBLIGATION AUTHORITY.—

"(1) IN GENERAL.—Of the contract authority authorized for motor carrier safety grants, the Secretary shall have authority to transfer available unobligated contract authority and associated liquidating cash within or between Federal financial assistance programs authorized under this section and make new Federal financial assistance awards under this section.

"(2) COST ESTIMATES.—Of the funds transferred, the contract authority and associated liquidating cash or obligations and expenditures stemming from Federal financial assistance awards made with this contract authority shall not be scored as new obligations by the Office of Management and Budget or by the Secretary.

"(3) NO LIMITATION ON TOTAL OF OBLIGATIONS.—Notwithstanding any other provision of law, no limitation on the total of obligations for Federal financial assistance programs carried out by the Federal Motor Carrier Safety Administration under this section shall apply to unobligated funds transferred under this subsection.".

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SAFETY FITNESS OF OWNERS AND OPERATOR; SAFETY REVIEWS OF NEW OPERATORS.—Section 31144(g) is amended by striking paragraph (5).

(2) INFORMATION SYSTEMS; PERFORMANCE AND REGISTRATION INFORMATION PROGRAM.—Section 31106(b) is amended by striking paragraph (4).

(3) BORDER ENFORCEMENT GRANTS.—Section 31107 is repealed.

(4) PERFORMANCE AND REGISTRATION INFORMATION SYSTEM MANAGEMENT.—Section 31109 is repealed.

(5) TABLE OF CONTENTS.—The table of contents of chapter 311 is amended—

(A) by striking the items relating to 31107 and 31109; and

(B) by striking the items relating to sections 31102, 31103, and 31104 and inserting the following:

"31102. Motor Carrier Safety Assistance Program.
"31103. Commercial Motor Vehicle Operators Grant Program.
"31104. Authorization of appropriations.".

(6) GRANTS FOR COMMERCIAL DRIVER'S LICENSE PROGRAM IMPLEMENTATION.—Section 31313(a), as amended by section 32506 of this Act, is further amended by striking "The Secretary of Transportation shall administer a financial assistance program for commercial driver's license program implementation for the purposes described in paragraphs (1) and (2)" and inserting "The Secretary of Transportation shall administer a financial assistance program for commercial driver's license program implementation funded under section 31104 of this title for the purposes described in paragraphs (1) and (2)".

(7) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.—Section 4126 of SAFETEA–LU (49 U.S.C. 31106 note) is repealed.

(8) SAFETY DATA IMPROVEMENT PROGRAM.—Section 4128 of SAFETEA–LU (49 U.S.C. 31100 note) is repealed.

(9) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134 of SAFETEA–LU (49 U.S.C. 31301 note) is repealed.

(10) WINTER HOME HEATING OIL DELIVERY STATE FLEXIBILITY PROGRAM.—Section 346 of National Highway System Designation Act of 1995 (49 U.S.C. 31166 note) is repealed.

(11) MAINTENANCE OF EFFORT AS CONDITION ON GRANTS TO STATES.—Section 103(c) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31102 note) is repealed.

(12) STATE COMPLIANCE WITH CDL REQUIREMENTS.—Section 103(e) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31102 note) is repealed.

(13) BORDER STAFFING STANDARDS.—Section 218(d) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31133 note) is amended—

(A) in paragraph (1), by striking "under section 31104(f)(2)(B) of title 49, United States Code" and inserting "section 31104(a)(1) of title 49, United States Code"; and

(B) by striking paragraph (3).

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2016.

(f) TRANSITION.—Notwithstanding the amendments made by this section, the Secretary shall carry out sections 31102, 31103, 31104 of title 49, United States Code, and

any sections repealed under subsection (d) of this section, as necessary, as those sections were in effect on the day before October 1, 2016, with respect to applications for grants, cooperative agreements, or contracts under those sections submitted before October 1, 2016.

SEC. 32503. NEW ENTRANT SAFETY REVIEW PROGRAM STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Office of Inspector General of the Department of Transportation shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure in the House of Representatives on its assessment of the new operator safety review program, required under section 31144(g) of title 49, United States Code, including the program's effectiveness in reducing commercial motor vehicles involved in crashes, fatalities, and injuries, and in improving commercial motor vehicle safety.

(b) REPORT.—Not later than 90 days after completion of the report under subsection (a), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure in the House of Representatives a report on the actions the Secretary will take to address any recommendations included in the study under subsection (a).

(c) PAPERWORK REDUCTION ACT OF 1995; EXCEPTION.—The study and the Office of the Inspector General assessment shall not be subject to section 3506 or section 3507 of title 44, United States Code.

SEC. 32504. PERFORMANCE AND REGISTRATION INFORMATION SYSTEMS MANAGEMENT.

Section 31106(b) is amended in the heading by striking "PROGRAM" and inserting "SYSTEMS MANAGEMENT".

SEC. 32505. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subchapter I of chapter 311 is amended by adding at the end the following:

"§ 31110. Authorization of appropriations

"(a) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay administrative expenses of the Federal Motor Carrier Safety Administration—

"(1) $264,439,000 for fiscal year 2016;

"(2) $269,992,000 for fiscal year 2017;

"(3) $275,662,000 for fiscal year 2018;

"(4) $281,451,000 for fiscal year 2019;

"(5) $287,361,000 for fiscal year 2020; and

"(6) $293,396,000 for fiscal year 2021.

"(b) USE OF FUNDS.—The funds authorized by this section shall be used—

"(1) for personnel costs;

"(2) for administrative infrastructure;

"(3) for rent;

"(4) for information technology;

"(5) for programs for research and technology, information management, regulatory development, the administration of the performance and registration information systems management;

"(6) for programs for outreach and education under subsection (d);

"(7) to fund the motor carrier safety facility working capital fund established under subsection (c);

"(8) for other operating expenses;

"(9) to conduct safety reviews of new operators; and

"(10) for such other expenses as may from time to time become necessary to implement statutory mandates of the Federal Motor Carrier Safety Administration not funded from other sources.

"(c) MOTOR CARRIER SAFETY FACILITY WORKING CAPITAL FUND.—

"(1) IN GENERAL.—The Secretary may establish a motor carrier safety facility working capital fund.

"(2) PURPOSE.—Amounts in the fund shall be available for modernization, construction, leases, and

expenses related to vacating, occupying, maintaining, and expanding motor carrier safety facilities, and associated activities.

"(3) AVAILABILITY.—Amounts in the fund shall be available without regard to fiscal year limitation.

"(4) FUNDING.—Amounts may be appropriated to the fund from the amounts made available in subsection (a).

"(5) FUND TRANSFERS.—The Secretary may transfer funds to the working capital fund from the amounts made available in subsection (a) or from other funds as identified by the Secretary.

"(d) OUTREACH AND EDUCATION PROGRAM.—

"(1) IN GENERAL.—The Secretary may conduct, through any combination of grants, contracts, cooperative agreements, or other activities, an internal and external outreach and education program to be administered by the Administrator of the Federal Motor Carrier Safety Administration.

"(2) FEDERAL SHARE.—The Federal share of an outreach and education program for which a grant, contract, or cooperative agreement is made under this subsection may be up to 100 percent of the cost of the grant, contract, or cooperative agreement.

"(3) FUNDING.—From amounts made available in subsection (a), the Secretary shall make available such sums as are necessary to carry out this subsection each fiscal year.

"(e) CONTRACT AUTHORITY; INITIAL DATE OF AVAILABILITY.—Amounts authorized from the Highway Trust Fund by this section shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

"(f) FUNDING AVAILABILITY.—Amounts made available under this section shall remain available until expended.

"(g) CONTRACTUAL OBLIGATION.—The approval of funds by the Secretary under this section is a contractual obligation of the Federal Government for payment of the Federal Government's share of costs.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) ADMINISTRATIVE EXPENSES; AUTHORIZATION OF APPROPRIATIONS.—Section 31104 is amended—

(A) by striking subsection (i); and

(B) by redesignating subsections (j) and (k) and subsections (i) and (j), respectively.

(2) USE OF AMOUNTS MADE AVAILABLE UNDER SUBSECTION (I).—Section 4116(d) of SAFETEA–LU

(49 U.S.C. 31104 note) is amended by striking "section 31104(i)" and inserting "section 31110".

(3) INTERNAL COOPERATION.—Section 31161 is amended by striking "31104(i)" and inserting "31110".

(4) SAFETEA–LU; OUTREACH AND EDUCATION.—Section 4127 of SAFETEA–LU (119 Stat. 1741; Public Law 109–59) is repealed.

(5) TABLE OF CONTENTS.—The table of contents of subchapter I of chapter 311 is amended by adding at the end the following:

"31110. Authorization of appropriations.".

SEC. 32506. COMMERCIAL DRIVER'S LICENSE PROGRAM IMPLEMENTATION.

(a) IN GENERAL.—Section 31313 is amended to read as follows:

"§ 31313. Commercial driver's license program implementation financial assistance program

"(a) IN GENERAL.—The Secretary of Transportation shall administer a financial assistance program for commercial driver's license program implementation for the purposes described in paragraphs (1) and (2).

"(1) STATE COMMERCIAL DRIVER'S LICENSE PROGRAM IMPLEMENTATION GRANTS.—The Secretary of Transportation may make a grant to a State agency in a fiscal year—

"(A) to comply with the requirements of section 31311;

"(B) in the case of a State that is making a good faith effort toward substantial compliance with the requirements of section 31311, to improve its implementation of its commercial driver's license program, including expenses—

"(i) for computer hardware and software;

"(ii) for publications, testing, personnel, training, and quality control;

"(iii) for commercial driver's license program coordinators; and

"(iv) to implement or maintain a system to notify an employer of an operator of a commercial motor vehicle of the suspension or revocation of the operator's commercial driver's license consistent with the standards developed under section 32303(b) of the Commercial Motor Vehicle Safety Enhancement Act of 2012 (49 U.S.C. 31304 note).

"(2) PRIORITY ACTIVITIES.—The Secretary may make a grant or cooperative agreement in a fiscal year to a State agency, local government, or any per-

son for research, development or testing, demonstration projects, public education, or other special activities and projects relating to commercial driver's licensing and motor vehicle safety that—

"(A) benefit all jurisdictions of the United States;

"(B) address national safety concerns and circumstances;

"(C) address emerging issues relating to commercial driver's license improvements;

"(D) support innovative ideas and solutions to commercial driver's license program issues; or

"(E) address other commercial driver's license issues, as determined by the Secretary.

"(b) PROHIBITIONS.—A recipient may not use financial assistance funds awarded under this section to rent, lease, or buy land or buildings.

"(c) REPORT.—The Secretary shall issue an annual report on the activities carried out under this section.

"(d) APPORTIONMENT.—All amounts made available to carry out this section for a fiscal year shall be apportioned to a State or recipient described in subsection (a)(2) according to criteria prescribed by the Secretary.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents of chapter 313 is amended by striking

the item relating to section 31313 and inserting the following:

"31313. Commercial driver's license program implementation financial assistance program.".

SEC. 32507. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY PROGRAMS FOR FISCAL YEAR 2016.

(a) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM GRANT EXTENSION.—Section 31104(a) is amended—

(1) in the matter preceding paragraph (1), by inserting "and, for fiscal year 2016, sections 31102, 31107, and 31109 of this title and section 4128 of SAFETEA–LU (49 U.S.C. 31100 note)" after "31102";

(2) in paragraph (9), by striking "and" at the end; and

(3) by striking paragraph (10) and inserting the following:

"(10) $218,000,000 for fiscal year 2015; and

"(11) '$259,000,000 for fiscal year 2016.".

(b) EXTENSION OF GRANT PROGRAMS.—Section 4101(c) SAFETEA–LU (119 Stat. 1715; Public Law 109–59), is amended to read as follows:

"(c) GRANT PROGRAMS FUNDING.—There are authorized to be appropriated from the Highway Trust Fund the following sums for the following Federal Motor Carrier Safety Administration programs:

"(1) COMMERCIAL DRIVER'S LICENSE PROGRAM IMPROVEMENT GRANTS.—For carrying out the commercial driver's license program improvement grants program under section 31313 of title 49, United States Code, $30,000,000 for fiscal year 2016.

"(2) BORDER ENFORCEMENT GRANTS.—From amounts made available under section 31104(a) of title 49, United States Code, for border enforcement grants under section 31107 of that title, $32,000,000 for fiscal year 2016.

"(3) PERFORMANCE AND REGISTRATION INFORMATION SYSTEMS MANAGEMENT GRANT PROGRAMS.—From amounts made available under section 31104(a) of title 49, United States Code, for the performance and registration information systems management grant program under section 31109 of that title, $5,000,000 for fiscal year 2016.

"(4) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.—For carrying out the commercial vehicle information systems and networks deployment program under section 4126 of this Act (the innovative technology deployment program), $25,000,000, for fiscal year 2016.

"(5) SAFETY DATA IMPROVEMENT GRANTS.—From amounts made available under section 31104(a)

of title 49, United States Code, for safety data improvement grants under section 4128 of this Act, $3,000,000 for fiscal year 2016.".

(c) HIGH-PRIORITY ACTIVITIES.—Section 31104(j)(2), as redesignated by section 32505 of this Act is amended by striking "2015" and inserting "2016".

(d) NEW ENTRANT AUDITS.—Section 31144(g)(5)(B) is amended to read as follows:

"(B) SET ASIDE.—The Secretary shall set aside from amounts made available by section 31104(a) up to $32,000,000 for fiscal year 2016 for audits of new entrant motor carriers conducted under this paragraph.".

(e) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134(c) of SAFETEA–LU (49 U.S.C. 31301 note) is amended to read as follows:

"(c) FUNDING.—From amounts made available under section 31110 of title 49, United States Code, the Secretary shall make available, $1,000,000 for fiscal year 2016 to carry out the commercial motor vehicle operators grant program.".

(f) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.—

(1) IN GENERAL.—Section 4126 of SAFETEA–LU (49 U.S.C. 31106 note; 119 Stat. 1738; Public Law 109–59) is amended—

(A) in subsection (c)—

(i) in paragraph (2), by adding at the end the following: "Funds deobligated by the Secretary from previous year grants shall not be counted towards the $2,500,000 maximum aggregate amount for core deployment."; and

(ii) in paragraph (3), by adding at the end the following: "Funds may also be used for planning activities, including the development or updating of program or top level design plans."; and

(B) in subsection (d)(4), by adding at the end the following: "Funds may also be used for planning activities, including the development or updating of program or top level design plans.".

(2) INNOVATIVE TECHNOLOGY DEPLOYMENT PROGRAM.—For fiscal year 2016, the commercial vehicle information systems and networks deployment program under section 4126 of SAFETEA–LU (119 Stat. 1738; Public Law 109–59) may also be referred to as the innovative technology deployment program.

SEC. 32508. MOTOR CARRIER SAFETY ASSISTANCE PROGRAM ALLOCATION.

(a) WORKING GROUP.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a motor carrier safety assistance program formula working group (referred to in this section as the "working group".

(2) MEMBERSHIP.—

(A) IN GENERAL.—Subject to subparagraph (B), the working group shall consist of representatives of the following:

(i) The Federal Motor Carrier Safety Administration.

(ii) The lead State commercial motor vehicle safety agencies responsible for administering the plan required by section 31102 of title 49, United States Code.

(iii) An organization representing State agencies responsible for enforcing a program for inspection of commercial motor vehicles.

(iv) Such other persons as the Secretary considers necessary.

(B) COMPOSITION.—Representatives of State commercial motor vehicle safety agencies

shall comprise at least 51 percent of the membership.

(3) NEW ALLOCATION FORMULA.—The working group shall analyze requirements and factors for a new motor carrier safety assistance program allocation formula.

(4) RECOMMENDATION.—Not later than 1 year after the date the working group is established under paragraph (1), the working group shall make a recommendation to the Secretary regarding a new Motor Carrier Safety Assistance Program allocation formula.

(5) FACA EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group established under this subsection.

(6) PUBLICATION.—The Administrator of the Federal Motor Carrier Safety Administration shall publish on a public website summaries of its meetings, and the final recommendation provided to the Secretary.

(b) NOTICE OF PROPOSED RULEMAKING.—After receiving the recommendation under subsection (a)(4), the Secretary shall publish in the Federal Register a notice seeking public comment on a new allocation formula for

the motor carrier safety assistance program under section 31102 of title 49, United States Code.

(c) BASIS FOR FORMULA.—The Secretary shall ensure that the new allocation formula is based on factors that reflect, at a minimum—

(1) the relative needs of the States to comply with section 31102 of title 49, United States Code;

(2) the relative administrative capacities of and challenges faced by States in complying with section 31102 of title 49, United States Code;

(3) the average of each State's new entrant motor carrier inventory for the 3-year period prior to the date of enactment of this Act;

(4) the number of international border inspection facilities and border crossings by commercial vehicles in each State; and

(5) any other factors the Secretary considers appropriate.

(d) FUNDING AMOUNTS PRIOR TO DEVELOPMENT OF A NEW ALLOCATION FORMULA.—

(1) INTERIM FORMULA.—Prior to the development of the new allocation formula, the Secretary may calculate the interim funding amounts for the motor carrier safety assistance program in fiscal year 2017 (and later fiscal years, as necessary) under sec-

tion 31104(a)(1) of title 49, United States Code, as amended by section 32502 of this Act, by the following methodology:

(A) The Secretary shall calculate the funding amount using the allocation formula the Secretary used to award motor carrier safety assistance program funding in fiscal year 2016 under section 2507 of this Act.

(B) The Secretary shall average the funding awarded or other equitable amounts to a State in fiscal years 2013, 2014, and 2015 for border enforcement grants awarded under section 32603(c) of MAP–21 (126 Stat. 807; Public Law 112–141) and new entrant audit grants awarded under that section, or other equitable amounts.

(C) The Secretary shall add the amounts calculated in subparagraphs (A) and (B).

(2) ADJUSTMENTS.—Subject to the availability of funding and notwithstanding fluctuations in the data elements used by the Secretary, the initial amounts resulting from the calculation described in paragraph (1) shall be adjusted to ensure that, for each State, the amount shall not be less than 97 percent of the average amount of funding received or

other equitable amounts in fiscal years 2013, 2014, and 2015 for—

(A) motor carrier safety assistance program funds awarded under section 32603(a) of MAP–21 (126 Stat. 807; Public Law 112–141);

(B) border enforcement grants awarded under section 32603(a) of MAP–21 (126 Stat. 807; Public Law 112–141); and

(C) new entrant audit grants awarded under section 32603(a) of MAP–21 (126 Stat. 807; Public Law 112–141).

(3) IMMEDIATE RELIEF.—In developing the new allocation formula, the Secretary shall provide immediate relief for at least 3 fiscal years to all States currently subject to the withholding provisions of Motor Carrier Safety Assistance Program funds for matters of noncompliance.

(4) FUTURE WITHHOLDINGS.—Beginning on the date that the new allocation formula is implemented, the Secretary shall impose all future withholdings in accordance with section 31102(k) of title 49, United States Code, as amended by section 32502 of this Act.

(e) TERMINATION OF EFFECTIVENESS.—This section expires upon the implementation of a new Motor Carrier Safety Assistance Program Allocation Formula.

SEC. 32509. MAINTENANCE OF EFFORT CALCULATION.

(a) BEFORE NEW ALLOCATION FORMULA.—

(1) FISCAL YEAR 2017.—If a new allocation formula has not been established for fiscal year 2017, then, for fiscal year 2017, the Secretary of Transportation shall calculate the maintenance of effort required under section 31102(f) of title 49, United States Code, as amended by section 32502 of this Act, by averaging the expenditures for fiscal years 2004 and 2005 required by section 32601(a)(5) of MAP–21 (Public Law 112–141), as that section was in effect on the day before the date of enactment of this Act.

(2) SUBSEQUENT FISCAL YEARS.—The Secretary may use the methodology for calculating the maintenance of effort for fiscal year 2017 and each fiscal year thereafter if a new allocation formula has not been established.

(b) BEGINNING WITH NEW ALLOCATION FORMATION.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3)(B), beginning on the date that a new allocation formula is established under section 2508, upon the request of a State, the Secretary may modify the baseline maintenance of effort required by section 31102(e) of title 49, United States Code, as amended by section 32502 of this Act, for the purpose of estab-

lishing a new baseline maintenance of effort if the Secretary determines that a waiver or modification—

(A) is equitable due to reasonable circumstances;

(B) will ensure the continuation of commercial motor vehicle enforcement activities in the State; and

(C) is necessary to ensure that the total amount of State maintenance of effort and matching expenditures required under sections 31102 and 31104 of title 49, United States Code, as amended by section 32502 of this Act, does not exceed a sum greater than the average of the total amount of State maintenance of effort and matching expenditures for the 3 fiscal years prior to the date of enactment of this Act.

(2) ADJUSTMENT METHODOLOGY.—If requested by a State, the Secretary may modify the maintenance of effort baseline according to the following methodology:

(A) The Secretary shall establish the maintenance of effort using the average of fiscal years 2004 and 2005, as required by section 32601(a)(5) of MAP–21 (Public Law 112–141).

(B) The Secretary shall calculate the average required match by a lead State commercial motor vehicle safety agency for fiscal years 2013, 2014, and 2015 for motor carrier safety assistance grants established at 20 percent by section 31103 of title 49, United States Code, as that section was in effect on the day before the date of enactment of this Act.

(C) The Secretary shall calculate the estimated match required under section 31104(b) of title 49, United States Code, as amended by section 32502 of this Act.

(D) The Secretary will subtract the amount in subparagraph (B) from the amount in subparagraph (C) and—

(i) if the number is greater than 0, then the Secretary shall subtract the number from the amount in subparagraph (A); or

(ii) if the number is not greater than 0, then the Secretary shall calculate the maintenance of effort using the methodology in subparagraph (A).

(3) MAINTENANCE OF EFFORT AMOUNT.—

(A) IN GENERAL.—The Secretary shall use the amount calculated in paragraph (2) as the

baseline maintenance of effort required in section 31102(f) of title 49, United States Code, as amended by section 32502 of this Act.

(B) DEADLINE.—If a State does not request a waiver or modification under this subsection before September 30 during the first fiscal year that the Secretary implements the new allocation formula under section 32508, the Secretary shall calculate the maintenance of effort using the methodology in paragraph (2)(A) of this subsection.

(4) MAINTENANCE OF EFFORT DESCRIBED.—The maintenance of effort calculated under this section is the amount required under section 31102(f) of title 49, United States Code, as amended by section 32502 of this Act.

(c) TERMINATION OF EFFECTIVENESS.—The authority under this section terminates effective on the date that the new maintenance of effort is calculated based on the new allocation formula implemented under section 32508.

Subtitle F—Miscellaneous Provisions

SEC. 32601. WINDSHIELD TECHNOLOGY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall revise the

regulations in section 393.60(e) of title 49, Code of Federal Regulations (relating to the prohibition on obstructions to the driver's field of view) to exempt from that section the voluntary mounting on a windshield of vehicle safety technology likely to achieve a level of safety that is equivalent to or greater than the level of safety that would be achieved absent the exemption.

(b) DEFINITION OF VEHICLE SAFETY TECHNOLOGY.—In this section, "vehicle safety technology" includes fleet-related incident management system, performance or behavior management system, speed management system, lane departure warning system, forward collision warning or mitigation system, active cruise control system, and any other technology that the Secretary considers applicable.

(c) RULE OF CONSTRUCTION.—For purposes of this section, any windshield mounted technology with a short term exemption under part 381 of title 49, Code of Federal Regulations, on the day before the date of enactment of this Act, shall be considered likely to achieve a level of safety that is equivalent to or greater than the level of safety that would be achieved absent an exemption under subsection (a).

SEC. 32602. ELECTRONIC LOGGING DEVICES REQUIREMENTS.

Section 31137(b) is amended—

(1) in paragraph (1)(C), by striking "apply to" and inserting "except as provided in paragraph (3), apply to"; and

(2) by adding at the end the following:

"(3) EXCEPTION.—A motor carrier, when transporting a motor home or recreation vehicle trailer within the definition of 'driveaway-towaway operation' (as defined in section 390.5 of title 49, Code of Federal Regulations) may comply with the hours of service requirements by requiring each driver to use—

"(A) a paper record of duty status form; or

"(B) an electronic logging device.".

SEC. 32603. LAPSE OF REQUIRED FINANCIAL SECURITY; SUSPENSION OF REGISTRATION.

Section 13906(e) is amended by inserting "or suspend" after "revoke".

SEC. 32604. ACCESS TO NATIONAL DRIVER REGISTER.

Section 30305(b) is amended by adding at the end the following:

"(13) The Administrator of the Federal Motor Carrier Safety Administration may request the chief driver licensing official of a State to provide information under subsection (a) of this section about an individual in connection with a safety investigation under the Administrator's jurisdiction.".

SEC. 32605. STUDY ON COMMERCIAL MOTOR VEHICLE DRIVER COMMUTING.

(a) EFFECTS OF COMMUTING.—The Administrator of the Federal Motor Carrier Safety Administration shall conduct a study of the effects of motor carrier operator commutes exceeding 150 minutes commuting time on safety and commercial motor vehicle driver fatigue.

(b) STUDY.—In conducting the study, the Administrator shall consider—

(1) the prevalence of driver commuting in the commercial motor vehicle industry, including the number and percentage of drivers who commute;

(2) the distances traveled, time zones crossed, time spent commuting, and methods of transportation used;

(3) research on the impact of excessive commuting on safety and commercial motor vehicle driver fatigue;

(4) the commuting practices of commercial motor vehicle drivers and policies of motor carriers;

(5) the Federal Motor Carrier Safety Administration regulations, policies, and guidance regarding driver commuting; and

(6) any other matters the Administrator considers appropriate.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to Congress a report containing the findings under the study and any recommendations for legislative action concerning driver commuting.

SEC. 32606. HOUSEHOLD GOODS CONSUMER PROTECTION WORKING GROUP.

(a) WORKING GROUP.—The Secretary shall establish a working group for the purpose of developing recommendations on how to best convey to inexperienced consumers the information such consumers need to know with respect to the Federal laws concerning the interstate transportation of household goods by motor carrier.

(b) MEMBERSHIP.—The Secretary shall ensure that the working group is comprised of individuals with expertise in consumer affairs, educators with expertise in how people learn most effectively, and representatives of the household goods moving industry.

(c) RECOMMENDATIONS.—

(1) CONTENTS.—The recommendations developed by the working group shall include, at a minimum, recommendations on—

(A) condensing publication ESA 03005 of the Federal Motor Carrier Safety Administration

into a format that is more easily used by consumers;

(B) using state-of-the-art education techniques and technologies, including optimizing the use of the Internet as an educational tool; and

(C) reducing and simplifying the paperwork required of motor carriers and shippers in interstate transportation.

(2) DEADLINE.—Not later than one year after the date of enactment of this Act, the working group shall make the recommendations described in paragraph (1) which the Secretary shall publish on a public website.

(d) REPORT.—Not later than 1 year after the date on which the working group makes its recommendations, the Secretary shall issue a report to Congress on the implementation of such recommendations.

(e) FEDERAL ADVISORY COMMITTEE ACT EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group established under this section.

(f) TERMINATION.—The working group shall terminate 2 years after the date of enactment of this Act.

SEC. 32607. INTERSTATE VAN OPERATIONS.

Section 4136 of SAFETEA–LU (Public Law 109–59; 119 Stat. 1745; 49 U.S.C. 3116 note) is amended by inserting "with the exception of commuter vanpool operations, which shall remain exempt" before the period at the end.

SEC. 32608. REPORT ON DESIGN AND IMPLEMENTATION OF WIRELESS ROADSIDE INSPECTION SYSTEMS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report regarding the design, development, testing, and implementation of wireless roadside inspection systems.

(b) ELEMENTS.—The report required under subsection (a) shall include a determination as to whether wireless roadside inspection systems—

(1) conflict with existing non-Federal electronic screening systems, or create capabilities already available;

(2) require additional statutory authority to incorporate generated inspection data into the safety measurement system or the safety fitness determinations program; and

(3) provide appropriate restrictions to specifically address privacy concerns of affected motor carriers and operators.

SEC. 32609. MOTORCOACH HOURS OF SERVICE STUDY.

(a) REQUIREMENT BEFORE IMPLEMENTING NEW RULES.—

(1) IN GENERAL.—The Secretary may not amend, adjust, or revise the driver hours of service regulations for motor carriers of passengers, by rulemaking or any other means, until the Secretary conducts a formal study that properly accounts for operational differences and variances in crash data for drivers in intercity motorcoach service and interstate property carrier operations and between segments of the intercity motorcoach industry.

(2) CONTENTS.—The study required under paragraph (1) shall include—

(A) the impact of the current hours of service regulations for motor carriers of passengers on fostering safe operation of intercity motorcoaches;

(B) the separation of the failures of the current passenger carrier hours-of-service regulations and the lack of enforcement of the current regulations by Federal and State agencies;

(C) the correlation of noncompliance with current passenger carrier hours of service rule to passenger carrier accidents using data from 2000 through 2013; and

(D) how passenger carrier crashes could have been mitigated by any changes to passenger carrier hours of service rules.

(b) EMERGENCY REGULATIONS.—Nothing in this section may be construed to affect the Secretary's existing authority to provide relief from the hours of service regulations in the event of an emergency under section 390.232 of title 49, Code of Federal Regulations.

SEC. 32610. GAO REVIEW OF SCHOOL BUS SAFETY.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, a review of the following:

(1) Existing Federal and State rules and guidance, as of the date of the review, concerning school bus transportation of elementary school and secondary school students engaging in home-to-school transport or other transport determined by the Comptroller General to be a routine part of kindergarten

through grade 12 education, including regulations and guidance regarding driver training programs, capacity requirements, programs for special needs students, inspection standards, vehicle age requirements, best practices, and public access to inspection results and crash records.

(2) Any correlation between public or private school bus fleet operators whose vehicles are involved in an accident as defined by section 390.5 of title 49, Code of Federal Regulations, and each of the following:

(A) A failure by those same operators of State or local safety inspections.

(B) The average age or odometer readings of the school buses in the fleets of such operators.

(C) Violations of Federal laws administered by the Department of Transportation, or of State law equivalents of such laws.

(D) Violations of State or local law relating to illegal passing of a school bus.

(3) A regulatory framework comparison of public and private school bus operations.

(4) Expert recommendations on best practices for safe and reliable school bus transportation, including driver training programs, inspection standards,

school bus age and odometer reading maximums for retirement, the percentage of buses in a local bus fleet needed as spare buses, and capacity levels per school bus for different age groups.

SEC. 32611. USE OF HAIR TESTING FOR PREEMPLOYMENT AND RANDOM CONTROLLED SUBSTANCES TESTS.

(a) SHORT TITLE.—This section may be cited as the "Drug Free Commercial Driver Act of 2015".

(b) AUTHORIZATION OF HAIR TESTING AS AN ACCEPTABLE PROCEDURE FOR PREEMPLOYMENT AND RANDOM CONTROLLED SUBSTANCE TESTS.—Section 31306 is amended—

(1) in subsection (b)(1)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) in subparagraph (A), by striking "The regulations shall permit such motor carriers to conduct preemployment testing of such employees for the use of alcohol." and inserting the following:

"(B) The regulations prescribed under subparagraph (A) shall permit motor carriers—

"(i) to conduct preemployment testing of commercial motor vehicle operators for the use of alcohol; and

"(ii) to use hair testing as an acceptable alternative to urinalysis—

"(I) in conducting preemployment screening for the use of a controlled substance; and

"(II) in conducting random screening for the use of a controlled substance by individuals who were subject to preemployment screening."; and

(2) in subsection (c)(2)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by inserting "and" after the semicolon; and

(C) by adding at the end the following:

"(D) laboratory protocols and cut-off levels for hair testing to detect the use of a controlled substance;".

(c) EXEMPTION FROM MANDATORY URINALYSIS.—

(1) IN GENERAL.—Any motor carrier that demonstrates, to the satisfaction of the Administrator of the Federal Motor Carrier Safety Administration, in consultation with the Department of Health and

Human Services, that it can carry out an applicable hair testing program, consistent with generally accepted industry standards, to detect the use of a controlled substance by commercial motor vehicle operators, may apply to the Administrator for an exemption from the mandatory urinalysis testing requirements set forth in subpart C of part 382 of title 49, Code of Federal Regulations until a final rule is issued implementing the amendments made by subsection (b).

(2) EVALUATION OF APPLICATIONS.—

(A) IN GENERAL.—In evaluating applications for an exemption under paragraph (1), the Administrator, in consultation with the Department of Health and Human Services, shall determine if the applicant's testing program employs procedures and protections similar to fleets that have carried out hair testing programs for at least 1 year.

(B) REQUIREMENTS.—A testing program may not receive an exemption under paragraph (1) unless the applicable testing laboratories—

(i) have obtained laboratory accreditation specific to hair testing from an accrediting body, compliant with international or

other Federal standards, as appropriate, such as the College of American Pathologists; and

(ii) utilize hair testing assays that have been cleared by the Food and Drug Administration under section 510(k) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 360(k)).

(3) DEADLINE FOR DECISIONS.—Not later than 90 days after receiving an application from a motor carrier under this subsection, the Administrator, in consultation with the Secretary of Health and Human Services, shall determine whether the motor carrier is exempt from the testing requirements described in paragraph (1).

(4) REPORTING REQUIREMENT.—Any motor carrier that is granted an exemption under paragraph (1) shall submit records to the national clearinghouse established under section 31306a of title 49, United States Code, relating to all positive test results and test refusals from the hair testing program described in that paragraph.

(d) GUIDELINES FOR HAIR TESTING.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue scientific

and technical guidelines for hair testing as a method of detecting the use of a controlled substance for purposes of section 31306 of title 49, United States Code, as amended by subsection (b). When issuing the scientific and technical guidelines, the Secretary of Health and Human Services may consider differentiating between exposure to, and usage of, various controlled substances.

(e) ANNUAL REPORT TO CONGRESS.—The Secretary shall submit an annual report to Congress that—

(1) summarizes the results of preemployment and random drug testing using both hair testing and urinalysis;

(2) evaluates the efficacy of each method; and

(3) determines which method provides the most accurate means of detecting the use of controlled substances over time.

TITLE XXXIII—HAZARDOUS MATERIALS

SEC. 33101. ENDORSEMENTS.

(a) EXCLUSIONS.—Section 5117(d)(1) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(D) a service vehicle (as defined in section 33101 of the Comprehensive Transportation and Consumer Protection Act of 2015) carrying diesel fuel in quantities of 3,785 liters (1,000 gallons) or less that is—

"(i) driven by a class A commercial driver's license holder who is a custom harvester, an agricultural retailer, an agricultural business employee, an agricultural cooperative employee, or an agricultural producer; and

"(ii) clearly marked with a placard reading 'Diesel Fuel'.".

(b) HAZARDOUS MATERIALS ENDORSEMENT EXEMPTION.—The Secretary shall exempt all class A commercial driver's license holders who are custom harvesters, agricultural retailers, agricultural business employees, agricultural cooperative employees, or agricultural producers from the requirement to obtain a hazardous materials endorsement under part 383 of title 49, Code of Federal Regulations, while operating a service vehicle carrying diesel fuel in quantities of 3,785 liters (1,000 gallons) or less if the tank containing such fuel is clearly marked with a placard reading "Diesel Fuel".

(c) DEFINITION OF SERVICE VEHICLE.—In this section, the term "service vehicle" means a vehicle carrying diesel fuel that will be deductible as a profit-seeking activity—

(1) under section 162 of the Internal Revenue Code of 1986 as a business expense; or

(2) under section 212 of the Internal Revenue Code of 1986 as a production of income expense.

SEC. 33102. ENHANCED REPORTING.

Section 5121(h) is amended by striking "transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate" and inserting "post on the Department of Transportation public website".

SEC. 33103. HAZARDOUS MATERIAL INFORMATION.

(a) DERAILMENT DATA.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall revise the form for reporting a rail equipment accident or incident under section 225.21 of title 49, Code of Federal Regulations (Form FRA F 6180.54, Rail Equipment Accident/Incident Report), including to its instructions, to require additional data concerning rail cars carrying crude oil or ethanol that are in-

volved in a reportable rail equipment accident or incident under part 225 of that title.

(2) CONTENTS.—The data under subsection (a) shall include—

(A) the number of rail cars carrying crude oil or ethanol;

(B) the number of rail cars carrying crude oil or ethanol damaged or derailed; and

(C) the number of rail cars releasing crude oil or ethanol.

(3) DIFFERENTIATION.—The data described in paragraph (2) shall be reported separately for crude oil and for ethanol.

(b) DATABASE CONNECTIVITY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall implement information management practices to ensure that the Pipeline and Hazardous Materials Safety Administration Hazardous Materials Incident Reports Database (referred to in this section as "Incident Reports Database") and the Federal Railroad Administration Railroad Safety Information System contain accurate and consistent data on a reportable rail equipment accident or incident under part 225

of title 49, Code of Federal Regulations, involving the release of hazardous materials.

(2) IDENTIFIERS.—The Secretary shall ensure that the Incident Reports Database uses a searchable Federal Railroad Administration report number, or other applicable unique identifier that is linked to the Federal Railroad Safety Information System, for each reportable rail equipment accident or incident under part 225 of title 49, Code of Federal Regulations, involving the release of hazardous materials.

(c) EVALUATION.—

(1) IN GENERAL.—The Department of Transportation Inspector General shall—

(A) evaluate the accuracy of information in the Incident Reports Database, including determining whether any inaccuracies exist in—

(i) the type of hazardous materials released;

(ii) the quantity of hazardous materials released;

(iii) the location of hazardous materials released;

(iv) the damages or effects of hazardous materials released; and

(v) any other data contained in the database; and

(B) considering the requirements in subsection (b), evaluate the consistency and accuracy of data involving accidents or incidents reportable to both the Pipeline and Hazardous Materials Safety Administration and the Federal Railroad Administration, including whether the Incident Reports Database uses a searchable identifier described in subsection (b)(2).

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Department of Transportation Inspector General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report of the findings under subparagraphs (A) and (B) of paragraph (1) and recommendations for resolving any inconsistencies or inaccuracies.

(d) SAVINGS CLAUSE.—Nothing in this section may be construed to prohibit the Secretary from requiring other commodity-specific information for any reportable rail equipment accident or incident under part 225 of title 49, Code of Federal Regulations.

SEC. 33104. NATIONAL EMERGENCY AND DISASTER RESPONSE.

(a) PURPOSE.—Section 5101 is amended by inserting and "and to facilitate the safe movement of hazardous materials during national emergencies" after "commerce".

(b) GENERAL REGULATORY AUTHORITY.—Section 5103 is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

"(c) FEDERALLY DECLARED DISASTER AND EMERGENCY AREAS.—The Secretary, in consultation with the Secretary of Homeland Security, may prescribe standards to facilitate the safe movement of hazardous materials into, from, and within a federally declared disaster area or a national emergency area.".

SEC. 33105. AUTHORIZATION OF APPROPRIATIONS.

Section 5128 is amended to read as follows:

"§ 5128. Authorization of appropriations

"(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this chapter (except sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and 5119)—

"(1) $43,660,000 for fiscal year 2016;

"(2) $44,577,000 for fiscal year 2017;

"(3) $45,513,000 for fiscal year 2018;

"(4) $46,469,000 for fiscal year 2019;

"(5) $47,445,000 for fiscal year 2020; and

"(6) $48,441,000 for fiscal year 2021.

"(b) HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.—From the Hazardous Materials Emergency Preparedness Fund established under section 5116(i), the Secretary may expend, during each of fiscal years 2016 through 2021—

"(1) $188,000 to carry out section 5115;

"(2) $21,800,000 to carry out subsections (a) and (b) of section 5116, of which not less than $13,650,000 shall be available to carry out section 5116(b);

"(3) $150,000 to carry out section 5116(f);

"(4) $625,000 to publish and distribute the Emergency Response Guidebook under section 5116(i)(3); and

"(5) $1,000,000 to carry out section 5116(j).

"(c) HAZARDOUS MATERIALS TRAINING GRANTS.—From the Hazardous Materials Emergency Preparedness Fund established pursuant to section 5116(i), the Secretary may expend $4,000,000 for each of the fiscal years 2016 through 2021 to carry out section 5107(e).

"(d) CREDITS TO APPROPRIATIONS.—

"(1) EXPENSES.—In addition to amounts otherwise made available to carry out this chapter, the Secretary may credit amounts received from a State, Indian tribe, or other public authority or private entity for expenses the Secretary incurs in providing training to the State, authority, or entity.

"(2) AVAILABILITY OF AMOUNTS.—Amounts made available under this section shall remain available until expended.".

TITLE XXXIV—HIGHWAY AND MOTOR VEHICLE SAFETY

Subtitle A—Highway Traffic Safety

PART I—HIGHWAY SAFETY

SEC. 34101. AUTHORIZATION OF APPROPRIATIONS.

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

(1) HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of title 23, United States Code—

(A) $243,526,500 for fiscal year 2016;

(B) $252,267,972 for fiscal year 2017;

(C) $261,229,288 for fiscal year 2018;

(D) $270,415,429 for fiscal year 2019;

(E) $279,831,482 for fiscal year 2020; and

(F) $289,482,646 for fiscal year 2021.

(2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out section 403 of title 23, United States Code—

(A) $137,835,000 for fiscal year 2016;

(B) $140,729,535 for fiscal year 2017;

(C) $143,684,855 for fiscal year 2018;

(D) $146,702,237 for fiscal year 2019;

(E) $149,782,984 for fiscal year 2020; and

(F) $152,928,427 for fiscal year 2021.

(3) NATIONAL PRIORITY SAFETY PROGRAMS.—For carrying out section 405 of title 23, United States Code—

(A) $274,720,000 for fiscal year 2016;

(B) $277,467,200 for fiscal year 2017;

(C) $280,241,872 for fiscal year 2018;

(D) $283,044,291 for fiscal year 2019;

(E) $285,874,734 for fiscal year 2020; and

(F) $288,733,481 for fiscal year 2021.

(4) NATIONAL DRIVER REGISTER.—For the National Highway Traffic Safety Administration to carry out chapter 303 of title 49, United States Code—

(A) $5,105,000 for fiscal year 2016;

(B) $5,212,205 for fiscal year 2017;

(C) $5,321,661 for fiscal year 2018;

(D) $5,433,416 for fiscal year 2019;

(E) $5,547,518 for fiscal year 2020; and

(F) $5,664,016 for fiscal year 2021.

(5) HIGH VISIBILITY ENFORCEMENT PROGRAM.—For carrying out section 2009 of SAFETEA–LU (23 U.S.C. 402 note)—

(A) $29,290,000 for fiscal year 2016;

(B) $29,582,900 for fiscal year 2017;

(C) $29,878,729 for fiscal year 2018;

(D) $30,177,516 for fiscal year 2019;

(E) $30,479,291 for fiscal year 2020; and

(F) $30,784,084 for fiscal year 2021.

(6) ADMINISTRATIVE EXPENSES.—For administrative and related operating expenses of the National Highway Traffic Safety Administration in carrying out chapter 4 of title 23, United States Code, and this subtitle—

(A) $25,755,000 for fiscal year 2016;

(B) $26,012,550 for fiscal year 2017;

(C) $26,272,676 for fiscal year 2018;

(D) $26,535,402 for fiscal year 2019;

(E) $26,800,756 for fiscal year 2020; and

(F) $27,068,764 for fiscal year 2021.

(b) PROHIBITION ON OTHER USES.—Except as otherwise provided in chapter 4 of title 23, United States Code,

in this subtitle, and in the amendments made by this subtitle, the amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for a program under such chapter—

(1) shall only be used to carry out such program; and

(2) may not be used by States or local governments for construction purposes.

(c) APPLICABILITY OF TITLE 23.—Except as otherwise provided in chapter 4 of title 23, United States Code, and in this subtitle, amounts made available under subsection (a) for fiscal years 2016 through 2021 shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(d) REGULATORY AUTHORITY.—Grants awarded under this subtitle shall be in accordance with regulations issued by the Secretary.

(e) STATE MATCHING REQUIREMENTS.—If a grant awarded under this subtitle requires a State to share in the cost, the aggregate of all expenditures for highway safety activities made during any fiscal year by the State and its political subdivisions (exclusive of Federal funds) for carrying out the grant (other than planning and administration) shall be available for the purpose of crediting the State during such fiscal year for the non-Federal share of

the cost of any project under this subtitle (other than planning or administration) without regard to whether such expenditures were actually made in connection with such project.

(f) GRANT APPLICATION AND DEADLINE.—To receive a grant under this subtitle, a State shall submit an application, and the Secretary shall establish a single deadline for such applications to enable the award of grants early in the next fiscal year.

(g) TRANSFERS.—Section 405(a)(1)(G) of title 23, United States Code, is amended to read as follows:

> *"(G) TRANSFERS.—Notwithstanding subparagraphs (A) through (F), the Secretary shall reallocate, before the last day of any fiscal year, any amounts remaining available of the amounts allocated to carry out any of the activities described in subsections (b) through (g) to increase the amount made available to carry out section 402, in order to ensure, to the maximum extent possible, that all such amounts are obligated during such fiscal year.".*

SEC. 34102. HIGHWAY SAFETY PROGRAMS.

(a) RESTRICTION.—Section 402(g) of title 23, United States Code, is amended to read as follows:

"(g) RESTRICTION.—Nothing in this section may be construed to authorize the appropriation or expenditure of funds for highway construction, maintenance, or design (other than design of safety features of highways to be incorporated into guidelines).".

(b) USE OF FUNDS.—

(1) HIGHWAY SAFETY PROGRAMS.—Section 402(c)(2) of title 23, United States Code, is amended by inserting "A State may provide the funds apportioned under this section to a political subdivision of a State, including Indian tribal governments." after "neighboring States.".

(2) NATIONAL PRIORITY SAFETY PROGRAMS.—Section 405(a)(1) is amended by adding at the end the following:

"(I) POLITICAL SUBDIVISIONS.—A State may provide the funds awarded under this section to a political subdivision of a State, including Indian tribal governments.".

(c) TRACKING PROCESS.—Section 412 of title 23, United States Code, is amended by adding at the end the following:

"(f) TRACKING PROCESS.—The Secretary shall develop a process to identify and mitigate possible systemic issues across States and regional offices by reviewing oversight

findings and recommended actions identified in triennial State management reviews.".

(d) HIGHWAY SAFETY PLANS.—Section 402(k)(5)(A) of title 23, United States Code, is amended by striking "60" and inserting "45".

(e) MAINTENANCE OF EFFORT.—Section 405(a)(1)(H) of title 23, United States Code, is amended to read as follows:

> *"(H) MAINTENANCE OF EFFORT CERTIFICATION.—As part of the grant application required in section 402(k)(3)(F), a State receiving a grant in any fiscal year under subsection (b), subsection (c), or subsection (d) of this section shall provide certification that the lead State agency responsible for programs described in any of those sections is maintaining aggregate expenditures at or above the average level of such expenditures in the 2 fiscal years prior to the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015.".*

SEC. 34103. GRANTS FOR ALCOHOL-IGNITION INTERLOCK LAWS AND 24–7 SOBRIETY PROGRAMS.

Section 405(d) of title 23, United States Code, is amended—

(1) in paragraph (6)—

(A) by amending the heading to read as follows: "ADDITIONAL GRANTS.—";

(B) in subparagraph (A), by amending the heading to read as follows: "GRANTS TO STATES WITH ALCOHOL-IGNITION INTERLOCK LAWS.—";

(C) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively;

(D) by inserting after subparagraph (A), the following:

"(B) GRANTS TO STATES WITH 24–7 SOBRIETY PROGRAMS.—The Secretary shall make a separate grant under this subsection to each State that—

"(i) adopts and is enforcing a law that requires all individuals convicted of driving under the influence of alcohol or of driving while intoxicated to receive a restriction on driving privileges; and

"(ii) provides a 24–7 sobriety program.";

(E) in subparagraph (C), as redesignated, by inserting "and subparagraph (B)" after "subparagraph (A)";

(F) in subparagraph (D), as redesignated, by inserting "and subparagraph (B)" after "subparagraph (A)";

(G) by amending subparagraph (E), as redesignated, to read as follows:

"(E) FUNDING.—

"(i) FUNDING FOR GRANTS TO STATES WITH ALCOHOL-IGNITION INTERLOCK LAWS.—Not more than 12 percent of the amounts made available to carry out this subsection in a fiscal year shall be made available by the Secretary for making grants under subparagraph (A).

"(ii) FUNDING FOR GRANTS TO STATES WITH 24–7 SOBRIETY PROGRAMS.—Not more than 3 percent of the amounts made available to carry out this subsection in a fiscal year shall be made available by the Secretary for making grants under subparagraph (B)."; and

(H) by adding at the end the following:

"(F) EXCEPTIONS.—A State alcohol-ignition interlock law under subparagraph (A) may include exceptions for the following circumstances:

"(i) The individual is required to operate an employer's motor vehicle in the course and scope of employment and the business entity that owns the vehicle is not owned or controlled by the individual.

"(ii) The individual is certified by a medical doctor as being unable to provide a deep lung breath sample for analysis by an ignition interlock device."; and

(2) in paragraph (7)(A)—

(A) in the matter preceding clause (i)—

(i) by striking "or a State agency" and inserting "or an agency with jurisdiction"; and

(ii) by inserting "bond," before "sentence";

(B) in clause (i), by striking "who plead guilty or" and inserting "who was arrested, plead guilty, or"; and

(C) in clause (ii), by inserting "at a testing location" after "per day".

SEC. 34104. REPEAT OFFENDER CRITERIA.

Section 164(a) of title 23, United States Code, is amended—

(1) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(2) by inserting before paragraph (2), as redesignated, the following:

"(1) 24–7 SOBRIETY PROGRAM.—The term '24–7 sobriety program' has the meaning given the term in section 405(d)(7)(A).";

(3) in paragraph (5), as redesignated—

(A) in the matter preceding subparagraph (A), by inserting "or combination of laws or programs" after "State law"; and

(B) by amending subparagraph (A) to read as follows:

"(A) receive, for a period of not less than 1 year—

"(i) a suspension of all driving privileges;

"(ii) a restriction on driving privileges that limits the individual to operating only motor vehicles with an ignition interlock device installed, unless a special exception applies;

"(iii) a restriction on driving privileges that limits the individual to operating motor vehicles only if participating in, and

complying with, a 24–7 sobriety program; or

"(iv) any combination of clauses (i) through (iii);";

(C) by striking subparagraph (B);

(D) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(E) in subparagraph (C), as redesignated—

(i) in clause (i)—

(I) in subclause (I), by striking "; or" and inserting a semicolon;

(II) in subclause (II), by striking "; and"; and inserting "; or"; and

(III) by adding at the end the following:

"(III) the State certifies that the general practice is that such an individual will be incarcerated; and"; and

(ii) in clause (ii)—

(I) in subclause (I), by striking "; or" and inserting a semicolon;

(II) in subclause (II), by striking "; and"; and inserting "; or"; and

(III) by adding at the end the following:

"(III) the State certifies that the general practice is that such an individual will receive approximately 10 days of incarceration."; and

(4) by adding at the end—

"(6) SPECIAL EXCEPTION.—The term 'special exception' means an exception under a State alcohol-ignition interlock law for the following circumstances:

"(A) The individual is required to operate an employer's motor vehicle in the course and scope of employment and the business entity that owns the vehicle is not owned or controlled by the individual.

"(B) The individual is certified by a medical doctor as being unable to provide a deep lung breath sample for analysis by an ignition interlock device.".

SEC. 34105. STUDY ON THE NATIONAL ROADSIDE SURVEY OF ALCOHOL AND DRUG USE BY DRIVERS.

Not later than 180 days after the date that the Comptroller General reviews and reports on the overall value of the National Roadside Survey to researchers and other public safety stakeholders, the differences between a National

Roadside Survey site and typical law enforcement checkpoints, and the effectiveness of the National Roadside Survey methodology at protecting the privacy of the driving public, as requested by the Committee on Appropriations of the Senate on June 5, 2014 (Senate Report 113–182), the Secretary shall report to Congress on the National Highway Traffic Safety Administration's progress toward reviewing that report and implementing any recommendations made in that report.

SEC. 34106. INCREASING PUBLIC AWARENESS OF THE DANGERS OF DRUG-IMPAIRED DRIVING.

(a) ADDITIONAL ACTIONS.—The Administrator of the National Highway Traffic Safety Administration, in consultation with the White House Office of National Drug Control Policy, the Secretary of Health and Human Services, State highway safety offices, and other interested parties, as determined by the Administrator, shall identify and carry out additional actions that should be undertaken by the Administration to assist States in their efforts to increase public awareness of the dangers of drug-impaired driving, including the dangers of driving while under the influence of heroin or prescription opioids.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit a report to the Committee on Commerce, Science, and

Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes the additional actions undertaken by the Administration pursuant to subsection (a).

SEC. 34107. IMPROVEMENT OF DATA COLLECTION ON CHILD OCCUPANTS IN VEHICLE CRASHES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall revise the crash investigation data collection system of the National Highway Traffic Safety Administration to include the collection of the following data in connection with vehicle crashes whenever a child restraint system was in use in a vehicle involved in a crash:

(1) The type or types of child restraint systems in use during the crash in any vehicle involved in the crash, including whether a five-point harness or belt-positioning booster.

(2) If a five-point harness child restraint system was in use during the crash, whether the child restraint system was forward-facing or rear-facing in the vehicle concerned.

(b) CONSULTATION.—In implementing subsection (a), the Secretary shall work with law enforcement officials, safety advocates, the medical community, and research organizations to improve the recordation of data described in

subsection (a) in police and other applicable incident reports.

(c) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on child occupant crash data collection in the crash investigation data collection system of the National Highway Traffic Safety Administration pursuant to the revision required by subsection (a).

PART II—STOP MOTORCYCLE CHECKPOINT FUNDING ACT

SEC. 34121. SHORT TITLE.

This part may be cited as the "Stop Motorcycle Checkpoint Funding Act".

SEC. 34122. GRANT RESTRICTION.

Notwithstanding section 153 of title 23, United States Code, the Secretary may not provide a grant or any funds to a State, county, town, township, Indian tribe, municipality, or other local government that may be used for any program—

(1) to check helmet usage; or

(2) to create checkpoints that specifically target motorcycle operators or motorcycle passengers.

PART III—IMPROVING DRIVER SAFETY ACT OF 2015

SEC. 34131. SHORT TITLE.

This part may be cited as the "Improving Driver Safety Act of 2015".

SEC. 34132. DISTRACTED DRIVING INCENTIVE GRANTS.

Section 405(e) of title 23, United States Code, is amended—

(1) in paragraph (1), by inserting "includes distracted driving issues as part of the State's driver's license examination and" after "any State that";

(2) in paragraph (2)—

(A) in subparagraph (B), by striking "and" at the end;

(B) by amending subparagraph (C) to read as follows:

"(C) establishes a minimum fine for a violation of the statute; and"; and

(C) by adding at the end the following:

"(D) does not provide for an exception that specifically allows a driver to use a personal wireless communications device for texting while stopped in traffic.";

(3) in paragraph (3)—

(A) by amending subparagraph (A) to read as follows:

"(A) prohibits the use of a personal wireless communications device while driving for drivers—

"(i) younger than 18 years of age; or

"(ii) in the learner's permit and intermediate license stages;"; and

(B) by striking subparagraphs (C) and (D) and inserting the following:

"(C) establishes a minimum fine for a violation of the statute; and

"(D) does not provide for an exception that specifically allows a driver to text through a personal wireless communications device while stopped in traffic."; and

(4) in paragraph (4)—

(A) in subparagraph (B)(ii), by striking "and" at the end;

(B) in subparagraph (C)—

(i) by striking "section 31152" and inserting "section 31136"; and

(ii) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(D) any additional exceptions determined by the Secretary through the rulemaking process.";

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

"(6) ADDITIONAL DISTRACTED DRIVING GRANTS.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), the Secretary shall use up to 50 percent of the amounts available for grants under this subsection to award grants to any State that—

"(i) in fiscal year 2017—

"(I) certifies that it has enacted a basic text messaging statute that—

"(aa) is applicable to drivers of all ages; and

"(bb) makes violation of the basic text messaging statute a primary offense or secondary enforcement action as allowed by State statute; and

"(II) is otherwise ineligible for a grant under this subsection; and

"(ii) in fiscal year 2018—

"(I) meets the requirements under clause (i);

"(II) imposes fines for violations; and

"(III) has a statute that prohibits drivers who are younger than 18 years of age from using a personal wireless communications device while driving.

"(B) USE OF GRANT FUNDS.—

"(i) IN GENERAL.—Notwithstanding paragraph (5) and subject to clauses (ii) and (iii) of this subparagraph, amounts received by a State under subparagraph (A) may be used for activities related to the enforcement of distracted driving laws, including for public information and awareness purposes.

"(ii) FISCAL YEAR 2017.—In fiscal year 2017, up to 15 percent of the amounts received by a State under subparagraph (A) may be used for any eligible project or activity under section 402.

"(iii) FISCAL YEAR 2018.—In fiscal year 2018, up to 25 percent of the amounts received by a State under subparagraph (A)

may be used for any eligible project or activity under section 402."; and

(6) in paragraph (9)(A)(i), by striking ", including operation while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise".

SEC. 34133. BARRIERS TO DATA COLLECTION REPORT.

Not later than 180 days after the date of the enactment of this Act, the Administrator of the National Highway Traffic Safety Administration shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives that—

(1) identifies any legal and technical barriers to capturing adequate data on the prevalence of the use of wireless communications devices while driving; and

(2) provides recommendations on how to address such barriers.

SEC. 34134. MINIMUM REQUIREMENTS FOR STATE GRADUATED DRIVER LICENSING INCENTIVE GRANT PROGRAM.

Section 405(g)(2) of title 23, United States Code, is amended—

(1) in subparagraph (A), by striking "21" and inserting "18"; and

(2) by amending subparagraph (B) to read as follows:

"(B) LICENSING PROCESS.—A State is in compliance with the 2-stage licensing process described in this subparagraph if the State's driver's license laws include—

"(i) a learner's permit stage that—

"(I) is at least 6 months in duration;

"(II) contains a prohibition on the driver using a personal wireless communications device (as defined in subsection (e)) while driving except under an exception permitted under paragraph (4) of that subsection, and makes a violation of the prohibition a primary offense;

"(III) requires applicants to successfully pass a vision and knowledge assessment prior to receiving a learner's permit;

"(IV) requires that the driver be accompanied and supervised at all

times while the driver is operating a motor vehicle by a licensed driver who is at least 21 years of age or is a State-certified driving instructor;

"(V) has a requirement that the driver—

"(aa) complete a State-certified driver education or training course; or

"(bb) obtain at least 50 hours of behind-the-wheel training, with at least 10 hours at night, with a licensed driver;

"(VI) remains in effect until the driver—

"(aa) reaches 16 years of age and enters the intermediate stage; or

"(bb) reaches 18 years of age;

"(ii) an intermediate stage that—

"(I) commences immediately after the expiration of the learner's permit stage and successful completion of a driving skills assessment;

"(II) is at least 6 months in duration;

"(III) prohibits the driver from using a personal wireless communications device (as defined in subsection (e)) while driving except under an exception permitted under paragraph (4) of that subsection, and makes a violation of the prohibition a primary offense;

"(IV) for the first 6 month of the intermediate stage, restricts driving at night between the hours of 10:00 p.m. and 5:00 a.m. when not supervised by a licensed driver 21 years of age or older, excluding transportation to work, school, religious activities, or emergencies;

"(V) prohibits the driver from operating a motor vehicle with more than 1 nonfamilial passenger younger than 21 years of age unless a licensed driver who is at least 21 years of age is in the motor vehicle; and

"(VI) remains in effect until the driver reaches 17 years of age; and

"(iii) a learner's permit and intermediate stage that require, in addition to any other penalties imposed by State law, the granting of an unrestricted driver's license be automatically delayed for any individual who, during the learner's permit or intermediate stage, is convicted of a driving-related offense during the first 6 months, including—

"(I) driving while intoxicated;

"(II) misrepresentation of the individual's age;

"(III) reckless driving;

"(IV) driving without wearing a seat belt;

"(V) speeding; or

"(VI) any other driving-related offense, as determined by the Secretary.".

PART IV—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 34141. TECHNICAL CORRECTIONS TO THE MOTOR VEHICLE AND HIGHWAY SAFETY IMPROVEMENT ACT OF 2012.

(a) HIGHWAY SAFETY PROGRAMS.—Section 402 of title 23, United States Code is amended—

(1) in subsection (b)(1)(C), by striking "except as provided in paragraph (3),";

(2) in subsection (b)(1)(E)—

(A) by striking "in which a State" and inserting "for which a State"; and

(B) by striking "subsection (f)" and inserting "subsection (k)"; and

(3) in subsection (k)(4), by striking "paragraph (2)(A)" and inserting "paragraph (3)(A)".

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 403(e) of title 23, United States Code is amended by inserting "of title 49" after "chapter 301".

(c) NATIONAL PRIORITY SAFETY PROGRAMS.—Section 405 of title 23, United States Code is amended—

(1) in subsection (d)(5), by striking "section 402(c)" and inserting "section 402"; and

(2) in subsection (f)(4)(A)(iv), by striking "developed under subsection (g)".

Subtitle B—Vehicle Safety

SEC. 34201. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subject to subsection (b), there is authorized to be appropriated to the Secretary to carry out chapter 301 of title 49, and part C of subtitle VI of title 49, United States Code, amounts as follows:

(1) $132,730,000 for fiscal year 2016.

(2) $135,517,330 for fiscal year 2017.

(3) $138,363,194 for fiscal year 2018.

(4) $141,268,821 for fiscal year 2019.

(5) $144,235,466 for fiscal year 2020.

(6) $147,264,411 for fiscal year 2021.

(b) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS IF A CERTIFICATION IS MADE.—

(1) IN GENERAL.—In addition to the amounts authorized to be appropriated under subsection (a) to carry out chapter 301 of title 49, and part C of subtitle VI of title 49, United States Code, if the certification described in paragraph (2) is made during a fiscal year there is authorized to be appropriated to the Secretary for that purpose for that fiscal year and subsequent fiscal years an additional amount as follows:

(A) $46,270,000 for fiscal year 2016.

(B) $51,537,670 for fiscal year 2017.

(C) $57,296,336 for fiscal year 2018.

(D) $62,999,728 for fiscal year 2019.

(E) $69,837,974 for fiscal year 2020.

(F) $76,656,407 for fiscal year 2021.

(2) CERTIFICATION DESCRIBED.—The certification described in this paragraph is a certification made by the Secretary and submitted to Congress that the National Highway Traffic Safety Administration has implemented all of the recommendations in the Office of Inspector General Audit Report issued June 18, 2015 (ST–2015–063). As part of the certification, the Secretary shall review the actions the National Highway Traffic Safety Administration has taken to implement the recommendations and issue a report to Congress detailing how the recommendations were implemented. The Secretary shall not delegate or assign the responsibility under this paragraph.

SEC. 34202. INSPECTOR GENERAL RECOMMENDATIONS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and periodically thereafter until the completion date, the Department of Transportation Inspector General shall report to the appropriate committees of Congress on whether and what progress has been made to implement the recommendations in the Office

of Inspector General Audit Report issued June 18, 2015 (ST–2015–063).

(b) IMPLEMENTATION PROGRESS.—The Administrator of the National Highway Traffic Safety Administration shall—

(1) not later than 90 days after the date of enactment of this Act, and periodically thereafter until the completion date, provide a briefing to the appropriate committees of Congress on the actions the Administrator has taken to implement the recommendations in the audit report described in subsection (a), including a plan for implementing any remaining recommendations; and

(2) not later than 1 year after the date of enactment of this Act, issue a final report to the appropriate committees of Congress on the implementation of all of the recommendations in the audit report described in subsection (a).

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(2) COMPLETION DATE.—The term "completion date" means the date that the National Highway Traffic Safety Administration has implemented all of the recommendations in the Office of Inspector General Audit Report issued June 18, 2015 (ST–2015–063).

SEC. 34203. IMPROVEMENTS IN AVAILABILITY OF RECALL INFORMATION.

(a) VEHICLE RECALL INFORMATION.—Not later than 2 years after the date of enactment of this Act, the Secretary shall implement current information technology, web design trends, and best practices that will help ensure that motor vehicle safety recall information available to the public on the Federal website is readily accessible and easy to use, including—

(1) by improving the organization, availability, readability, and functionality of the website;

(2) by accommodating high-traffic volume; and

(3) by establishing best practices for scheduling routine website maintenance.

(b) GOVERNMENT ACCOUNTABILITY OFFICE PUBLIC AWARENESS REPORT.—

(1) IN GENERAL.—The Comptroller General shall study the current use by consumers, dealers, and manufacturers of the safety recall information made

available to the public, including the usability and content of the Federal and manufacturers' websites and the National Highway Traffic Safety Administration's efforts to publicize and educate consumers about safety recall information.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall issue a report with the findings of the study under paragraph (1), including recommending any actions the Secretary can take to improve public awareness and use of the websites for safety recall information.

(c) PROMOTION OF PUBLIC AWARENESS.—Section 31301(c) of the Moving Ahead for Progress in the 21st Century Act (49 U.S.C. 30166 note) is amended to read as follows:

"(c) PROMOTION OF PUBLIC AWARENESS.—The Secretary shall improve public awareness of safety recall information made publicly available by periodically updating the method of conveying that information to consumers, dealers, and manufacturers, such as through public service announcements.".

(d) CONSUMER GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall make available to the public on the Internet detailed guid-

ance for consumers submitting safety complaints, including—

(1) a detailed explanation of what information a consumer should include in a complaint; and

(2) a detailed explanation of the possible actions the National Highway Traffic Safety Administration can take to address a complaint and respond to the consumer, including information on—

(A) the consumer records, such as photographs and police reports, that could assist with an investigation; and

(B) the length of time a consumer should retain the records described in subparagraph (A).

(e) VIN SEARCH.—

(1) IN GENERAL.—The Secretary, in coordination with industry, including manufacturers and dealers, shall study—

(A) the feasibility of searching multiple vehicle identification numbers at a time to retrieve motor vehicle safety recall information; and

(B) the feasibility of making the search mechanism described under subparagraph (A) publicly available.

(2) CONSIDERATIONS.—In conducting the study under paragraph (1), the Secretary shall consider the

potential costs, and potential risks to privacy and security in implementing such a search mechanism.

SEC. 34204. RECALL PROCESS.

(a) NOTIFICATION IMPROVEMENT.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Secretary shall prescribe a final rule revising the regulations under section 577.7 of title 49, Code of Federal Regulations, to include notification by electronic means in addition to notification by first class mail.

(2) DEFINITION OF ELECTRONIC MEANS.—In this subsection, the term "electronic means" includes electronic mail and may include such other means of electronic notification, such as social media or targeted online campaigns, as determined by the Secretary.

(b) NOTIFICATION BY MANUFACTURER.—Section 30118(c) is amended by inserting "or electronic mail" after "certified mail".

(c) RECALL COMPLETION RATES REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and biennially thereafter for 4 years, the Secretary shall—

(A) conduct an analysis of vehicle safety recall completion rates to assess potential actions

by the National Highway Traffic Safety Administration to improve vehicle safety recall completion rates; and

(B) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the results of the analysis.

(2) CONTENTS.—Each report shall include—

(A) the annual recall completion rate by manufacturer, model year, component (such as brakes, fuel systems, and air bags), and vehicle type (passenger car, sport utility vehicle, passenger van, and pick-up truck) for each of the 5 years before the year the report is submitted;

(B) the methods by which the Secretary has conducted analyses of these recall completion rates to determine trends and identify risk factors associated with lower recall rates; and

(C) the actions the Secretary has planned to improve recall completion rates based on the results of this data analysis.

(d) INSPECTOR GENERAL AUDIT OF VEHICLE RECALLS.—

(1) IN GENERAL.—The Department of Transportation Inspector General shall conduct an audit of the National Highway Traffic Safety Administration's management of vehicle safety recalls.

(2) CONTENTS.—The audit shall include a determination of whether the National Highway Traffic Safety Administration—

(A) appropriately monitors recalls to ensure the appropriateness of scope and adequacy of recall completion rates and remedies;

(B) ensures manufacturers provide safe remedies, at no cost to consumers;

(C) is capable of coordinating recall remedies and processes; and

(D) can improve its policy on consumer notice to combat effects of recall fatigue.

SEC. 34205. PILOT GRANT PROGRAM FOR STATE NOTIFICATION TO CONSUMERS OF MOTOR VEHICLE RECALL STATUS.

(a) IN GENERAL.—Not later than October 1, 2016, the Secretary shall implement a 2-year pilot program to evaluate the feasibility and effectiveness of a State process for informing consumers of open motor vehicle recalls at the time of motor vehicle registration in the State.

(b) GRANTS.—To carry out this program, the Secretary may make a grant to each eligible State, but not more than 6 eligible States in total, that agrees to comply with the requirements under subsection (c). Funds made available to a State under this section shall be used by the State for the pilot program described in subsection (a).

(c) ELIGIBILITY.—To be eligible for a grant, a State shall—

(1) submit an application in such form and manner as the Secretary prescribes;

(2) agree to notify, at the time of registration, each owner or lessee of a motor vehicle presented for registration in the State of any open recall on that vehicle;

(3) provide the open motor vehicle recall information at no cost to each owner or lessee of a motor vehicle presented for registration in the State; and

(4) provide such other information as the Secretary may require.

(d) AWARDS.—In selecting an applicant for an award under this section, the Secretary shall consider the State's methodology for determining open recalls on a motor vehicle, for informing consumers of the open recalls, and for determining performance.

(e) PERFORMANCE PERIOD.—Each grant awarded under this section shall require a 2-year performance period.

(f) REPORT.—Not later than 90 days after the completion of the performance period under subsection (e), a grantee shall provide to the Secretary a report of performance containing such information as the Secretary considers necessary to evaluate the extent to which open recalls have been remedied.

(g) EVALUATION.—Not later than 180 days after the completion of the pilot program, the Secretary shall evaluate the extent to which open recalls identified have been remedied.

(h) DEFINITIONS.—In this section:

(1) CONSUMER.—The term "consumer" includes owner and lessee.

(2) MOTOR VEHICLE.—The term "motor vehicle" has the meaning given the term under section 30102(a) of title 49, United States Code.

(3) OPEN RECALL.—The term "open recall" means a recall for which a notification by a manufacturer has been provided under section 30119 of title 49, United States Code, and that has not been remedied under section 30120 of that title.

(4) REGISTRATION.—The term "registration" means the process for registering motor vehicles in the State.

(5) STATE.—The term "State" has the meaning given the term under section 101(a) of title 23, United States Code.

SEC. 34206. RECALL OBLIGATIONS UNDER BANKRUPTCY.

Section 30120A is amended by striking "chapter 11 of title 11," and inserting "chapter 7 or chapter 11 of title 11".

SEC. 34207. DEALER REQUIREMENT TO CHECK FOR OPEN RECALL.

Section 30120(f) is amended—

(1) by inserting "(1) IN GENERAL.—" before "A manufacturer" and indenting appropriately;

(2) in paragraph (1), as redesignated, by striking the period at the end and inserting the following: "if—

"(A) at the time of providing service for each of the manufacturer's motor vehicles it services, the dealer notifies the owner or the individual requesting the service of any open recall; and

"(B) the notification requirement under subparagraph (A) is specified in a franchise, op-

erating, or other agreement between the dealer and the manufacturer."; and

(3) by adding at the end the following:

"(2) DEFINITION OF OPEN RECALL.—In this subsection, the term 'open recall' means a recall for which a notification by a manufacturer has been provided under section 30119 and that has not been remedied under this section.".

SEC. 34208. EXTENSION OF TIME PERIOD FOR REMEDY OF TIRE DEFECTS.

Section 30120(b) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking "60 days" and inserting "180 days"; and

(2) in paragraph (2), by striking "60-day" each place it appears and inserting "180-day".

SEC. 34209. RENTAL CAR SAFETY.

(a) SHORT TITLE.—This section may be cited as the "Raechel and Jacqueline Houck Safe Rental Car Act of 2015".

(b) DEFINITIONS.—Section 30102(a) is amended—

(1) by redesignating paragraphs (10) and (11) as paragraphs (12) and (13), respectively;

(2) by redesignating paragraphs (1) through (9) as paragraphs (2) through (10), respectively;

(3) by inserting before paragraph (2), as redesignated, the following:

"(1) 'covered rental vehicle' means a motor vehicle that—

"(A) has a gross vehicle weight rating of 10,000 pounds or less;

"(B) is rented without a driver for an initial term of less than 4 months; and

"(C) is part of a motor vehicle fleet of 5 or more motor vehicles that are used for rental purposes by a rental company."; and

(4) by inserting after paragraph (10), as redesignated, the following:

"(11) 'rental company' means a person who—

"(A) is engaged in the business of renting covered rental vehicles; and

"(B) uses for rental purposes a motor vehicle fleet of 5 or more covered rental vehicles.".

(c) REMEDIES FOR DEFECTS AND NONCOMPLIANCE.—Section 30120(i) is amended—

(1) in the subsection heading, by adding ", OR RENTAL" at the end;

(2) in paragraph (1)—

(A) by striking "(1) If notification" and inserting the following:

"(1) IN GENERAL.—If notification";

(B) by indenting subparagraphs (A) and (B) four ems from the left margin;

(C) by inserting "or the manufacturer has provided to a rental company notification about a covered rental vehicle in the company's possession at the time of notification" after "time of notification";

(D) by striking "the dealer may sell or lease," and inserting "the dealer or rental company may sell, lease, or rent"; and

(E) in subparagraph (A), by striking "sale or lease" and inserting "sale, lease, or rental agreement";

(3) by amending paragraph (2) to read as follows:

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prohibit a dealer or rental company from offering the vehicle or equipment for sale, lease, or rent."; and

(4) by adding at the end the following:

"(3) SPECIFIC RULES FOR RENTAL COMPANIES.—

"(A) IN GENERAL.—Except as otherwise provided under this paragraph, a rental com-

pany shall comply with the limitations on sale, lease, or rental set forth in subparagraph (C) and paragraph (1) as soon as practicable, but not later than 24 hours after the earliest receipt of the notice to owner under subsection (b) or (c) of section 30118 (including the vehicle identification number for the covered vehicle) by the rental company, whether by electronic means or first class mail.

"(B) SPECIAL RULE FOR LARGE VEHICLE FLEETS.—Notwithstanding subparagraph (A), if a rental company receives a notice to owner covering more than 5,000 motor vehicles in its fleet, the rental company shall comply with the limitations on sale, lease, or rental set forth in subparagraph (C) and paragraph (1) as soon as practicable, but not later than 48 hours after the earliest receipt of the notice to owner under subsection (b) or (c) of section 30118 (including the vehicle identification number for the covered vehicle) by the rental company, whether by electronic means or first class mail.

"(C) SPECIAL RULE FOR WHEN REMEDIES NOT IMMEDIATELY AVAILABLE.—If a notification required under subsection (b) or (c) of section

30118 indicates that the remedy for the defect or noncompliance is not immediately available and specifies actions to temporarily alter the vehicle that eliminate the safety risk posed by the defect or noncompliance, the rental company, after causing the specified actions to be performed, may rent (but may not sell or lease) the motor vehicle. Once the remedy for the rental vehicle becomes available to the rental company, the rental company may not rent the vehicle until the vehicle has been remedied, as provided in subsection (a).

"(D) INAPPLICABILITY TO JUNK AUTOMOBILES.—Notwithstanding paragraph (1), this subsection does not prohibit a rental company from selling a covered rental vehicle if such vehicle—

"(i) meets the definition of a junk automobile under section 201 of the Anti-Car Theft Act of 1992 (49 U.S.C. 30501);

"(ii) is retitled as a junk automobile pursuant to applicable State law; and

"(iii) is reported to the National Motor Vehicle Information System, if required

under section 204 of such Act (49 U.S.C. 30504).".

(d) MAKING SAFETY DEVICES AND ELEMENTS INOPERATIVE.—Section 30122(b) is amended by inserting "rental company," after "dealer," each place such term appears.

(e) INSPECTIONS, INVESTIGATIONS, AND RECORDS.—Section 30166 is amended—

(1) in subsection (c)(2), by striking "or dealer" each place such term appears and inserting "dealer, or rental company";

(2) in subsection (e), by striking "or dealer" each place such term appears and inserting "dealer, or rental company"; and

(3) in subsection (f), by striking "or to owners" and inserting ", rental companies, or other owners".

(f) RESEARCH AUTHORITY.—The Secretary of Transportation may conduct a study of—

(1) the effectiveness of the amendments made by this section; and

(2) other activities of rental companies (as defined in section 30102(a)(11) of title 49, United States Code) related to their use and disposition of motor vehicles that are the subject of a notification required under section 30118 of title 49, United States Code.

(g) STUDY.—

(1) ADDITIONAL REQUIREMENT.—Section 32206(b)(2) of the Moving Ahead for Progress in the 21st Century Act (Public Law 112–141; 126 Stat. 785) is amended—

(A) in subparagraph (E), by striking "and" at the end;

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E) the following:

"(F) evaluate the completion of safety recall remedies on rental trucks; and".

(2) REPORT.—Section 32206(c) of such Act is amended—

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

(B) by striking "REPORT.—Not later" and inserting the following:

"(c) REPORTS.—

"(1) INITIAL REPORT.—Not later";

(C) in paragraph (1), by striking "subsection (b)" and inserting "subparagraphs (A) through (E) and (G) of subsection (b)(2)"; and

(D) by adding at the end the following:

"(2) SAFETY RECALL REMEDY REPORT.—Not later than 1 year after the date of the enactment of the 'Raechel and Jacqueline Houck Safe Rental Car Act of 2015', the Secretary shall submit a report to the congressional committees set forth in paragraph (1) that contains—

"(A) the findings of the study conducted pursuant to subsection (b)(2)(F); and

"(B) any recommendations for legislation that the Secretary determines to be appropriate.".

(h) PUBLIC COMMENTS.—The Secretary shall solicit comments regarding the implementation of this section from members of the public, including rental companies, consumer organizations, automobile manufacturers, and automobile dealers.

(i) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section—

(1) may be construed to create or increase any liability, including for loss of use, for a manufacturer as a result of having manufactured or imported a motor vehicle subject to a notification of defect or noncompliance under subsection (b) or (c) of section 30118 of title 49, United States Code; or

(2) shall supersede or otherwise affect the contractual obligations, if any, between such a manufacturer and a rental company (as defined in section 30102(a) of title 49, United States Code).

(j) RULEMAKING.—The Secretary may promulgate rules, as appropriate, to implement this section and the amendments made by this section.

(k) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 180 days after the date of enactment of this Act.

SEC. 34210. INCREASE IN CIVIL PENALTIES FOR VIOLATIONS OF MOTOR VEHICLE SAFETY.

(a) INCREASE IN CIVIL PENALTIES.—Section 30165(a) is amended—

(1) in paragraph (1)—

(A) by striking "$5,000" and inserting "$21,000"; and

(B) by striking "$35,000,000" and inserting "$105,000,000"; and

(2) in paragraph (3)—

(A) by striking "$5,000" and inserting "$21,000"; and

(B) by striking "$35,000,000" and inserting "$105,000,000".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) of this section take effect on the date that the Secretary certifies to Congress that the National Highway Traffic Safety Administration has issued the final rule required by section 31203(b) of the Moving Ahead for Progress In the 21st Century Act (Public Law 112–141; 126 Stat. 758; 49 U.S.C. 30165 note).

(c) PUBLICATION OF EFFECTIVE DATE.—The Secretary shall publish notice of the effective date under subsection (b) of this section in the Federal Register.

SEC. 34211. ELECTRONIC ODOMETER DISCLOSURES.

Section 32705(g) is amended—

(1) by inserting "(1)" before "Not later than" and indenting appropriately; and

(2) by adding at the end the following:

"(2) Notwithstanding paragraph (1) and subject to paragraph (3), a State, without approval from the Secretary under subsection (d), may allow for written disclosures or notices and related matters to be provided electronically if—

"(A) in compliance with—

"(i) the requirements of subchapter 1 of chapter 96 of title 15; or

"(ii) the requirements of a State law under section 7002(a) of title 15; and

"(B) the disclosures or notices otherwise meet the requirements under this section, including appropriate authentication and security measures.

"(3) Paragraph (2) ceases to be effective on the date the regulations under paragraph (1) become effective.".

SEC. 34212. CORPORATE RESPONSIBILITY FOR NHTSA REPORTS.

Section 30166(o) is amended—

(1) in paragraph (1), by striking "may" and inserting "shall"; and

(2) by adding at the end the following:

"(3) DEADLINE.—Not later than 1 year after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015, the Secretary shall issue a final rule under paragraph (1).".

SEC. 34213. DIRECT VEHICLE NOTIFICATION OF RECALLS.

(a) RECALL NOTIFICATION REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a report on the feasibility of a technical system that would operate in each new motor vehicle to indicate when the vehicle is subject to an open recall.

(b) DEFINITION OF OPEN RECALL.—In this section the term "open recall" means a recall for which a notification

by a manufacturer has been provided under section 30119 of title 49, United States Code, and that has not been remedied under section 30120 of that title.

SEC. 34214. UNATTENDED CHILDREN WARNING.

Section 31504(a) of the Moving Ahead for Progress in the 21st Century Act (49 U.S.C. 30111 note) is amended by striking "may" and inserting "shall".

SEC. 34215. TIRE PRESSURE MONITORING SYSTEM.

(a) PROPOSED RULE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish a proposed rule that updates the standards pertaining to tire pressure monitoring systems to ensure that a tire pressure monitoring system that is installed in a new motor vehicle after the effective date of the revised standards cannot, to a level other than a safe pressure level, be—

(1) overridden;

(2) reset; or

(3) recalibrated.

(b) SAFE PRESSURE LEVEL.—For the purposes of subsection (a), the term "safe pressure level" shall mean a pressure level consistent with the TPMS detection requirements contained in S4.2(a) of section 571.138 of title 49, Code of Federal Regulations, or any corresponding similar regulation or ruling.

(c) FINAL RULE.—Not later than 2 years after the date of enactment of this Act, after providing the public with sufficient opportunity for notice and comment on the proposed rule published under subsection (a), the Secretary shall issue a final rule on the subject described in subsection (a).

Subtitle C—Research and Development and Vehicle Electronics

SEC. 34301. REPORT ON OPERATIONS OF THE COUNCIL FOR VEHICLE ELECTRONICS, VEHICLE SOFTWARE, AND EMERGING TECHNOLOGIES.

Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report regarding the operations of the Council for Vehicle Electronics, Vehicle Software, and Emerging Technologies established under section 31401 of the Moving Ahead for Progress in the 21st Century Act (49 U.S.C. 105 note). The report shall include information about the accomplishments of the Council, the role of the Council in integrating and aggregating electronic and emerging technologies expertise across the National Highway Traffic Safety Administration, the role of the Council

in coordinating with other Federal agencies, and the priorities of the Council over the next 5 years.

SEC. 34302. COOPERATION WITH FOREIGN GOVERNMENTS.

(a) TITLE 49 AMENDMENT.—Section 30182(b) is amended—

(1) in paragraph (4), by striking "; and" and inserting a semicolon;

(2) in paragraph (5), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (5) the following:

"(6) in coordination with Department of State, enter into cooperative agreements and collaborative research and development agreements with foreign governments.".

(b) TITLE 23 AMENDMENT.—Section 403 of title 23, United States Code, is amended—

(1) in subsection (b)(2)(C), by inserting "foreign government (in coordination with the Department of State)" after "institution,"; and

(2) in subsection (c)(1)(A), by inserting "foreign governments," after "local governments,".

(c) AUDIT.—The Department of Transportation Inspector General shall conduct an audit of the Secretary of Transportation's management and oversight of cooperative

agreements and collaborative research and development agreements, including any cooperative agreements between the Secretary of Transportation and foreign governments under section 30182(b)(6) of title 49, United States Code, and subsections (b)(2)(C) and (c)(1)(A) of title 23, United States Code.

Subtitle D—Miscellaneous Provisions

PART I—DRIVER PRIVACY ACT OF 2015

SEC. 34401. SHORT TITLE.

This part may be cited as the "Driver Privacy Act of 2015".

SEC. 34402. LIMITATIONS ON DATA RETRIEVAL FROM VEHICLE EVENT DATA RECORDERS.

(a) OWNERSHIP OF DATA.—Any data retained by an event data recorder (as defined in section 563.5 of title 49, Code of Federal Regulations), regardless of when the motor vehicle in which it is installed was manufactured, is the property of the owner, or, in the case of a leased vehicle, the lessee of the motor vehicle in which the event data recorder is installed.

(b) PRIVACY.—Data recorded or transmitted by an event data recorder described in subsection (a) may not be accessed by a person other than an owner or a lessee of the

motor vehicle in which the event data recorder is installed unless—

(1) a court or other judicial or administrative authority having jurisdiction—

(A) authorizes the retrieval of the data; and

(B) to the extent that there is retrieved data, the data is subject to the standards for admission into evidence required by that court or other administrative authority;

(2) an owner or a lessee of the motor vehicle provides written, electronic, or recorded audio consent to the retrieval of the data for any purpose, including the purpose of diagnosing, servicing, or repairing the motor vehicle, or by agreeing to a subscription that describes how data will be retrieved and used;

(3) the data is retrieved pursuant to an investigation or inspection authorized under section 1131(a) or 30166 of title 49, United States Code, and the personally identifiable information of an owner or a lessee of the vehicle and the vehicle identification number is not disclosed in connection with the retrieved data, except that the vehicle identification number may be disclosed to the certifying manufacturer;

(4) the data is retrieved for the purpose of determining the need for, or facilitating, emergency medical response in response to a motor vehicle crash; or

(5) the data is retrieved for traffic safety research, and the personally identifiable information of an owner or a lessee of the vehicle and the vehicle identification number is not disclosed in connection with the retrieved data.

SEC. 34403. VEHICLE EVENT DATA RECORDER STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the National Highway Traffic Safety Administration shall submit to Congress a report that contains the results of a study conducted by the Administrator to determine the amount of time event data recorders installed in passenger motor vehicles should capture and record for retrieval vehicle-related data in conjunction with an event in order to provide sufficient information to investigate the cause of motor vehicle crashes.

(b) RULEMAKING.—Not later than 2 years after submitting the report required under subsection (a), the Administrator of the National Highway Traffic Safety Administration shall promulgate regulations to establish the appropriate period during which event data recorders installed in passenger motor vehicles may capture and record

for retrieval vehicle-related data to the time necessary to provide accident investigators with vehicle-related information pertinent to crashes involving such motor vehicles.

PART II—SAFETY THROUGH INFORMED CONSUMERS ACT OF 2015

SEC. 34421. SHORT TITLE.

This part may be cited as the "Safety Through Informed Consumers Act of 2015".

SEC. 34422. PASSENGER MOTOR VEHICLE INFORMATION.

Section 32302 is amended by inserting after subsection (b) the following:

"(c) CRASH AVOIDANCE.—Not later than 1 year after the date of enactment of the Safety Through Informed Consumers Act of 2015, the Secretary shall promulgate a rule to ensure that crash avoidance information is indicated next to crashworthiness information on stickers placed on motor vehicles by their manufacturers.".

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

SEC. 34431. SHORT TITLE.

This part may be cited as the "Tire Efficiency, Safety, and Registration Act of 2015" or the "TESR Act".

SEC. 34432. TIRE FUEL EFFICIENCY MINIMUM PERFORMANCE STANDARDS.

Section 32304A is amended—

*(1) in the section heading, by inserting "**AND STANDARDS**" after "**CONSUMER TIRE INFORMATION**";*

(2) in subsection (a)—

(A) in the heading, by striking "RULEMAKING" and inserting "CONSUMER TIRE INFORMATION"; and

(B) in paragraph (1), by inserting "(referred to in this section as the 'Secretary')" after "Secretary of Transportation";

(3) by redesignating subsections (b) through (e) as subsections (e) though (h), respectively; and

(4) by inserting after subsection (a) the following:

"(b) PROMULGATION OF REGULATIONS FOR TIRE FUEL EFFICIENCY MINIMUM PERFORMANCE STANDARDS.—

"(1) IN GENERAL.—The Secretary, after consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall promulgate regulations for tire fuel efficiency minimum performance standards for—

"(A) passenger car tires with a maximum speed capability equal to or less than 149 miles per hour or 240 kilometers per hour; and

"(B) passenger car tires with a maximum speed capability greater than 149 miles per hour or 240 kilometers per hour.

"(2) TIRE FUEL EFFICIENCY MINIMUM PERFORMANCE STANDARDS.—

"(A) STANDARD BASIS AND TEST PROCEDURES.—The minimum performance standards promulgated under paragraph (1) shall be expressed in terms of the rolling resistance coefficient measured using the test procedure specified in section 575.106 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act).

"(B) NO DISPARATE EFFECT ON HIGH PERFORMANCE TIRES.—The Secretary shall ensure that the minimum performance standards promulgated under paragraph (1) will not have a disproportionate effect on passenger car high performance tires with a maximum speed capability greater than 149 miles per hour or 240 kilometers per hour.

"(C) APPLICABILITY.—

"(i) IN GENERAL.—This subsection applies to new pneumatic tires for use on passenger cars.

"(ii) EXCEPTIONS.—This subsection does not apply to light truck tires, deep tread tires, winter-type snow tires, space-saver or temporary use spare tires, or tires with nominal rim diameters of 12 inches or less.

"(c) PROMULGATION OF REGULATIONS FOR TIRE WET TRACTION MINIMUM PERFORMANCE STANDARDS.—

"(1) IN GENERAL.—The Secretary shall promulgate regulations for tire wet traction minimum performance standards to ensure that passenger tire wet traction capability is not reduced to achieve improved tire fuel efficiency.

"(2) TIRE WET TRACTION MINIMUM PERFORMANCE STANDARDS.—

"(A) BASIS OF STANDARD.—The minimum performance standards promulgated under paragraph (1) shall be expressed in terms of peak coefficient of friction.

"(B) TEST PROCEDURES.—Any test procedure promulgated under this subsection shall be consistent with any test procedure promulgated under subsection (a).

"(C) BENCHMARKING.—The Secretary shall conduct testing to benchmark the wet traction

performance of tire models available for sale in the United States as of the date of enactment of this Act to ensure that the minimum performance standards promulgated under paragraph (1) are tailored to—

"(i) tires sold in the United States; and

"(ii) the needs of consumers in the United States.

"(D) APPLICABILITY.—

"(i) IN GENERAL.—This subsection applies to new pneumatic tires for use on passenger cars.

"(ii) EXCEPTIONS.—This subsection does not apply to light truck tires, deep tread tires, winter-type snow tires, spacesaver or temporary use spare tires, or tires with nominal rim diameters of 12 inches or less.

"(d) COORDINATION AMONG REGULATIONS.—

"(1) COMPATIBILITY.—The Secretary shall ensure that the test procedures and requirements promulgated under subsections (a), (b), and (c) are compatible and consistent.

"(2) COMBINED EFFECT OF RULES.—The Secretary shall evaluate the regulations promulgated under subsections (b) and (c) to ensure that compliance with the minimum performance standards promulgated under subsection (b) will not diminish wet traction performance of affected tires.

"(3) RULEMAKING DEADLINES.—The Secretary shall promulgate—

"(A) the regulations under subsections (b) and (c) not later than 24 months after the date of enactment of this Act; and

"(B) the regulations under subsection (c) not later than the date of promulgation of the regulations under subsection (b).".

SEC. 34433. TIRE REGISTRATION BY INDEPENDENT SELLERS.

Section 30117(b) is amended by striking paragraph (3) and inserting the following:

"(3) RULEMAKING.—

"(A) IN GENERAL.—The Secretary shall initiate a rulemaking to require a distributor or dealer of tires that is not owned or controlled by a manufacturer of tires to maintain records of—

"(i) the name and address of tire purchasers and lessors and information identi-

fying the tire that was purchased or leased; and

"(ii) any additional records the Secretary considers appropriate.

"(B) ELECTRONIC TRANSMISSION.—The rulemaking carried out under subparagraph (A) shall require a distributor or dealer of tires that is not owned or controlled by a manufacturer of tires to electronically transmit the records described in clauses (i) and (ii) of subparagraph (A) to the manufacturer of the tires or the designee of the manufacturer by secure means at no cost to tire purchasers or lessors.

"(C) SATISFACTION OF REQUIREMENTS.—A regulation promulgated under subparagraph (A) may be considered to satisfy the requirements of paragraph (2)(B).".

SEC. 34434. TIRE RECALL DATABASE.

(a) IN GENERAL.—The Secretary shall establish a publicly available and searchable electronic database of tire recall information that is reported to the Administrator of the National Highway Traffic Safety Administration.

(b) TIRE IDENTIFICATION NUMBER.—The database established under subsection (a) shall be searchable by Tire Identification Number (TIN) and any other criteria that

assists consumers in determining whether a tire is subject to a recall.

TITLE XXXV—RAILROAD REFORM, ENHANCEMENT, AND EFFICIENCY

SEC. 35001. SHORT TITLE.

This title may be cited as the "Railroad Reform, Enhancement, and Efficiency Act".

SEC. 35002. PASSENGER TRANSPORTATION; DEFINITIONS.

Section 24102 is amended—

(1) by redesignating paragraphs (5) through (9) as paragraphs (6) through (10), respectively;

(2) by inserting after paragraph (4), the following:

"(5) 'long-distance route' means a route described in paragraph (6)(C).";

(3) by amending paragraph (6)(A), as redesignated, to read as follows:

"(A) the Northeast Corridor main line between Boston, Massachusetts and the Virginia Avenue interlocking in the District of Columbia, and the facilities and services used to operate and maintain that line;";

(4) in paragraph (7), as redesignated, by striking the period at the end and inserting ", except that

the term 'Northeast Corridor' for the purposes of chapter 243 means the main line between Boston, Massachusetts and the Virginia Avenue interlocking in the District of Columbia, and the facilities and services used to operate and maintain that line."; and

(5) by adding at the end the following:

"(11) 'state-of-good-repair' means a condition in which physical assets, both individually and as a system, are—

"(A) performing at a level at least equal to that called for in their as-built or as-modified design specification during any period when the life cycle cost of maintaining the assets is lower than the cost of replacing them; and

"(B) sustained through regular maintenance and replacement programs.

"(12) 'State-supported route' means a route described in paragraph (6)(B) or paragraph (6)(D), or in section 24702(a).".

Subtitle A—Authorization of Appropriations

SEC. 35101. AUTHORIZATION OF GRANTS TO AMTRAK.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary for the use of Amtrak for deposit

into the accounts established under section 24319(a) of title 49, United States Code, the following amounts:

(1) For fiscal year 2016, $1,450,000,000.

(2) For fiscal year 2017, $1,550,000,000.

(3) For fiscal year 2018, $1,700,000,000.

(4) For fiscal year 2019, $1,900,000,000.

(b) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to one half of 1 percent of the amount appropriated under subsection (a) for the costs of management oversight of Amtrak.

(c) COMPETITION.—In administering grants to Amtrak under section 24318 of title 49, United States Code, the Secretary may withhold, from amounts that would otherwise be made available to Amtrak, such sums as are necessary from the amount appropriated under subsection (a) of this section to cover the operating subsidy described in section 24711(b)(1)(E)(ii) of title 49, United States Code.

(d) STATE-SUPPORTED ROUTE COMMITTEE.—The Secretary may withhold up to $2,000,000 from the amount appropriated in each fiscal year under subsection (a) of this section for the use of the State-Supported Route Committee established under section 24712 of title 49, United States Code.

(e) NORTHEAST CORRIDOR COMMISSION.—The Secretary may withhold up to $5,000,000 from the amount ap-

propriated in each fiscal year under subsection (a) of this section for the use of the Northeast Corridor Commission established under section 24905 of title 49, United States Code.

SEC. 35102. NATIONAL INFRASTRUCTURE AND SAFETY INVESTMENTS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary for grants under chapter 244 of title 49, United States Code, the following amounts:

(1) For fiscal year 2016, $350,000,000.

(2) For fiscal year 2017, $430,000,000.

(3) For fiscal year 2018, $600,000,000.

(4) For fiscal year 2019, $900,000,000.

(b) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to 1 percent from the amount appropriated under subsection (a) of this section for the costs of project management oversight of grants carried out under chapter 244 of title 49, United States Code.

SEC. 35103. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL TRANSPORTATION SAFETY BOARD RAIL INVESTIGATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, there are authorized to be appropriated to the National Transportation Safety Board to carry out rail-

road accident investigations under section 1131(a)(1)(C) of title 49, United States Code, the following amounts:

(1) For fiscal year 2016, $6,300,000.

(2) For fiscal year 2017, $6,400,000.

(3) For fiscal year 2018, $6,500,000.

(4) For fiscal year 2019, $6,600,000.

(b) INVESTIGATION PERSONNEL.—Amounts appropriated under subsection (a) of this section shall be available to the National Transportation Safety Board for personnel, in regional offices and in Washington, DC, whose duties involve railroad accident investigations.

SEC. 35104. AUTHORIZATION OF APPROPRIATIONS FOR AMTRAK OFFICE OF INSPECTOR GENERAL.

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

(1) For fiscal year 2016, $20,000,000.

(2) For fiscal year 2017, $20,500,000.

(3) For fiscal year 2018, $21,000,000.

(4) For fiscal year 2019, $21,500,000.

SEC. 35105. NATIONAL COOPERATIVE RAIL RESEARCH PROGRAM.

(a) IN GENERAL.—Section 24910 is amended—

(1) in subsection (b)—

(A) in paragraph (12), by striking "and";

(B) in paragraph (13), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(14) to improve the overall safety of intercity passenger and freight rail operations."; and

(2) by amending subsection (e) to read as follows:

"(e) ALLOCATION.—At least $5,000,000 of the amounts appropriated to the Secretary for a fiscal year to carry out railroad research and development programs shall be available to carry out this section.".

Subtitle B—Amtrak Reform

SEC. 35201. AMTRAK GRANT PROCESS.

(a) REQUIREMENTS AND PROCEDURES.—Chapter 243 is amended by adding at the end the following:

"§ 24317. Costs and revenues

"(a) ALLOCATION.—Not later than 180 days after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, Amtrak shall establish and maintain internal controls to ensure Amtrak's costs, revenues, and other compensation are appropriately and proportionally allocated to its Northeast Corridor train services or infrastructure, its State-supported routes, its long-distance routes, and its other national network activities.

"(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the ability of Amtrak to enter into an agreement with 1 or more States to allocate operating and capital costs under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

"§ 24318. Grant process

"(a) PROCEDURES FOR GRANT REQUESTS.—Not later than 90 days after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, the Secretary of Transportation shall establish and transmit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives substantive and procedural requirements, including schedules, for grant requests under this section.

"(b) GRANT REQUESTS.—Amtrak shall transmit grant requests for Federal funds appropriated to the Secretary of Transportation for the use of Amtrak to—

"(1) the Secretary; and

"(2) the Committee on Commerce, Science, and Transportation, the Committee on Appropriations, and the Committee on the Budget of the Senate and the Committee on Transportation and Infrastructure,

the Committee on Appropriations, and the Committee on the Budget of the House of Representatives.

"(c) CONTENTS.—A grant request under subsection (b) shall—

"(1) describe projected operating and capital costs for the upcoming fiscal year for Northeast Corridor train services and infrastructure, Amtrak's State-supported routes, and Amtrak's long-distance routes, and Amtrak's other national network activities, as applicable, in comparison to prior fiscal year actual financial performance;

"(2) describe the capital projects to be funded, with cost estimates and an estimated timetable for completion of the projects covered by the request;

"(3) assess Amtrak's financial condition;

"(4) be displayed on Amtrak's Web site within a reasonable timeframe following its transmission under subsection (b); and

"(5) describe how the funding requested in a grant will be allocated to the accounts established under section 24319(a), considering the projected operating losses or capital costs for services and activities associated with such accounts over the time period intended to be covered by the grants.

"(d) REVIEW AND APPROVAL.—

"(1) THIRTY-DAY APPROVAL PROCESS.—

"(A) IN GENERAL.—Not later than 30 days after the date that Amtrak submits a grant request under this section, the Secretary of Transportation shall complete a review of the request and provide notice to Amtrak that—

"(i) the request is approved; or

"(ii) the request is disapproved, including the reason for the disapproval and an explanation of any incomplete or deficient items.

"(B) GRANT AGREEMENT.—If a grant request is approved, the Secretary shall enter into a grant agreement with Amtrak that allocates the grant funding to 1 of the 4 accounts established under section 24319(a).

"(2) FIFTEEN-DAY MODIFICATION PERIOD.—Not later than 15 days after the date of the notice under paragraph (1)(A)(ii), Amtrak shall submit a modified request for the Secretary's review.

"(3) MODIFIED REQUESTS.—Not later than 15 days after the date that Amtrak submits a modified request under paragraph (2), the Secretary shall either approve the modified request, or, if the Secretary finds that the request is still incomplete or deficient,

the Secretary shall identify in writing to the Committee on Commerce, Science, and Transportation, the Committee on Appropriations, and the Committee on the Budget of the Senate and the Committee on Transportation and Infrastructure, the Committee on Appropriations, and the Committee on the Budget of the House of Representatives the remaining deficiencies and recommend a process for resolving the outstanding portions of the request.

"(e) PAYMENTS TO AMTRAK.—

"(1) IN GENERAL.—A grant agreement entered into under subsection (d) shall specify the operations, services, and other activities to be funded by the grant. The grant agreement shall include provisions, consistent with the requirements of this chapter, to measure Amtrak's performance and ensure accountability in delivering the operations, services, or activities to be funded by the grant.

"(2) SCHEDULE.—Except as provided in paragraph (3), in each fiscal year for which amounts are appropriated to the Secretary for the use of Amtrak, and for which the Secretary and Amtrak have entered into a grant agreement under subsection (d), the Secretary shall disburse grant funds to Amtrak on the following schedule:

"(A) 50 percent on October 1.

"(B) 25 percent on January 1.

"(C) 25 percent on April 1.

"(3) EXCEPTIONS.—The Secretary may make a payment to Amtrak of appropriated funds—

"(A) more frequently than the schedule under paragraph (2) if Amtrak, for good cause, requests more frequent payment before the end of a payment period; or

"(B) with a different frequency or in different percentage allocations in the event of a continuing resolution or in the absence of an appropriations Act for the duration of a fiscal year.

"(f) AVAILABILITY OF AMOUNTS AND EARLY APPROPRIATIONS.—Amounts appropriated to the Secretary for the use of Amtrak shall remain available until expended. Amounts for capital acquisitions and improvements may be appropriated for a fiscal year before the fiscal year in which the amounts will be obligated.

"(g) LIMITATIONS ON USE.—Amounts appropriated to the Secretary for the use of Amtrak may not be used to cross-subsidize operating losses or capital costs of commuter rail passenger or freight rail transportation.

"§ 24319. Accounts

"(a) ESTABLISHMENT OF ACCOUNTS.—Beginning not later than October 1, 2016, Amtrak, in consultation with the Secretary of Transportation, shall define and establish—

"(1) a Northeast Corridor investment account, including subaccounts for Amtrak train services and infrastructure;

"(2) a State-supported account;

"(3) a long-distance account; and

"(4) an other national network activities account.

"(b) NORTHEAST CORRIDOR INVESTMENT ACCOUNT.—

"(1) DEPOSITS.—Amtrak shall deposit in the Northeast Corridor investment account established under subsection (a)(1)—

"(A) a portion of the grant funds appropriated under the authorization in section 35101(a) of the Railroad Reform, Enhancement, and Efficiency Act, or any subsequent Act appropriating funds for the use of Amtrak, as specified in a grant agreement entered into under section 24318;

"(B) any compensation received from commuter rail passenger transportation providers for such providers' share of capital costs on the

Northeast Corridor provided to Amtrak under section 24905(c);

"(C) any operating surplus of the Northeast Corridor train services or infrastructure, as allocated under section 24317; and

"(D) any other net revenue received in association with the Northeast Corridor, including freight access fees, electric propulsion, and commercial development.

"(2) USE OF NORTHEAST CORRIDOR INVESTMENT ACCOUNT.—Except as provided in subsection (f), amounts deposited in the Northeast Corridor investment account shall be made available for the use of Amtrak for its share of—

"(A) capital projects described in section 24904(a)(2)(E)(i), and developed under the planning process established under that section, to bring Northeast Corridor infrastructure to a state-of-good-repair;

"(B) capital projects described in clauses (ii) and (iv) of section 24904(a)(2)(E) that are developed under the planning process established under that section intended to increase corridor capacity, improve service reliability, and reduce travel time on the Northeast Corridor;

"(C) capital projects to improve safety and security;

"(D) capital projects to improve customer service and amenities;

"(E) acquiring, rehabilitating, manufacturing, remanufacturing, overhauling, or improving equipment and associated facilities used for intercity rail passenger transportation by Northeast Corridor train services;

"(F) retirement of principal and payment of interest on loans for capital projects described in this paragraph or for capital leases for equipment and related to the Northeast Corridor;

"(G) participation in public-private partnerships, joint ventures, and other mechanisms or arrangements that result in the completion of capital projects described in this paragraph; and

"(H) indirect, common, corporate, or other costs directly incurred by or allocated to the Northeast Corridor.

"(c) STATE-SUPPORTED ACCOUNT.—

"(1) DEPOSITS.—Amtrak shall deposit in the State-supported account established under subsection (a)(2)—

"(A) a portion of the grant funds appropriated under the authorization in section 35101(a) of the Railroad Reform, Enhancement, and Efficiency Act, or any subsequent Act appropriating funds for the use of Amtrak, as specified in a grant agreement entered into under section 24318;

"(B) any compensation received from States provided to Amtrak under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (42 U.S.C. 24101 note); and

"(C) any operating surplus from its State-supported routes, as allocated under section 24317.

"(2) USE OF STATE-SUPPORTED ACCOUNT.—Except as provided in subsection (f), amounts deposited in the State-supported account shall be made available for the use of Amtrak for capital expenses and operating costs, including indirect, common, corporate, or other costs directly incurred by or allocated to State-supported routes, of its State-supported routes and retirement of principal and payment of interest on loans or capital leases attributable to its State-supported routes.

"(d) LONG-DISTANCE ACCOUNT.—

"(1) DEPOSITS.—Amtrak shall deposit in the long-distance account established under subsection (a)(3)—

"(A) a portion of the grant funds appropriated under the authorization in section 35101(a) of the Railroad Reform, Enhancement, and Efficiency Act, or any subsequent Act appropriating funds for the use of Amtrak, as specified in a grant agreement entered into under section 24318;

"(B) any compensation received from States provided to Amtrak for costs associated with its long-distance routes; and

"(C) any operating surplus from its long-distance routes, as allocated under section 24317.

"(2) USE OF LONG-DISTANCE ACCOUNT.—Except as provided in subsection (f), amounts deposited in the long-distance account shall be made available for the use of Amtrak for capital expenses and operating costs, including indirect, common, corporate, or other costs directly incurred by or allocated to long-distance routes, of its long-distance routes and retirement of principal and payment of interest on loans or capital leases attributable to the long-distance routes.

"(e) OTHER NATIONAL NETWORK ACTIVITIES ACCOUNT.—

"(1) DEPOSITS.—Amtrak shall deposit in the other national network activities account established under subsection (a)(4)—

"(A) a portion of the grant funds appropriated under the authorization in section 35101(a) of the Railroad Reform, Enhancement, and Efficiency Act, or any subsequent Act appropriating funds for the use of Amtrak, as specified in a grant agreement entered into under section 24318;

"(B) any compensation received from States provided to Amtrak for costs associated with its other national network activities; and

"(C) any operating surplus from its other national network activities.

"(2) USE OF OTHER NATIONAL NETWORK ACTIVITIES ACCOUNT.—Except as provided in subsection (f), amounts deposited into the other national network activities account shall be made available for the use of Amtrak for capital and operating costs not allocated to the Northeast Corridor investment account, State-supported account, or long-distance account, and retirement of principal and payment of interest on

loans or capital leases attributable to other national network activities.

"(f) TRANSFER AUTHORITY.—

"(1) AUTHORITY.—Amtrak may transfer any funds appropriated under the authorization in section 35101(a) of the Railroad Reform, Enhancement, and Efficiency Act, or any subsequent Act appropriating funds for the use of Amtrak for deposit into the accounts described in that section, or any surplus generated by operations, between the Northeast Corridor, State-supported, long-distance, and other national network activities accounts—

"(A) upon the expiration of 10 days after the date that Amtrak notifies the Amtrak Board of Directors, including the Secretary, of the planned transfer; and

"(B) with the approval of the Secretary.

"(2) REPORT.—Not later than 5 days after the date that Amtrak notifies the Amtrak Board of Directors of a planned transfer under paragraph (1), Amtrak shall transmit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee

on Appropriations of the House of Representatives a report that includes—

"(A) the amount of the transfer; and

"(B) a detailed explanation of the reason for the transfer, including—

"(i) the effects on Amtrak services funded by the account from which the transfer is drawn, in comparison to a scenario in which no transfer was made; and

"(ii) the effects on Amtrak services funded by the account receiving the transfer, in comparison to a scenario in which no transfer was made.

"(3) NOTIFICATIONS.—

"(A) STATE-SUPPORTED ACCOUNT.—Not later than 5 days after the date that Amtrak notifies the Amtrak Board of Directors of a planned transfer under paragraph (1) of funds to or from the State-supported account, Amtrak shall transmit to each State that sponsors a State-supported route a letter that includes the information described under subparagraphs (A) and (B) of paragraph (2).

"(B) NORTHEAST CORRIDOR ACCOUNT.—Not later than 5 days after the date that Amtrak

notifies the Amtrak Board of Directors of a planned transfer under paragraph (1) of funds to or from the Northeast Corridor account, Amtrak shall transmit to the Northeast Corridor Commission a letter that includes the information described under subparagraphs (A) and (B) of paragraph (2).

"(g) ENFORCEMENT.—The Secretary shall enforce the provisions of each grant agreement under section 24318(d), including any deposit into an account under this section.

"(h) LETTERS OF INTENT.—

"(1) REQUIREMENT.—The Secretary may issue a letter of intent to Amtrak announcing an intention to obligate, for a major capital project described in clauses (ii) and (iv) of section 24904(a)(2)(E), an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project.

"(2) NOTICE TO CONGRESS.—At least 30 days before issuing a letter under paragraph (1), the Secretary shall notify in writing the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the

Committee on Appropriations of the House of Representatives of the proposed letter. The Secretary shall include with the notice a copy of the proposed letter, the criteria used for selecting the project for a grant award, and a description of how the project meets the criteria under this section.

"(3) CONTINGENT NATURE OF OBLIGATION OR COMMITMENT.—An obligation or administrative commitment may be made only when amounts are appropriated. The letter of intent shall state that the contingent commitment is not an obligation of the Federal Government, and is subject to the availability of appropriations under Federal law and to Federal laws in force or enacted after the date of the contingent commitment.".

(b) CONFORMING AMENDMENTS.—The table of contents for chapter 243 is amended by adding at the end the following:

"24317. Costs and revenues.
"24318. Grant process.
"24319. Accounts.".

(c) REPEALS.—

(1) ESTABLISHMENT OF GRANT PROCESS.—Section 206 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) and the item relating to that section in the table of contents of that Act are repealed.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 24104 and the item relating to that section in the table of contents of chapter 241 are repealed.

SEC. 35202. 5-YEAR BUSINESS LINE AND ASSETS PLANS.

(a) AMTRAK 5-YEAR BUSINESS LINE AND ASSET PLANS.—Chapter 243, as amended by section 35201 of this Act, is further amended by inserting after section 24319 the following:

"§ 24320. Amtrak 5-year business line and asset plans

"(a) IN GENERAL.—

"(1) FINAL PLANS.—Not later than February 15 of each year, Amtrak shall submit to Congress and the Secretary final 5-year business line plans and 5-year asset plans prepared in accordance with this section. These final plans shall form the basis for Amtrak's general and legislative annual report to the President and Congress required by section 24315(b).

"(2) FISCAL CONSTRAINT.—Each plan prepared under this section shall be based on funding levels authorized or otherwise available to Amtrak in a fiscal year. In the absence of an authorization or appropriation of funds for a fiscal year, the plans shall be based on the amount of funding available in the previous fiscal year, plus inflation. Amtrak may include an appendix to the asset plan required in subsection

(c) that describes any capital funding requirements in excess of amounts authorized or otherwise available to Amtrak in a fiscal year for capital investment.

"(b) AMTRAK 5-YEAR BUSINESS LINE PLANS.—

"(1) AMTRAK BUSINESS LINES.—Amtrak shall prepare a 5-year business line plan for each of the following business lines and services:

"(A) Northeast Corridor train services.

"(B) State-supported routes operated by Amtrak.

"(C) Long-distance routes operated by Amtrak.

"(D) Ancillary services operated by Amtrak, including commuter operations and other revenue generating activities as determined by the Secretary in consultation with Amtrak.

"(2) CONTENTS OF 5-YEAR BUSINESS LINE PLANS.—The 5-year business line plan for each business line shall include, at a minimum—

"(A) a statement of Amtrak's vision, goals, and service plan for the business line, coordinated with any entities that are contributing capital or operating funding to support passenger rail services within those business lines,

and aligned with Amtrak's Strategic Plan and 5-year asset plans under subsection (c);

"(B) all projected revenues and expenditures for the business line, including identification of revenues and expenditures incurred by—

"(i) passenger operations;

"(ii) non-passenger operations that are directly related to the business line; and

"(iii) governmental funding sources, including revenues and other funding received from States;

"(C) projected ridership levels for all passenger operations;

"(D) estimates of long-term and short-term debt and associated principal and interest payments (both current and forecasts);

"(E) annual profit and loss statements and forecasts and balance sheets;

"(F) annual cash flow forecasts;

"(G) a statement describing the methodologies and significant assumptions underlying estimates and forecasts;

"(H) specific performance measures that demonstrate year over year changes in the results of Amtrak's operations;

"(I) financial performance for each route within each business line, including descriptions of the cash operating loss or contribution and labor productivity for each route;

"(J) specific costs and savings estimates resulting from reform initiatives;

"(K) prior fiscal year and projected equipment reliability statistics; and

"(L) an identification and explanation of any major adjustments made from previously-approved plans.

"(3) 5-YEAR BUSINESS LINE PLANS PROCESS.—In meeting the requirements of this section, Amtrak shall—

"(A) coordinate the development of the business line plans with the Secretary;

"(B) for the Northeast Corridor business line plan, coordinate with the Northeast Corridor Commission and transmit to the Commission the final plan under subsection (a)(1), and consult with other entities, as appropriate;

"(C) for the State-supported route business line plan, coordinate with the State-Supported Route Committee established under section 24712;

"(D) for the long-distance route business line plan, coordinate with any States or Interstate Compacts that provide funding for such routes, as appropriate;

"(E) ensure that Amtrak's annual budget request to Congress is consistent with the information in the 5-year business line plans; and

"(F) identify the appropriate Amtrak officials that are responsible for each business line.

"(4) STANDARDS TO PROMOTE FINANCIAL STABILITY.—In meeting the requirements under this subsection, Amtrak shall use the categories specified in the financial accounting and reporting system developed under section 203 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) when preparing its 5-year business line plans.

"(c) AMTRAK 5-YEAR ASSET PLANS.—

"(1) ASSET CATEGORIES.—Amtrak shall prepare a 5-year asset plan for each of the following asset categories:

"(A) Infrastructure, including all Amtrak-controlled Northeast Corridor assets and other Amtrak-owned infrastructure, and the associated facilities that support the operation, maintenance, and improvement of those assets.

"(B) Passenger rail equipment, including all Amtrak-controlled rolling stock, locomotives, and mechanical shop facilities that are used to overhaul equipment.

"(C) Stations, including all Amtrak-controlled passenger rail stations and elements of other stations for which Amtrak has legal responsibility or intends to make capital investments.

"(D) National assets, including national reservations, security, training and training centers, and other assets associated with Amtrak's national passenger rail transportation system.

"(2) CONTENTS OF 5-YEAR ASSET PLANS.—Each asset plan shall include, at a minimum—

"(A) a summary of Amtrak's 5-year strategic plan for each asset category, including goals, objectives, any relevant performance metrics, and statutory or regulatory actions affecting the assets;

"(B) an inventory of existing Amtrak capital assets, to the extent practicable, including information regarding shared use or ownership, if applicable;

"(C) a prioritized list of proposed capital investments that—

"(i) categorizes each capital project as being primarily associated with—

"(I) normalized capital replacement;

"(II) backlog capital replacement;

"(III) improvements to support service enhancements or growth;

"(IV) strategic initiatives that will improve overall operational performance, lower costs, or otherwise improve Amtrak's corporate efficiency; or

"(V) statutory, regulatory, or other legal mandates;

"(ii) identifies each project or program that is associated with more than 1 category described in clause (i); and

"(iii) describes the anticipated business outcome of each project or program identified under this subparagraph, including an assessment of—

"(I) the potential effect on passenger operations, safety, reliability, and resilience;

"(II) the potential effect on Amtrak's ability to meet regulatory re-

quirements if the project or program is not funded; and

"(III) the benefits and costs; and

"(D) annual profit and loss statements and forecasts and balance sheets for each asset category.

"(3) 5-YEAR ASSET PLAN PROCESS.—In meeting the requirements of this subsection, Amtrak shall—

"(A) coordinate with each business line described in subsection (b)(1) in the preparation of each 5-year asset plan and ensure integration of each 5-year asset plan with the 5-year business line plans;

"(B) as applicable, coordinate with the Northeast Corridor Commission, the State-Supported Route Committee, and owners of assets affected by 5-year asset plans; and

"(C) identify the appropriate Amtrak officials that are responsible for each asset category.

"(4) EVALUATION OF NATIONAL ASSETS COSTS.—The Secretary shall—

"(A) evaluate the costs and scope of all national assets; and

"(B) determine the activities and costs that are—

"(i) required in order to ensure the efficient operations of a national passenger rail system;

"(ii) appropriate for allocation to 1 of the other Amtrak business lines; and

"(iii) extraneous to providing an efficient national passenger rail system or are too costly relative to the benefits or performance outcomes they provide.

"(5) DEFINITION OF NATIONAL ASSETS.—In this section, the term 'national assets' means the Nation's core rail assets shared among Amtrak services, including national reservations, security, training and training centers, and other assets associated with Amtrak's national passenger rail transportation system.

"(6) RESTRUCTURING OF NATIONAL ASSETS.—Not later than 1 year after the date of completion of the evaluation under paragraph (4), the Administrator of the Federal Railroad Administration, in consultation with the Amtrak Board of Directors, the governors of each relevant State, and the Mayor of the District of Columbia, or their designees, shall restructure or reallocate, or both, the national assets costs in accordance with the determination under that section,

including making appropriate updates to Amtrak's cost accounting methodology and system.".

(b) EFFECTIVE DATE.—The requirements for Amtrak to submit final 5-year business line plans and 5-year asset plans under section 24320 of title 49, United States Code, shall take effect 1 year after the date of enactment of this Act.

(c) CONFORMING AMENDMENTS.—The table of contents for chapter 243, as amended by section 35201 of this Act, is further amended by adding at the end the following:

"24320. Amtrak 5-year business line and asset plans.".

(d) REPEAL OF 5-YEAR FINANCIAL PLAN.—Section 204 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note), and the item relating to that section in the table of contents of that Act, are repealed.

(e) IDENTIFICATION OF DUPLICATIVE REPORTING REQUIREMENTS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(1) review existing Amtrak reporting requirements and identify where the existing requirements are duplicative with the business line and capital plans required by section 24320 of title 49, United States Code;

(2) if the duplicative reporting requirements are administrative, the Secretary shall eliminate the duplicative requirements; and

(3) submit to Congress a report with any recommendations for repealing any other duplicative Amtrak reporting requirements.

SEC. 35203. STATE-SUPPORTED ROUTE COMMITTEE.

(a) AMENDMENT.—Chapter 247 is amended by adding at the end the following:

"§ 24712. State-supported routes operated by Amtrak

"(a) STATE-SUPPORTED ROUTE COMMITTEE.—

"(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, the Secretary of Transportation shall establish the State-Supported Route Committee (referred to in this section as the 'Committee') to promote mutual cooperation and planning pertaining to the rail operations of Amtrak and related activities of trains operated by Amtrak on State-supported routes and to further implement section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

"(2) MEMBERSHIP.—

"(A) IN GENERAL.—The Committee shall consist of—

"(i) members representing Amtrak;

"(ii) members representing the Department of Transportation, including the Federal Railroad Administration; and

"(iii) members representing States.

"(B) NON-VOTING MEMBERS.—The Committee may invite and accept other non-voting members to participate in Committee activities, as appropriate.

"(3) DECISIONMAKING.—The Committee shall establish a bloc voting system under which, at a minimum—

"(A) there are 3 separate voting blocs to represent the Committee's voting members, including—

"(i) 1 voting bloc to represent the members described in paragraph (2)(A)(i);

"(ii) 1 voting bloc to represent the members described in paragraph (2)(A)(ii); and

"(iii) 1 voting bloc to represent the members described in paragraph (2)(A)(iii);

"(B) each voting bloc has 1 vote;

"(C) the vote of the voting bloc representing the members described in paragraph (2)(A)(iii)

requires the support of at least two-thirds of that voting bloc's members; and

"(D) the Committee makes decisions by unanimous consent of the 3 voting blocs.

"(4) MEETINGS; RULES AND PROCEDURES.—The Committee shall convene a meeting and shall define and implement the rules and procedures governing the Committee's proceedings not later than 180 days after the date of establishment of the Committee by the Secretary. The rules and procedures shall—

"(A) incorporate and further describe the decisionmaking procedures to be used in accordance with paragraph (3); and

"(B) be adopted in accordance with such decisionmaking procedures.

"(5) COMMITTEE DECISIONS.—Decisions made by the Committee in accordance with the Committee's rules and procedures, once established, are binding on all Committee members.

"(6) COST ALLOCATION METHODOLOGY.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Committee may amend the cost allocation methodology required and previously approved under section 209 of the Passenger

Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

"(B) PROCEDURES FOR CHANGING METHODOLOGY.—The rules and procedures implemented under paragraph (4) shall include procedures for changing the cost allocation methodology.

"(C) REQUIREMENTS.—The cost allocation methodology shall—

"(i) ensure equal treatment in the provision of like services of all States and groups of States; and

"(ii) allocate to each route the costs incurred only for the benefit of that route and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 route.

"(b) INVOICES AND REPORTS.—Not later than February 15, 2016, and monthly thereafter, Amtrak shall provide to each State that sponsors a State-supported route a monthly invoice of the cost of operating such route, including fixed costs and third-party costs. The Committee shall determine the frequency and contents of the financial and performance reports that Amtrak shall provide to the

States, as well as the planning and demand reports that the States shall provide to Amtrak.

"(c) DISPUTE RESOLUTION.—

"(1) REQUEST FOR DISPUTE RESOLUTION.—If a dispute arises with respect to the rules and procedures implemented under subsection (a)(4), an invoice or a report provided under subsection (b), implementation or compliance with the cost allocation methodology developed under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) or amended under subsection (a)(6) of this section, either Amtrak or the State may request that the Surface Transportation Board conduct dispute resolution under this subsection.

"(2) PROCEDURES.—The Surface Transportation Board shall establish procedures for resolution of disputes brought before it under this subsection, which may include provision of professional mediation services.

"(3) BINDING EFFECT.—A decision of the Surface Transportation Board under this subsection shall be binding on the parties to the dispute.

"(4) OBLIGATION.—Nothing in this subsection shall affect the obligation of a State to pay an amount not in dispute.

"(d) ASSISTANCE.—

"(1) IN GENERAL.—The Secretary may provide assistance to the parties in the course of negotiations for a contract for operation of a State-supported route.

"(2) FINANCIAL ASSISTANCE.—From among available funds, the Secretary shall—

"(A) provide financial assistance to Amtrak or 1 or more States to perform requested independent technical analysis of issues before the Committee; and

"(B) reimburse Members for travel expenses, including per diem in lieu of subsistence, in accordance with section 5703 of title 5.

"(e) PERFORMANCE METRICS.—In negotiating a contract for operation of a State-supported route, Amtrak and the State or States that sponsor the route shall consider including provisions that provide penalties and incentives for performance.

"(f) STATEMENT OF GOALS AND OBJECTIVES.—

"(1) IN GENERAL.—The Committee shall develop a statement of goals, objectives, and associated recommendations concerning the future of State-supported routes operated by Amtrak. The statement shall identify the roles and responsibilities of Com-

mittee members and any other relevant entities, such as host railroads, in meeting the identified goals and objectives, or carrying out the recommendations. The Committee may consult with such relevant entities, as the Committee considers appropriate, when developing the statement.

"(2) TRANSMISSION OF STATEMENT OF GOALS AND OBJECTIVES.—Not later than 2 years after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act the Committee shall transmit the statement developed under paragraph (1) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

"(g) RULE OF CONSTRUCTION.—The decisions of the Committee—

"(1) shall pertain to the rail operations of Amtrak and related activities of trains operated by Amtrak on State-sponsored routes; and

"(2) shall not pertain to the rail operations or related activities of services operated by other rail passenger carriers on State-supported routes.

"(h) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

"(i) DEFINITION OF STATE.—In this section, the term 'State' means any of the 50 States, the District of Columbia, or a public entity that sponsor the operation of trains by Amtrak on a State-supported route.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents for chapter 247 is amended by adding at the end the following:

"24712. State-supported routes operated by Amtrak.".

SEC. 35204. ROUTE AND SERVICE PLANNING DECISIONS.

Section 208 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) is amended to read as follows:

"SEC. 208. METHODOLOGIES FOR AMTRAK ROUTE AND SERVICE PLANNING DECISIONS.

"(a) METHODOLOGY DEVELOPMENT.—Not later than 180 days after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, as a condition of receiving a grant under section 101 of that Act, Amtrak shall obtain the services of an independent entity to develop and recommend objective methodologies for Amtrak to use in determining what intercity rail passenger transportation routes and services it should provide, including the establishment of new routes, the elimination of existing routes,

and the contraction or expansion of services or frequencies over such routes.

"(b) CONSIDERATIONS.—Amtrak shall require the independent entity, in developing the methodologies described in subsection (a), to consider—

"(1) the current and expected performance and service quality of intercity rail passenger transportation operations, including cost recovery, on-time performance, ridership, on-board services, stations, facilities, equipment, and other services;

"(2) the connectivity of a route with other routes;

"(3) the transportation needs of communities and populations that are not well served by intercity rail passenger transportation service or by other forms of intercity transportation;

"(4) the methodologies of Amtrak and major intercity rail passenger transportation service providers in other countries for determining intercity passenger rail routes and services;

"(5) the financial and operational effects on the overall network, including the effects on indirect costs;

"(6) the views of States and the recommendations described in State rail plans, rail carriers that own infrastructure over which Amtrak operates, Interstate Compacts established by Congress and

States, Amtrak employee representatives, stakeholder organizations, and other interested parties; and

"(7) the funding levels that will be available under authorization levels that have been enacted into law.

"(c) RECOMMENDATIONS.—Not later than 1 year after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, Amtrak shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives recommendations developed by the independent entity under subsection (a).

"(d) CONSIDERATION OF RECOMMENDATIONS.—Not later than 90 days after the date the recommendations are transmitted under subsection (c), Amtrak shall consider the adoption of each recommendation and transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report explaining the reasons for adopting or not adopting each recommendation.".

SEC. 35205. COMPETITION.

(a) ALTERNATE PASSENGER RAIL SERVICE PILOT PROGRAM.—Section 24711 is amended to read as follows:

"§ 24711. Alternate passenger rail service pilot program

"(a) IN GENERAL.—Not later than 18 months after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, the Secretary of Transportation shall promulgate a rule to implement a pilot program for competitive selection of rail carriers for long-distance routes (as defined in section 24102).

"(b) PILOT PROGRAM REQUIREMENTS.—

"(1) IN GENERAL.—The pilot program shall—

"(A) allow a party described in paragraph (2) to petition the Secretary to provide intercity rail passenger transportation over a long-distance route in lieu of Amtrak for an operations period of 4 years from the date of commencement of service by the winning bidder and, at the option of the Secretary, consistent with the rule promulgated under subsection (a), allow the contract to be renewed for an additional operations period of 4 years, but not to exceed a total of 3 operations periods;

"(B) require the Secretary to—

"(i) notify the petitioner and Amtrak of receipt of the petition under subparagraph (A) and to publish in the Federal

Register a notice of receipt not later than 30 days after the date of receipt; and

"(ii) establish a deadline, of not more than 120 days after the notice of receipt is published in the Federal Register under clause (i), by which both the petitioner and Amtrak, if Amtrak chooses to do so, would be required to submit a complete bid to provide intercity rail passenger transportation over the applicable route;

"(C) require that each bid—

"(i) describe the capital needs, financial projections, and operational plans, including staffing plans, for the service, and such other factors as the Secretary considers appropriate; and

"(ii) be made available by the winning bidder to the public after the bid award;

"(D) for a route that receives funding from a State or States, require that for each bid received from a party described in paragraph (2), other than a State, the Secretary have the concurrence of the State or States that provide funding for that route;

"(E) for a winning bidder that is not or does not include Amtrak, require the Secretary to execute a contract not later than 270 days after the deadline established under subparagraph (B)(ii) and award to the winning bidder—

"(i) subject to paragraphs (3) and (4), the right and obligation to provide intercity rail passenger transportation over that route subject to such performance standards as the Secretary may require; and

"(ii) an operating subsidy, as determined by the Secretary, for—

"(I) the first year at a level that does not exceed 90 percent of the level in effect for that specific route during the fiscal year preceding the fiscal year in which the petition was received, adjusted for inflation; and

"(II) any subsequent years at the level calculated under subclause (I), adjusted for inflation; and

"(F) for a winning bidder that is or includes Amtrak, award to that bidder an operating subsidy, as determined by the Secretary, over the applicable route that will not change

during the fiscal year in which the bid was submitted solely as a result of the winning bid.

"(2) ELIGIBLE PETITIONERS.—The following parties are eligible to submit petitions under paragraph (1):

"(A) A rail carrier or rail carriers that own the infrastructure over which Amtrak operates a long-distance route.

"(B) A rail passenger carrier with a written agreement with the rail carrier or rail carriers that own the infrastructure over which Amtrak operates a long-distance route and that host or would host the intercity rail passenger transportation.

"(C) A State, group of States, or State-supported joint powers authority or other sub-State governance entity responsible for provision of intercity rail passenger transportation with a written agreement with the rail carrier or rail carriers that own the infrastructure over which Amtrak operates a long-distance route and that host or would host the intercity rail passenger transportation.

"(D) A State, group of States, or State-supported joint powers authority or other sub-State

governance entity responsible for provision of intercity rail passenger transportation and a rail passenger carrier with a written agreement with the rail carrier or rail carriers that own the infrastructure over which Amtrak operates a long-distance route and that host or would host the intercity rail passenger transportation.

"(3) PERFORMANCE STANDARDS.—If the winning bidder under paragraph (1)(E)(i) is not or does not include Amtrak, the performance standards shall be consistent with the performance required of or achieved by Amtrak on the applicable route during the last fiscal year.

"(4) AGREEMENT GOVERNING ACCESS ISSUES.—Unless the winning bidder already has applicable access agreements in place or includes a rail carrier that owns the infrastructure used in the operation of the route, the winning bidder under paragraph (1)(E)(i) shall enter into a written agreement governing access issues between the winning bidder and the rail carrier or rail carriers that own the infrastructure over which the winning bidder would operate and that host or would host the intercity rail passenger transportation.

"(c) ACCESS TO FACILITIES; EMPLOYEES.—If the Secretary awards the right and obligation to provide rail passenger transportation over a route under this section to an entity in lieu of Amtrak—

"(1) the Secretary shall require Amtrak to provide access to the Amtrak-owned reservation system, stations, and facilities directly related to operations of the awarded routes to the rail passenger carrier awarded a contract under this section, in accordance with subsection (g), as necessary to carry out the purposes of this section;

"(2) an employee of any person, except for a freight railroad or a person employed or contracted by a freight railroad, used by such rail passenger carrier in the operation of a route under this section shall be considered an employee of that rail passenger carrier and subject to the applicable Federal laws and regulations governing similar crafts or classes of employees of Amtrak; and

"(3) the winning bidder shall provide hiring preference to qualified Amtrak employees displaced by the award of the bid, consistent with the staffing plan submitted by the bidder, and shall be subject to the grant conditions under section 24405.

"(d) CESSATION OF SERVICE.—If a rail passenger carrier awarded a route under this section ceases to operate the service or fails to fulfill an obligation under the contract required under subsection (b)(1)(E), the Secretary shall take any necessary action consistent with this title to enforce the contract and ensure the continued provision of service, including—

"(1) the installment of an interim rail passenger carrier;

"(2) providing to the interim rail passenger carrier under paragraph (1) an operating subsidy necessary to provide service; and

"(3) rebidding the contract to operate the rail passenger transportation.

"(e) BUDGET AUTHORITY.—

"(1) IN GENERAL.—The Secretary shall provide to a winning bidder that is not or does not include Amtrak and that is selected under this section any appropriations withheld under section 35101(c) of the Railroad Reform, Enhancement, and Efficiency Act, or any subsequent appropriation for the same purpose, necessary to cover the operating subsidy described in subsection (b)(1)(E)(ii).

"(2) AMTRAK.—If the Secretary selects a winning bidder that is not or does not include Amtrak,

the Secretary may provide to Amtrak an appropriate portion of the appropriations under section 35101(a) of the Railroad Reform, Enhancement, and Efficiency Act, or any subsequent appropriation for the same purpose, to cover any cost directly attributable to the termination of Amtrak service on the route and any indirect costs to Amtrak imposed on other Amtrak routes as a result of losing service on the route operated by the winning bidder. Any amount provided by the Secretary to Amtrak under this paragraph shall not be deducted from or have any effect on the operating subsidy described in subsection (b)(1)(E)(ii).

"(f) DEADLINE.—If the Secretary does not promulgate the final rule and implement the program before the deadline under subsection (a), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a letter, signed by the Secretary and Administrator of the Federal Railroad Administration, each month until the rule is complete, including—

"(1) the reasons why the rule has not been issued;

"(2) an updated staffing plan for completing the rule as soon as feasible;

"(3) the contact information of the official that will be overseeing the execution of the staffing plan; and

"(4) the estimated date of completion of the rule.

"(g) DISPUTES.—If Amtrak and the rail passenger carrier awarded a route under this section cannot agree upon terms to carry out subsection (c)(1), and the Surface Transportation Board finds that access to Amtrak's facilities or equipment, or the provision of services by Amtrak, is necessary under subsection (c)(1) and that the operation of Amtrak's other services will not be impaired thereby, the Surface Transportation Board shall issue an order that the facilities and equipment be made available, and that services be provided, by Amtrak, and shall determine reasonable compensation, liability, and other terms for use of the facilities and equipment and provision of the services.

"(h) LIMITATION.—Not more than 3 long-distance routes may be selected under this section for operation by a winning bidder that is not or does not include Amtrak.

"(i) PRESERVATION OF RIGHT TO COMPETITION ON STATE-SUPPORTED ROUTES.—Nothing in this section shall be construed as prohibiting a State from introducing competition for intercity rail passenger transportation or services on its State-supported route or routes.".

(b) REPORT.—Not later than 4 years after the date of implementation of the pilot program under section 24711 of title 49, United States Code, and quadrennially thereafter until the pilot program is discontinued, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results on the pilot program to date and any recommendations for further action.

SEC. 35206. ROLLING STOCK PURCHASES.

(a) IN GENERAL.—Prior to entering into any contract in excess of $100,000,000 for rolling stock and locomotive procurements Amtrak shall submit a business case analysis to the Secretary, the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives, on the utility of such procurements.

(b) CONTENTS.—The business case analysis shall—

(1) include a cost and benefit comparison that describes the total lifecycle costs and the anticipated benefits related to revenue, operational efficiency, reliability, and other factors;

(2) set forth the total payments by fiscal year;

(3) identify the specific source and amounts of funding for each payment, including Federal funds, State funds, Amtrak profits, Federal, State, or private loans or loan guarantees, and other funding;

(4) include an explanation of whether any payment under the contract will increase Amtrak's grant request, as required under section 24318 of title 49, United States Code, in that particular fiscal year; and

(5) describe how Amtrak will adjust the procurement if future funding is not available.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as requiring Amtrak to disclose confidential information regarding a potential vendor's proposed pricing or other sensitive business information prior to contract execution.

SEC. 35207. FOOD AND BEVERAGE POLICY.

(a) IN GENERAL.—Chapter 243, as amended in section 35202 of this Act, is further amended by adding after section 24320 the following:

"§ 24321. Food and beverage reform

"(a) PLAN.—Not later than 90 days after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, Amtrak shall develop and begin implementing a plan to eliminate, not later than 4 years after the date

of enactment of that Act, the operating loss associated with providing food and beverage service on board Amtrak trains.

"(b) CONSIDERATIONS.—In developing and implementing the plan under subsection (a), Amtrak shall consider a combination of cost management and revenue generation initiatives, including—

"(1) scheduling optimization;

"(2) onboard logistics;

"(3) product development and supply chain efficiency;

"(4) training, awards, and accountability;

"(5) technology enhancements and process improvements; and

"(6) ticket revenue allocation.

"(c) SAVINGS CLAUSE.—Amtrak shall ensure that no Amtrak employee holding a position as of the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act is involuntarily separated because of—

"(1) the development and implementation of the plan required under subsection (a); or

"(2) any other action taken by Amtrak to implement this section.

"(d) NO FEDERAL FUNDING FOR OPERATING LOSSES.—Beginning on the date that is 4 years after the

date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, no Federal funds may be used to cover any operating loss associated with providing food and beverage service on a route operated by Amtrak or an alternative passenger rail service provider that operates a route in lieu of Amtrak under section 24711.

''(e) REPORT.—Not later than 120 days after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, and annually thereafter for a period of 4 years, Amtrak shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the plan developed under subsection (a) and a description of progress in the implementation of the plan.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 243, as amended in section 35202 of this Act, is amended by adding at the end the following:

''24321. Food and beverage reform.''.

SEC. 35208. LOCAL PRODUCTS AND PROMOTIONAL EVENTS.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, Amtrak shall establish a pilot program for a State or States that sponsor a State-supported route operated by Amtrak to facilitate—

(1) onboard purchase and sale of local food and beverage products; and

(2) partnerships with local entities to hold promotional events on trains or in stations.

(b) PROGRAM DESIGN.—The pilot program under paragraph (1) shall allow a State or States—

(1) to nominate and select a local food and beverage products supplier or suppliers or local promotional event partner;

(2) to charge a reasonable price or fee for local food and beverage products or promotional events and related activities to help defray the costs of program administration and State-supported routes; and

(3) a mechanism to ensure that State products can effectively be handled and integrated into existing food and beverage services, including compliance with all applicable regulations and standards governing such services.

(c) PROGRAM ADMINISTRATION.—The pilot program shall—

(1) for local food and beverage products, ensure the products are integrated into existing food and beverage services, including compliance with all applicable regulations and standards;

(2) for promotional events, ensure the events are held in compliance with all applicable regulations

and standards, including terms to address insurance requirements; and

(3) require an annual report that documents revenues and costs and indicates whether the products or events resulted in a reduction in the financial contribution of a State or States to the applicable State-supported route.

(d) REPORT.—Not later than 4 years after the date of establishment of the pilot programs under this section, Amtrak shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on which States have participated in the pilot programs under this section. The report shall summarize the financial and operational outcomes of the pilot programs.

(e) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as limiting Amtrak's ability to operate special trains in accordance with section 216 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24308 note).

SEC. 35209. RIGHT-OF-WAY LEVERAGING.

(a) REQUEST FOR PROPOSALS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, Amtrak shall issue

a Request for Proposals seeking qualified persons or entities to utilize right-of-way and real estate owned, controlled, or managed by Amtrak for telecommunications systems, energy distribution systems, and other activities considered appropriate by Amtrak.

(2) CONTENTS.—The Request for Proposals shall provide sufficient information on the right-of-way and real estate assets to enable respondents to propose an arrangement that will monetize or generate additional revenue from such assets through revenue sharing or leasing agreements with Amtrak, to the extent possible.

(b) CONSIDERATION OF PROPOSALS.—Not later than 180 days following the deadline for the receipt of proposals under subsection (a), Amtrak shall review and consider each qualified proposal. Amtrak may enter into such agreements as are necessary to implement any qualified proposal.

(c) REPORT.—Not later than 270 days following the deadline for the receipt of proposals under subsection (a), Amtrak shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Request for Proposals required by this section, including summary information of

any proposals submitted to Amtrak and any proposals accepted by Amtrak.

(d) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit Amtrak's ability to utilize right-of-way or real estate assets that it currently owns, controls, or manages or constrain Amtrak's ability to enter into agreements with other parties to utilize such assets.

SEC. 35210. STATION DEVELOPMENT.

(a) REPORT ON DEVELOPMENT OPTIONS.—Not later than 1 year after the date of the enactment of this Act, Amtrak shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

(1) options to enhance economic development and accessibility of and around Amtrak stations and terminals, for the purposes of—

(A) improving station condition, functionality, capacity, and customer amenities;

(B) generating additional investment capital and development-related revenue streams;

(C) increasing ridership and revenue;

(D) complying with the applicable sections of the Americans with Disabilities Act of 1990

(42 U.S.C. 12101 et seq.) and the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.); and

(E) strengthening multimodal connections, including transit, intercity buses, roll-on and roll-off bicycles, and airports, as appropriate; and

(2) options for additional Amtrak stops that would have a positive incremental financial impact to Amtrak, based on Amtrak feasibility studies that demonstrate a financial benefit to Amtrak by generating additional revenue that exceeds any incremental costs.

(b) REQUEST FOR INFORMATION.—Not later than 90 days after the date the report is transmitted under subsection (a), Amtrak shall issue a Request of Information for 1 or more owners of stations served by Amtrak to formally express an interest in completing the requirements of this section.

(c) PROPOSALS.—

(1) REQUEST FOR PROPOSALS.—Not later than 180 days after the date the Request for Information is issued under subsection (a), Amtrak shall issue a Request for Proposals from qualified persons, including small business concerns owned and controlled by socially and economically disadvantaged individuals

and veteran-owned small businesses, to lead, participate, or partner with Amtrak, a station owner that responded under subsection (b), and other entities in enhancing development in and around such stations and terminals using applicable options identified under subsection (a) at facilities selected by Amtrak.

(2) CONSIDERATION OF PROPOSALS.—Not later than 1 year after the date the Request for Proposals are issued under paragraph (1), Amtrak shall review and consider qualified proposals submitted under paragraph (1). Amtrak or a station owner that responded under subsection (b) may enter into such agreements as are necessary to implement any qualified proposal.

(d) REPORT.—Not later than 3 years after the date of enactment of this Act, Amtrak shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Request for Proposals process required under this section, including summary information of any qualified proposals submitted to Amtrak and any proposals acted upon by Amtrak or a station owner that responded under subsection (b).

(e) DEFINITIONS.—In this section, the terms "small business concern", "socially and economically disadvan-

taged individual", and "veteran-owned small business" have the meanings given the terms in section 304(c) of this Act.

(f) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit Amtrak's ability to develop its stations, terminals, or other assets, to constrain Amtrak's ability to enter into and carry out agreements with other parties to enhance development at or around Amtrak stations or terminals, or to affect any station development initiatives ongoing as of the date of enactment of this Act.

SEC. 35211. AMTRAK DEBT.

Section 205 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) is amended—

(1) by striking "as of the date of enactment of this Act" each place it appears;

(2) in subsection (a)—

(A) by inserting ", to the extent provided in advance in appropriations Acts" after "Amtrak's indebtedness"; and

(B) by striking the second sentence;

(3) in subsection (b), by striking "The Secretary of the Treasury, in consultation" and inserting "To the extent amounts are provided in advance in appro-

priations Acts, the Secretary of the Treasury, in consultation";

(4) in subsection (d), by inserting ", to the extent provided in advance in appropriations Acts" after "as appropriate";

(5) in subsection (e)—

(A) in paragraph (1), by striking "by section 102 of this division"; and

(B) in paragraph (2), by striking "by section 102" and inserting "for Amtrak";

(6) in subsection (g), by inserting ", unless that debt receives credit assistance, including direct loans and loan guarantees, under chapter 6 of title 23, United States Code or title V of the Railroad Revitalization and Regulatory Act of 1976 (45 U.S.C. 821 et seq.)" after "Secretary"; and

(7) by striking subsection (h).

SEC. 35212. AMTRAK PILOT PROGRAM FOR PASSENGERS TRANSPORTING DOMESTICATED CATS AND DOGS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, Amtrak shall develop a pilot program that allows passengers to transport domesticated cats or dogs on certain trains operated by Amtrak.

(b) PET POLICY.—In developing the pilot program required under subsection (a), Amtrak shall—

(1) in the case of a passenger train that is comprised of more than 1 car, designate, where feasible, at least 1 car in which a ticketed passenger may transport a domesticated cat or dog in the same manner as carry-on baggage if—

(A) the cat or dog is contained in a pet kennel;

(B) the pet kennel complies with Amtrak size requirements for carriage of carry-on baggage;

(C) the passenger is traveling on a train operating on a route described in subparagraph (A), (B), or (D) of section 24102(6) of title 49, United States Code; and

(D) the passenger pays a fee described in paragraph (3);

(2) allow a ticketed passenger to transport a domesticated cat or dog on a train in the same manner as cargo if—

(A) the cat or dog is contained in a pet kennel;

(B) the pet kennel is stowed in accordance with Amtrak requirements for cargo stowage;

(C) the passenger is traveling on a train operating on a route described in subparagraph (A), (B), or (D) of section 24102(6) of title 49, United States Code;

(D) the cargo area is temperature controlled in a manner protective of cat and dog safety and health; and

(E) the passenger pays a fee described in paragraph (3); and

(3) collect fees for each cat or dog transported by a ticketed passenger in an amount that, in the aggregate and at a minimum, covers the full costs of the pilot program.

(c) REPORT.—Not later than 1 year after the pilot program required under subsection (a) is first implemented, Amtrak shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing an evaluation of the pilot program.

(d) LIMITATION ON STATUTORY CONSTRUCTION.—

(1) SERVICE ANIMALS.—The pilot program under subsection (a) shall be separate from and in addition to the policy governing Amtrak passengers traveling with service animals. Nothing in this sec-

tion may be interpreted to limit or waive the rights of passengers to transport service animals.

(2) ADDITIONAL TRAIN CARS.—Nothing in this section may be interpreted to require Amtrak to add additional train cars or modify existing train cars.

(3) FEDERAL FUNDS.—No Federal funds may be used to implement the pilot program required under this section.

SEC. 35213. AMTRAK BOARD OF DIRECTORS.

(a) IN GENERAL.—Section 24302(a) is amended to read as follows:

"(a) COMPOSITION AND TERMS.—

"(1) IN GENERAL.—The Amtrak Board of Directors (referred to in this section as the 'Board') is composed of the following 9 directors, each of whom must be a citizen of the United States:

"(A) The Secretary of Transportation.

"(B) The President of Amtrak.

"(C) 7 individuals appointed by the President of the United States, by and with the advice and consent of the Senate, with general business and financial experience, experience or qualifications in transportation, freight and passenger rail transportation, travel, hospitality, or passenger air transportation businesses, or rep-

resentatives of employees or users of passenger rail transportation or a State government.

"(2) SELECTION.—In selecting individuals described in paragraph (1)(C) for nominations for appointments to the Board, the President shall consult with the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate. The individuals appointed to the Board under paragraph (1)(C) shall be composed of the following;

"(A) 2 individuals from the Northeast Corridor.

"(B) 4 individuals from regions of the country outside of the Northeast Corridor and geographically distributed with—

"(i) 2 individuals from States with long-distance routes operated by Amtrak; and

"(ii) 2 individuals from States with State-supported routes operated by Amtrak.

"(C) 1 individual from the Northeast Corridor or a State with long-distance or State-supported routes.

"(3) TERM.—An individual appointed under paragraph (1)(C) shall be appointed for a term of 5 years. The term may be extended until the individual's successor is appointed and qualified. Not more than 4 individuals appointed under paragraph (1)(C) may be members of the same political party.

"(4) CHAIRPERSON AND VICE CHAIRPERSON.—The Board shall elect a chairperson and vice chairperson, other than the President of Amtrak, from among its membership. The vice chairperson shall serve as chairperson in the absence of the chairperson.

"(5) SECRETARY'S DESIGNEE.—The Secretary may be represented at Board meetings by the Secretary's designee.".

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as affecting the term of any director serving on the Amtrak Board of Directors under section 24302(a)(1)(C) of title 49, United States Code, on the day preceding the date of enactment of this Act.

SEC. 35214. AMTRAK BOARDING PROCEDURES.

(a) REPORT.—Not later than 6 months after the date of enactment of this Act, the Amtrak Office of Inspector General shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the

Committee on Transportation and Infrastructure of the House of Representatives that—

(1) evaluates Amtrak's boarding procedures for passengers, including passengers using or transporting nonmotorized transportation, such as wheelchairs and bicycles, at its 15 stations through which the most people pass;

(2) compares Amtrak's boarding procedures to—

(A) commuter railroad boarding procedures at stations shared with Amtrak;

(B) international intercity passenger rail boarding procedures; and

(C) fixed guideway transit boarding procedures; and

(3) makes recommendations, as appropriate, in consultation with the Transportation Security Administration, to improve Amtrak's boarding procedures, including recommendations regarding the queuing of passengers and free-flow of all station users and facility improvements needed to achieve the recommendations.

(b) CONSIDERATION OF RECOMMENDATIONS.—Not later than 6 months after the report is submitted under subsection (a), Amtrak shall consider each recommendation

provided under subsection (a)(3) for implementation at appropriate locations across the Amtrak system.

Subtitle C—Intercity Passenger Rail Policy

SEC. 35301. COMPETITIVE OPERATING GRANTS.

(a) IN GENERAL.—Chapter 244 is amended—

(1) by striking section 24406; and

(2) by inserting after section 24405 the following:

"§ 24406. Competitive operating grants

"(a) APPLICANT DEFINED.—In this section, the term 'applicant' means—

"(1) a State;

"(2) a group of States;

"(3) an Interstate Compact;

"(4) a public agency or publicly chartered authority established by 1 or more States and having responsibility for providing intercity rail passenger transportation or commuter rail passenger transportation;

"(5) a political subdivision of a State;

"(6) Amtrak or another rail passenger carrier that provides intercity rail passenger transportation;

"(7) Any rail carrier in partnership with at least 1 of the entities described in paragraphs (1) through (5); and

"(8) any combination of the entities described in paragraphs (1) through (7).

"(b) GRANTS AUTHORIZED.—The Secretary of Transportation shall develop and implement a program for issuing 3-year operating assistance grants to applicants, on a competitive basis, for the purpose of initiating, restoring, or enhancing intercity rail passenger service.

"(c) APPLICATION.—An applicant for a grant under this section shall submit to the Secretary—

"(1) a capital and mobilization plan that—

"(A) describes any capital investments, service planning actions (such as environmental reviews), and mobilization actions (such as qualification of train crews) required for initiation of service; and

"(B) includes the timeline for undertaking and completing each of the investments and actions referred to in subparagraph (A);

"(2) an operating plan that describes the planned operation of the service, including—

"(A) the identity and qualifications of the train operator;

"(B) the identity and qualifications of any other service providers;

"(C) service frequency;

"(D) the planned routes and schedules;

"(E) the station facilities that will be utilized;

"(F) projected ridership, revenues, and costs;

"(G) descriptions of how the projections under subparagraph (F) were developed;

"(H) the equipment that will be utilized, how such equipment will be acquired or refurbished, and where such equipment will be maintained; and

"(I) a plan for ensuring safe operations and compliance with applicable safety regulations;

"(3) a funding plan that—

"(A) describes the funding of initial capital costs and operating costs for the first 3 years of operation;

"(B) includes a commitment by the applicant to provide the funds described in subparagraph (A) to the extent not covered by Federal grants and revenues; and

"(C) describes the funding of operating costs and capital costs, to the extent necessary, after the first 3 years of operation; and

"(4) a description of the status of negotiations and agreements with—

"(A) each of the railroads or regional transportation authorities whose tracks or facilities would be utilized by the service;

"(B) the anticipated rail passenger carrier, if such entity is not part of the applicant group; and

"(C) any other service providers or entities expected to provide services or facilities that will be used by the service, including any required access to Amtrak systems, stations, and facilities if Amtrak is not part of the applicant group.

"(d) PRIORITIES.—In awarding grants under this section, the Secretary shall give priority to applications—

"(1) for which planning, design, any environmental reviews, negotiation of agreements, acquisition of equipment, construction, and other actions necessary for initiation of service have been completed or nearly completed;

"(2) that would restore service over routes formerly operated by Amtrak, including routes with international connections;

"(3) that would provide daily or daytime service over routes where such service did not previously exist;

"(4) that include private funding (including funding from railroads), and funding or other significant participation by State, local, and regional governmental and private entities;

"(5) that include a funding plan that demonstrates the intercity rail passenger service will be financially sustainable beyond the 3-year grant period;

"(6) that would provide service to regions and communities that are underserved or not served by other intercity public transportation;

"(7) that would foster economic development, particularly in rural communities and for disadvantaged populations;

"(8) that would provide other non-transportation benefits; and

"(9) that would enhance connectivity and geographic coverage of the existing national network of intercity passenger rail service.

"(e) LIMITATIONS.—

"(1) DURATION.—Federal operating assistance grants authorized under this section for any individual intercity rail passenger transportation route may not provide funding for more than 3 years and may not be renewed.

"(2) LIMITATION.—Not more than 6 of the operating assistance grants awarded pursuant to subsection (b) may be simultaneously active.

"(3) MAXIMUM FUNDING.—Grants described in paragraph (1) may not exceed—

"(A) 80 percent of the projected net operating costs for the first year of service;

"(B) 60 percent of the projected net operating costs for the second year of service; and

"(C) 40 percent of the projected net operating costs for the third year of service.

"(f) USE WITH CAPITAL GRANTS AND OTHER FEDERAL FUNDING.—A recipient of an operating assistance grant under subsection (b) may use that grant in combination with other grants awarded under this chapter or any other Federal funding that would benefit the applicable service.

"(g) AVAILABILITY.—Amounts appropriated for carrying out this section shall remain available until expended.

"(h) COORDINATION WITH AMTRAK.—If the Secretary awards a grant under this section to a rail passenger carrier other than Amtrak, Amtrak may be required under section 24711(c)(1) of this title to provide access to its reservation system, stations, and facilities that are directly related to operations to such carrier, to the extent necessary to carry out the purposes of this section. The Secretary may award an appropriate portion of the grant to Amtrak as compensation for this access.

"(i) CONDITIONS.—

"(1) GRANT AGREEMENT.—The Secretary shall require grant recipients under this section to enter into a grant agreement that requires them to provide similar information regarding the route performance, financial, and ridership projections, and capital and business plans that Amtrak is required to provide, and such other data and information as the Secretary deems necessary.

"(2) INSTALLMENTS; TERMINATION.—The Secretary may—

"(A) award grants under this section in installments, as the Secretary considers appropriate; and

"(B) terminate any grant agreement upon—

"(i) the cessation of service; or

"(ii) the violation of any other term of the grant agreement.

"(3) GRANT CONDITIONS.—Except as specifically provided in this section, the use of any amounts appropriated for grants under this section shall be subject to the requirements under this chapter.

"(j) REPORT.—Not later than 4 years after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, the Secretary, after consultation with grant recipients under this section, shall submit a report to Congress that describes—

"(1) the implementation of this section;

"(2) the status of the investments and operations funded by such grants;

"(3) the performance of the routes funded by such grants;

"(4) the plans of grant recipients for continued operation and funding of such routes; and

"(5) any legislative recommendations.".

(b) CONFORMING AMENDMENTS.—Chapter 244 is amended—

(1) in the table of contents, by inserting after the item relating to section 24405 the following:

"24406. Competitive operating grants.";

*(2) in the chapter title, by striking "**INTERCITY PASSENGER RAIL SERVICE CORRIDOR CAPITAL**" and inserting "**RAIL CAPITAL AND OPERATING**";*

(3) in section 24401, by striking paragraph (1);

(4) in section 24402, by striking subsection (j) and inserting the following:

"(j) APPLICANT DEFINED.—In this section, the term 'applicant' means a State (including the District of Columbia), a group of States, an Interstate Compact, a public agency or publicly chartered authority established by 1 or more States and having responsibility for providing intercity rail passenger transportation, or a political subdivision of a State."; and

(5) in section 24405—

(A) in subsection (b)—

(i) by inserting ", or for which an operating grant is issued under section 24406," after "chapter"; and

(ii) in paragraph (2), by striking "(43" and inserting "(45";

(B) in subsection (d)(1), in the matter preceding subparagraph (A), by inserting "or unless Amtrak ceased providing intercity passenger railroad transportation over the affected route more than 3 years before the commencement of new service" after "unless such service was provided solely by Amtrak to another entity";

(C) in subsection (f), by striking "under this chapter for commuter rail passenger transportation, as defined in section 24012(4) of this title." and inserting "under this chapter for commuter rail passenger transportation (as defined in section 24102(3))."; and

(D) by adding at the end the following:

"(g) SPECIAL TRANSPORTATION CIRCUMSTANCES.—In carrying out this chapter, the Secretary shall allocate an appropriate portion of the amounts available under this chapter to provide grants to States—

"(1) in which there is no intercity passenger rail service, for the purpose of funding freight rail capital projects that are on a State rail plan developed under chapter 227 that provide public benefits (as defined in chapter 227), as determined by the Secretary; or

"(2) in which the rail transportation system is not physically connected to rail systems in the conti-

nental United States or may not otherwise qualify for a grant under this section due to the unique characteristics of the geography of that State or other relevant considerations, for the purpose of funding transportation-related capital projects.".

SEC. 35302. FEDERAL-STATE PARTNERSHIP FOR STATE OF GOOD REPAIR.

(a) AMENDMENT.—Chapter 244 is amended by inserting after section 24406, as added by section 5301 of this Act, the following:

"§ 24407. Federal-State partnership for state of good repair

"(a) DEFINITIONS.—In this section:

"(1) APPLICANT.—The term 'applicant' means—

"(A) a State (including the District of Columbia);

"(B) a group of States;

"(C) an Interstate Compact;

"(D) a public agency or publicly chartered authority established by 1 or more States that has responsibility for providing intercity rail passenger transportation or commuter rail passenger transportation;

"(E) a political subdivision of a State;

"(F) Amtrak, acting on its own behalf or under a cooperative agreement with 1 or more States; or

"(G) any combination of the entities described in subparagraphs (A) through (F).

"(2) CAPITAL PROJECT.—The term 'capital project' means—

"(A) a project primarily intended to replace, rehabilitate, or repair major infrastructure assets utilized for providing intercity passenger rail service, including tunnels, bridges, stations, and other assets, as determined by the Secretary; or

"(B) a project primarily intended to improve intercity passenger rail performance, including reduced trip times, increased train frequencies, higher operating speeds, and other improvements, as determined by the Secretary.

"(3) NORTHEAST CORRIDOR.—The term 'Northeast Corridor' means—

"(A) the main rail line between Boston, Massachusetts and the Virginia Avenue interlocking in the District of Columbia; and

"(B) the branch rail lines connecting to Harrisburg, Pennsylvania, Springfield, Massachusetts, and Spuyten Duyvil, New York.

"(4) QUALIFIED RAILROAD ASSET.—The term 'qualified railroad asset' means infrastructure, equipment, or a facility that—

"(A) is owned or controlled by an eligible applicant; and

"(B) was not in a state of good repair on the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act.

"(b) GRANT PROGRAM AUTHORIZED.—The Secretary of Transportation shall develop and implement a program for issuing grants to applicants, on a competitive basis, to fund capital projects that reduce the state of good repair backlog on qualified railroad assets.

"(c) ELIGIBLE PROJECTS.—Projects eligible for grants under this section include capital projects to replace or rehabilitate qualified railroad assets, including—

"(1) capital projects to replace existing assets in-kind;

"(2) capital projects to replace existing assets with assets that increase capacity or provide a higher level of service; and

"(3) capital projects to ensure that service can be maintained while existing assets are brought to a state of good repair.

"(d) PROJECT SELECTION CRITERIA.—In selecting an applicant for a grant under this section, the Secretary shall—

"(1) give preference to eligible projects—

"(A) that are consistent with the goals, objectives, and policies defined in any regional rail planning document that is applicable to a project proposal; and

"(B) for which the proposed Federal share of total project costs does not exceed 50 percent; and

"(2) take into account—

"(A) the cost-benefit analysis of the proposed project, including anticipated private and public benefits relative to the costs of the proposed project, including—

"(i) effects on system and service performance;

"(ii) effects on safety, competitiveness, reliability, trip or transit time, and resilience;

"(iii) efficiencies from improved integration with other modes; and

"(iv) ability to meet existing or anticipated demand;

"(B) the degree to which the proposed project's business plan considers potential private sector participation in the financing, construction, or operation of the proposed project;

"(C) the applicant's past performance in developing and delivering similar projects, and previous financial contributions;

"(D) whether the applicant has, or will have—

"(i) the legal, financial, and technical capacity to carry out the project;

"(ii) satisfactory continuing control over the use of the equipment or facilities; and

"(iii) the capability and willingness to maintain the equipment or facilities;

"(E) if applicable, the consistency of the project with planning guidance and documents set forth by the Secretary or required by law; and

"(F) any other relevant factors, as determined by the Secretary.

"(e) PLANNING REQUIREMENTS.—A project is not eligible for a grant under this section unless the project is specifically identified—

"(1) on a State rail plan prepared in accordance with chapter 227; or

"(2) if the project is located on the Northeast Corridor, on the Northeast Corridor Capital Investment Plan developed pursuant to section 24904(a).

"(f) NORTHEAST CORRIDOR PROJECTS.—

"(1) COMPLIANCE WITH USAGE AGREEMENTS.—Grant funds may not be provided under this section to an eligible recipient for an eligible project located on the Northeast Corridor unless Amtrak and the public authorities providing commuter rail passenger transportation on the Northeast Corridor are in compliance with section 24905(c)(2).

"(2) CAPITAL INVESTMENT PLAN.—When selecting projects located on the Northeast Corridor, the Secretary shall consider the appropriate sequence and phasing of projects as contained in the Northeast Corridor Capital Investment Plan developed pursuant to section 24904(a).

"(g) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

"(1) TOTAL PROJECT COST.—The Secretary shall estimate the total cost of a project under this section based on the best available information, including engineering studies, studies of economic feasibility, environmental analyses, and information on the expected use of equipment or facilities.

"(2) FEDERAL SHARE.—The Federal share of total costs for a project under this subsection shall not exceed 80 percent.

"(3) TREATMENT OF AMTRAK REVENUE.—If Amtrak or another rail passenger carrier is an applicant under this section, Amtrak or the other rail passenger carrier, as applicable, may use ticket and other revenues generated from its operations and other sources to satisfy the non-Federal share requirements.

"(h) LETTERS OF INTENT.—

"(1) IN GENERAL.—The Secretary may issue a letter of intent to a grantee under this section that—

"(A) announces an intention to obligate, for a major capital project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project; and

"(B) states that the contingent commitment—

"(i) is not an obligation of the Federal Government; and

"(ii) is subject to the availability of appropriations under Federal law and to Federal laws in force or enacted after the date of the contingent commitment.

"(2) CONGRESSIONAL NOTIFICATION.—

"(A) IN GENERAL.—Not later than 30 days before issuing a letter under paragraph (1), the Secretary shall submit written notification to—

"(i) the Committee on Commerce, Science, and Transportation of the Senate;

"(ii) the Committee on Appropriations of the Senate;

"(iii) the Committee on Transportation and Infrastructure of the House of Representatives; and

"(iv) the Committee on Appropriations of the House of Representatives.

"(B) CONTENTS.—The notification submitted pursuant to subparagraph (A) shall include—

"(i) a copy of the proposed letter or agreement;

"(ii) the criteria used under subsection (d) for selecting the project for a grant award; and

"(iii) a description of how the project meets such criteria.

"(3) APPROPRIATIONS REQUIRED.—An obligation or administrative commitment may be made under this section only when amounts are appropriated for such purpose.

"(i) AVAILABILITY.—Amounts appropriated for carrying out this section shall remain available until expended.

"(j) GRANT CONDITIONS.—Except as specifically provided in this section, the use of any amounts appropriated for grants under this section shall be subject to the requirements under this chapter.".

(b) CONFORMING AMENDMENT.—The table of contents for chapter 244 is amended by inserting after the item relating to section 24406 the following:

"24407. Federal-State partnership for state of good repair.".

SEC. 35303. LARGE CAPITAL PROJECT REQUIREMENTS.

Section 24402 is amended by adding at the end the following:

"(m) LARGE CAPITAL PROJECT REQUIREMENTS.—

"(1) IN GENERAL.—For a grant awarded under this chapter for an amount in excess of $1,000,000,000, the following conditions shall apply:

"(A) The Secretary of Transportation may not obligate any funding unless the applicant demonstrates, to the satisfaction of the Secretary, that the applicant has committed, and will be able to fulfill, the non-Federal share required for the grant within the applicant's proposed project completion timetable.

"(B) The Secretary may not obligate any funding for work activities that occur after the completion of final design unless—

"(i) the applicant submits a financial plan to the Secretary that generally identifies the sources of the non-Federal funding required for any subsequent segments or phases of the corridor service development program covering the project for which the grant is awarded;

"(ii) the grant will result in a useable segment, a transportation facility, or equipment, that has operational independence or is financially sustainable; and

"(iii) the intercity passenger rail benefits anticipated to result from the grant, such as increased speed, improved on-time performance, reduced trip time, increased frequencies, new service, safety improvements, improved accessibility, or other significant enhancements, are detailed by the grantee and approved by the Secretary.

"(C)(i) The Secretary shall ensure that the project is maintained to the level of utility that is necessary to support the benefits approved under subparagraph (B)(iii) for a period of 20 years from the date on which the useable segment, transportation facility, or equipment described in subparagraph (B)(ii) is placed in service.

"(ii) If the project property is not maintained as required under clause (i) for a 12-month period, the grant recipient shall refund a pro-rata share of the Federal contribution, based upon the percentage remaining of the 20-year period that commenced when the project property was placed in service.

"(2) EARLY WORK.—The Secretary may allow a grantee subject to this subsection to engage in at-risk

work activities subsequent to the conclusion of final design if the Secretary determines that such work activities are reasonable and necessary.''.

SEC. 35304. SMALL BUSINESS PARTICIPATION STUDY.

(a) STUDY.—The Secretary shall conduct a nationwide disparity and availability study on the availability and use of small business concerns owned and controlled by socially and economically disadvantaged individuals and veteran-owned small businesses in publicly funded intercity passenger rail service projects.

(b) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit a report containing the results of the study conducted under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(c) DEFINITIONS.—In this section:

(1) SMALL BUSINESS CONCERN.—The term ''small business concern'' has the meaning given such term in section 3 of the Small Business Act (15 U.S.C. 632), except that the term does not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals that have average annual gross

receipts during the preceding 3 fiscal years in excess of $22,410,000, as adjusted annually by the Secretary for inflation.

(2) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUAL.—The term "socially and economically disadvantaged individual" has the meaning given such term in section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations issued pursuant to such Act, except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this section.

(3) VETERAN-OWNED SMALL BUSINESS.—The term "veteran-owned small business" has the meaning given the term "small business concern owned and controlled by veterans" in section 3(q)(3) of the Small Business Act (15 U.S.C. 632(q)(3)), except that the term does not include any concern or group of concerns controlled by the same veterans that have average annual gross receipts during the preceding 3 fiscal years in excess of $22,410,000, as adjusted annually by the Secretary for inflation.

SEC. 35305. GULF COAST RAIL SERVICE WORKING GROUP.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall convene

a working group to evaluate the restoration of intercity rail passenger service in the Gulf Coast region between New Orleans, Louisiana, and Orlando, Florida.

(b) MEMBERSHIP.—The working group convened pursuant to subsection (a) shall consist of representatives of—

(1) the Federal Railroad Administration, which shall serve as chair of the working group;

(2) Amtrak;

(3) the States along the proposed route or routes;

(4) regional transportation planning organizations and metropolitan planning organizations, municipalities, and communities along the proposed route or routes, which shall be selected by the Administrator;

(5) the Southern Rail Commission;

(6) freight railroad carriers whose tracks may be used for such service; and

(7) other entities determined appropriate by the Secretary, which may include independent passenger rail operators that express an interest in Gulf Coast service.

(c) RESPONSIBILITIES.—The working group shall—

(1) evaluate all options for restoring intercity rail passenger service in the Gulf Coast region, including options outlined in the report transmitted to

Congress pursuant to section 226 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432);

(2) select a preferred option for restoring such service;

(3) develop a prioritized inventory of capital projects and other actions required to restore such service and cost estimates for such projects or actions; and

(4) identify Federal and non-Federal funding sources required to restore such service, including options for entering into public-private partnerships to restore such service.

(d) REPORT.—Not later than 9 months after the date of enactment of this Act, the working group shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that includes—

(1) the preferred option selected under subsection (c)(2) and the reasons for selecting such option;

(2) the information described in subsection (c)(3);

(3) the funding sources identified under subsection (c)(4);

(4) the costs and benefits of restoring intercity rail passenger transportation in the region; and

(5) any other information the working group determines appropriate.

SEC. 35306. INTEGRATED PASSENGER RAIL WORKING GROUP.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall convene a working group to review issues relating to—

(1) the potential operation of State-supported routes by rail passenger carriers other than Amtrak; and

(2) their role in establishing an integrated intercity passenger rail network in the United States.

(b) MEMBERSHIP.—The working group shall consist of a balanced representation of—

(1) the Federal Railroad Administration, who shall chair the Working Group;

(2) States that fund State-sponsored routes;

(3) independent passenger rail operators, including those that carry at least 5,000,000 passengers annually in United States or international rail service;

(4) Amtrak;

(5) railroads that host intercity State-supported routes;

(6) employee representatives from railroad unions and building trade unions with substantial engagement in railroad rights of way construction and maintenance; and

(7) other entities determined appropriate by the Secretary.

(c) RESPONSIBILITIES.—The working group shall evaluate options for improving State-supported routes and may make recommendations, as appropriate, regarding—

(1) best practices for State or State authority governance of State-supported routes;

(2) future sources of Federal and non-Federal funding sources for State-supported routes;

(3) best practices in obtaining passenger rail operations and services on a competitive basis with the objective of creating the highest quality service at the lowest cost to the taxpayer;

(4) ensuring potential interoperability of State-supported routes as a part of a national network with multiple providers providing integrated services including ticketing, scheduling, and route planning; and

(5) the interface between State-supported routes and connecting commuter rail operations, including

maximized intra-modal and intermodal connections and common sources of funding for capital projects.

(d) MEETINGS.—Not later than 60 days after the establishment of the working group by the Secretary under subsection (a), the working group shall convene an organizational meeting outside of the District of Columbia and shall define the rules and procedures governing the proceedings of the working group. The working group shall hold at least 3 meetings per year in States that fund State-supported routes.

(e) REPORTS.—

(1) PRELIMINARY REPORT.—Not later than 1 year after the date the working group is established, the working group shall submit a preliminary report to the Secretary, the Governors of States funding State-supported routes, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives that includes—

(A) administrative recommendations that can be implemented by a State and State authority or by the Secretary; and

(B) preliminary legislative recommendations.

(2) FINAL LEGISLATIVE RECOMMENDATIONS.—Not later than 2 years after the date the working group is established, the working group shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that includes final legislative recommendations.

SEC. 35307. SHARED-USE STUDY.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with Amtrak, commuter rail authorities, and other passenger rail operators, railroad carriers that own rail infrastructure over which both passenger and freight trains operate, States, the Surface Transportation Board, the Northeast Corridor Commission established under section 24905, the State-Supported Route Committee established under section 24712, and groups representing rail passengers and customers, as appropriate, shall complete a study that evaluates—

(1) the shared use of right-of-way by passenger and freight rail systems; and

(2) the operational, institutional, and legal structures that would best support improvements to the systems referred to in paragraph (1).

(b) AREAS OF STUDY.—In conducting the study under subsection (a), the Secretary shall evaluate—

(1) the access and use of railroad right-of-way by a rail carrier that does not own the right-of-way, such as passenger rail services that operate over privately-owned right-of-way, including an analysis of—

(A) access agreements;

(B) costs of access; and

(C) the resolution of disputes relating to such access or costs;

(2) the effectiveness of existing contractual, statutory, and regulatory mechanisms for establishing, measuring, and enforcing train performance standards, including—

(A) the manner in which passenger train delays are recorded;

(B) the assignment of responsibility for such delays; and

(C) the use of incentives and penalties for performance;

(3) strengths and weaknesses in the existing mechanisms described in paragraph (2) and possible approaches to address the weaknesses;

(4) mechanisms for measuring and maintaining public benefits resulting from publicly funded freight

or passenger rail improvements, including improvements directed towards shared-use right-of-way by passenger and freight rail;

(5) approaches to operations, capacity, and cost estimation modeling that—

(A) allows for transparent decisionmaking; and

(B) protects the proprietary interests of all parties;

(6) liability requirements and arrangements, including—

(A) whether to expand statutory liability limits to additional parties;

(B) whether to revise the current statutory liability limits;

(C) whether current insurance levels of passenger rail operators are adequate and whether to establish minimum insurance requirements for such passenger rail operators; and

(D) whether to establish a liability regime modeled after section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210);

(7) the effect on rail passenger services, operations, liability limits and insurance levels of the assertion of sovereign immunity by a State; and

(8) other issues identified by the Secretary.

(c) REPORT.—Not later than 60 days after the study under subsection (a) is complete, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(1) the results of the study; and

(2) any recommendations for further action, including any legislative proposals consistent with such recommendations.

(d) IMPLEMENTATION.—The Secretary shall integrate the recommendations submitted under subsection (c) into its financial assistance programs under subtitle V of title 49, United States Code, and section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822), as appropriate.

SEC. 35308. NORTHEAST CORRIDOR COMMISSION.

(a) COMPOSITION.—Section 24905(a) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting ", infrastructure investments," after "rail operations";

(B) by amending subparagraph (B) to read as follows:

"(B) members representing the Department of Transportation, including the Office of the Secretary, the Federal Railroad Administration, and the Federal Transit Administration;"; and

(C) in subparagraph (D) by inserting "and commuter" after "freight"; and

(2) by amending paragraph (6) to read as follows:

"(6) The members of the Commission shall elect co-chairs consisting of 1 member described in paragraph (1)(B) and 1 member described in paragraph (1)(C).".

(b) STATEMENT OF GOALS AND RECOMMENDATIONS.—Section 24905(b) is amended—

(1) in paragraph (1), by inserting "and periodically update" after "develop";

(2) in paragraph (2)(A), by striking "beyond those specified in the state of good repair plan under section 211 of the Passenger Rail Investment and Improvement Act of 2008"; and

(3) by adding at the end the following:

"(3) SUBMISSION OF STATEMENT OF GOALS, RECOMMENDATIONS, AND PERFORMANCE REPORTS.—The Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate

and the Committee on Transportation and Infrastructure of the House of Representatives—

"(A) any updates made to the statement of goals developed under paragraph (1) not later than 60 days after such updates are made; and

"(B) annual performance reports and recommendations for improvements, as appropriate, issued not later than March 31 of each year, for the prior fiscal year, which summarize—

"(i) the operations and performance of commuter, intercity, and freight rail transportation along the Northeast Corridor; and

"(ii) the delivery of the capital plan described in section 24904.".

(c) COST ALLOCATION POLICY.—Section 24905(c) is amended—

(1) in the subsection heading, by striking "ACCESS COSTS" and inserting "ALLOCATION OF COSTS";

(2) in paragraph (1)—

(A) in the paragraph heading, by striking "FORMULA" and inserting "POLICY";

(B) in the matter preceding subparagraph (A), by striking "Within 2 years after the date of enactment of the Passenger Rail Investment

and Improvement Act of 2008, the Commission" and inserting "The Commission";

(C) in subparagraph (A), by striking "formula" and inserting "policy"; and

(D) by striking subparagraph (B) through (D) and inserting the following:

"(B) develop a proposed timetable for implementing the policy;

"(C) submit the policy and timetable developed under subparagraph (B) to the Surface Transportation Board, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives;

"(D) not later than October 1, 2015, adopt and implement the policy in accordance with the timetable; and

"(E) with the consent of a majority of its members, the Commission may petition the Surface Transportation Board to appoint a mediator to assist the Commission members through nonbinding mediation to reach an agreement under this section.";

(3) in paragraph (2)—

(A) by striking "formula proposed in" and inserting "policy developed under"; and

(B) in the second sentence—

(i) by striking "the timetable, the Commission shall petition the Surface Transportation Board to" and inserting "paragraph (1)(D) or fail to comply with the policy thereafter, the Surface Transportation Board shall"; and

(ii) by striking "amounts for such services in accordance with section 24904(c) of this title" and inserting "for such usage in accordance with the procedures and procedural schedule applicable to a proceeding under section 24903(c), after taking into consideration the policy developed under paragraph (1)(A), as applicable";

(4) in paragraph (3), by striking "formula" and inserting "policy"; and

(5) by adding at the end the following:

"(4) REQUEST FOR DISPUTE RESOLUTION.—If a dispute arises with the implementation of, or compliance with, the policy developed under paragraph (1), the Commission, Amtrak, or public authorities providing commuter rail passenger transportation on the

Northeast Corridor may request that the Surface Transportation Board conduct dispute resolution. The Surface Transportation Board shall establish procedures for resolution of disputes brought before it under this paragraph, which may include the provision of professional mediation services.''.

(d) CONFORMING AMENDMENTS.—Section 24905 is amended—

(1) by striking subsection (d);

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively;

(3) in subsection (d), as redesignated, by striking ''to the Commission such sums as may be necessary for the period encompassing fiscal years 2009 through 2013 to carry out this section'' and inserting ''to the Secretary for the use of the Commission and the Northeast Corridor Safety Committee such sums as may be necessary to carry out this section during fiscal year 2016 through 2019, in addition to amounts withheld under section 35101(e) of the Railroad Reform, Enhancement, and Efficiency Act''; and

(4) in subsection (e)(2), as redesignated, by striking ''on the main line.'' and inserting ''on the main line and meet annually with the Commission on the topic of Northeast Corridor safety and security.''.

(e) NORTHEAST CORRIDOR PLANNING.—

(1) AMENDMENT.—Chapter 249 is amended—

(A) by redesignating section 24904 as section 24903; and

(B) by inserting after section 24903, as redesignated, the following:

"§ 24904. Northeast Corridor planning

"(a) NORTHEAST CORRIDOR CAPITAL INVESTMENT PLAN.—

"(1) REQUIREMENT.—Not later than May 1 of each year, the Northeast Corridor Commission established under section 24905 (referred to in this section as the 'Commission') shall—

"(A) develop a capital investment plan for the Northeast Corridor main line between Boston, Massachusetts, and the Virginia Avenue interlocking in the District of Columbia, and the Northeast Corridor branch lines connecting to Harrisburg, Pennsylvania, Springfield, Massachusetts, and Spuyten Duyvil, New York, including the facilities and services used to operate and maintain those lines; and

"(B) submit the capital investment plan to the Secretary of Transportation and the Committee on Commerce, Science, and Transpor-

tation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

"(2) CONTENTS.—The capital investment plan shall—

"(A) reflect coordination and network optimization across the entire Northeast Corridor;

"(B) integrate the individual capital and service plans developed by each operator using the methods described in the cost allocation policy developed under section 24905(c);

"(C) cover a period of 5 fiscal years, beginning with the first fiscal year after the date on which the plan is completed;

"(D) notwithstanding section 24902(b), identify, prioritize, and phase the implementation of projects and programs to achieve the service outcomes identified in the Northeast Corridor service development plan and the asset condition needs identified in the Northeast Corridor asset management plans, once available, and consider—

"(i) the benefits and costs of capital investments in the plan;

"(ii) project and program readiness;

"(iii) the operational impacts; and

"(iv) funding availability;

"(E) categorize capital projects and programs as primarily associated with;

"(i) normalized capital replacement and basic infrastructure renewals;

"(ii) replacement or rehabilitation of major Northeast Corridor infrastructure assets, including tunnels, bridges, stations, and other assets;

"(iii) statutory, regulatory, or other legal mandates;

"(iv) improvements to support service enhancements or growth; or

"(v) strategic initiatives that will improve overall operational performance or lower costs;

"(F) identify capital projects and programs that are associated with more than 1 category described in subparagraph (E);

"(G) describe the anticipated outcomes of each project or program, including an assessment of—

"(i) the potential effect on passenger accessibility, operations, safety, reliability, and resiliency;

"(ii) the ability of infrastructure owners and operators to meet regulatory requirements if the project or program is not funded; and

"(iii) the benefits and costs; and

"(H) include a financial plan.

"(3) FINANCIAL PLAN.—The financial plan under paragraph (2)(H) shall—

"(A) identify funding sources and financing methods;

"(B) identify the expected allocated shares of costs pursuant to the cost allocation policy developed under section 24905(c);

"(C) identify the projects and programs that the Commission expects will receive Federal financial assistance; and

"(D) identify the eligible entity or entities that the Commission expects will receive the Federal financial assistance described under subparagraph (C).

"(b) FAILURE TO DEVELOP A CAPITAL INVESTMENT PLAN.—If a capital investment plan has not been developed

by the Commission for a given fiscal year, then the funds assigned to the account established under section 24319(b) for that fiscal year may be spent only on—

"(1) capital projects described in clause (i) or (iii) of subsection (a)(2)(E) of this section; or

"(2) capital projects described in subsection (a)(2)(E)(iv) of this section that are for the sole benefit of Amtrak.

"(c) NORTHEAST CORRIDOR ASSET MANAGEMENT.—

"(1) CONTENTS.—With regard to its infrastructure, Amtrak and each State and public transportation entity that owns infrastructure that supports or provides for intercity rail passenger transportation on the Northeast Corridor shall develop an asset management system and develop and update, as necessary, a Northeast Corridor asset management plan for each service territory described in subsection (a) that—

"(A) are consistent with the Federal Transit Administration process, as authorized under section 5326, when implemented; and

"(B) include, at a minimum—

"(i) an inventory of all capital assets owned by the developer of the asset management plan;

"(ii) an assessment of asset condition;

"(iii) a description of the resources and processes necessary to bring or maintain those assets in a state of good repair, including decision-support tools and investment prioritization methods; and

"(iv) a description of changes in asset condition since the previous version of the plan.

"(2) TRANSMITTAL.—Each entity described in paragraph (1) shall transmit to the Commission—

"(A) not later than 2 years after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, its Northeast Corridor asset management plan developed under paragraph (1); and

"(B) at least biennial thereafter, an update to its Northeast Corridor asset management plan.

"(d) NORTHEAST CORRIDOR SERVICE DEVELOPMENT PLAN UPDATES.—Not less frequently than once every 10 years, the Commission shall update the Northeast Corridor service development plan.".

(2) CONFORMING AMENDMENTS.—

(A) NOTE AND MORTGAGE.—Section 24907(a) is amended by striking "section 24904 of this title" and inserting "section 24903".

(B) TABLE OF CONTENTS AMENDMENT.—The table of contents for chapter 249 is amended—

(i) by redesignating the item relating to section 24904 as relating to section 24903; and

(ii) by inserting after the item relating to section 24903, as redesignated, the following:

"24904. Northeast Corridor planning.".

(3) REPEAL.—Section 211 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432; 49 U.S.C. 24902 note) is repealed.

SEC. 35309. NORTHEAST CORRIDOR THROUGH-TICKETING AND PROCUREMENT EFFICIENCIES.

(a) THROUGH-TICKETING STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Northeast Corridor Commission established under section 24905(a) of title 49, United States Code (referred to in this section as the "Commission"), in consultation with Amtrak and the commuter rail passenger transportation

providers along the Northeast Corridor shall complete a study on the feasibility of and options for permitting through-ticketing between Amtrak service and commuter rail services on the Northeast Corridor.

(2) CONTENTS.—In completing the study under paragraph (1), the Northeast Corridor Commission shall—

(A) examine the current state of intercity and commuter rail ticketing technologies, policies, and other relevant aspects on the Northeast Corridor;

(B) consider and recommend technology, process, policy, or other options that would permit through-ticketing to allow intercity and commuter rail passengers to purchase, in a single transaction, travel that utilizes Amtrak and connecting commuter rail services;

(C) consider options to expand through-ticketing to include local transit services;

(D) summarize costs, benefits, opportunities, and impediments to developing such through-ticketing options; and

(E) develop a proposed methodology, including cost and schedule estimates, for carrying out

a pilot program on through-ticketing on the Northeast Corridor.

(3) REPORT.—Not later than 60 days after the date the study under paragraph (1) is complete, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(A) the results of the study; and

(B) any recommendations for further action.

(b) JOINT PROCUREMENT STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary, in cooperation with the Commission, Amtrak, and commuter rail transportation authorities on the Northeast Corridor shall complete a study of the potential benefits resulting from Amtrak and such authorities undertaking select joint procurements for common materials, assets, and equipment when expending Federal funds for such purchases.

(2) CONTENTS.—In completing the study under paragraph (1), the Secretary shall consider—

(A) the types of materials, assets, and equipment that are regularly purchased by Amtrak and such authorities that are similar and could be jointly procured;

(B) the potential benefits of such joint procurements, including lower procurement costs, better pricing, greater market relevancy, and other efficiencies;

(C) the potential costs of such joint procurements;

(D) any significant impediments to undertaking joint procurements, including any necessary harmonization and reconciliation of Federal and State procurement or safety regulations or standards and other requirements; and

(E) whether to create Federal incentives or requirements relating to considering or carrying out joint procurements when expending Federal funds.

(3) TRANSMISSION.—Not later than 60 days after completing the study required under this subsection, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and In-

frastructure of the House of Representatives a report that includes—

(A) the results of the study; and

(B) any recommendations for further action.

(c) NORTHEAST CORRIDOR.—In this section, the term "Northeast Corridor" means the Northeast Corridor main line between Boston, Massachusetts, and the Virginia Avenue interlocking in the District of Columbia, and the Northeast Corridor branch lines connecting to Harrisburg, Pennsylvania, Springfield, Massachusetts, and Spuyten Duyvil, New York, including the facilities and services used to operate and maintain those lines.

SEC. 35310. DATA AND ANALYSIS.

(a) DATA.—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with the Surface Transportation Board, Amtrak, freight railroads, State and local governments, and regional business, tourism and economic development agencies shall conduct a data needs assessment—

(1) to support the development of an efficient and effective intercity passenger rail network;

(2) to identify the data needed to conduct cost-effective modeling and analysis for intercity passenger rail development programs;

(3) to determine limitations to the data used for inputs;

(4) to develop a strategy to address such limitations;

(5) to identify barriers to accessing existing data;

(6) to develop recommendations regarding whether the authorization of additional data collection for intercity passenger rail travel is warranted; and

(7) to determine which entities will be responsible for generating or collecting needed data.

(b) BENEFIT-COST ANALYSIS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall enhance the usefulness of assessments of benefits and costs, for intercity passenger rail and freight rail projects—

(1) by providing ongoing guidance and training on developing benefit and cost information for rail projects;

(2) by providing more direct and consistent requirements for assessing benefits and costs across transportation funding programs, including the appropriate use of discount rates;

(3) by requiring applicants to clearly communicate the methodology used to calculate the project

benefits and costs, including non-proprietary information on—

(A) assumptions underlying calculations;

(B) strengths and limitations of data used; and

(C) the level of uncertainty in estimates of project benefits and costs; and

(4) by ensuring that applicants receive clear and consistent guidance on values to apply for key assumptions used to estimate potential project benefits and costs.

(c) CONFIDENTIAL DATA.—The Secretary shall protect sensitive or confidential to the greatest extent permitted by law. Nothing in this section shall require any entity to provide information to the Secretary in the absence of a voluntary agreement.

SEC. 35311. PERFORMANCE-BASED PROPOSALS.

(a) SOLICITATION OF PROPOSALS.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall issue a request for proposals for projects for the financing, design, construction, operation, and maintenance of an intercity passenger rail system, including—

(A) the Northeast Corridor;

(B) the California Corridor;

(C) the Empire Corridor;

(D) the Pacific Northwest Corridor;

(E) the South Central Corridor;

(F) the Gulf Coast Corridor;

(G) the Chicago Hub Network;

(H) the Florida Corridor;

(I) the Keystone Corridor;

(J) the Northern New England Corridor; and

(K) the Southeast Corridor.

(2) SUBMISSION.—Proposals shall be submitted to the Secretary not later than 180 days after the publication of such request for proposals under paragraph (1).

(3) PERFORMANCE STANDARD.—Proposals submitted under paragraph (2) shall meet any standards established by the Secretary. For corridors with existing intercity passenger rail service, proposals shall also be designed to achieve a reduction of existing minimum intercity rail service trip times between the main corridor city pairs by a minimum of 25 percent. In the case of a proposal submitted with respect to paragraph (1)(A), the proposal shall be designed to achieve a 2-hour or less express service between Wash-

ington, District of Columbia, and New York City, New York.

(4) CONTENTS.—A proposal submitted under this subsection shall include—

(A) the names and qualifications of the persons submitting the proposal and the entities proposed to finance, design, construct, operate, and maintain the railroad, railroad equipment, and related facilities, stations, and infrastructure;

(B) a detailed description of the proposed rail service, including possible routes, required infrastructure investments and improvements, equipment needs and type, train frequencies, peak and average operating speeds, and trip times;

(C) a description of how the project would comply with all applicable Federal rail safety and security laws, orders, and regulations;

(D) the locations of proposed stations, which maximize the usage of existing infrastructure to the extent possible, and the populations such stations are intended to serve;

(E) the type of equipment to be used, including any technologies, to achieve trip time goals;

(F) a description of any proposed legislation needed to facilitate all aspects of the project;

(G) a financing plan identifying—

(i) projected revenue, and sources thereof;

(ii) the amount of any requested public contribution toward the project, and proposed sources;

(iii) projected annual ridership projections for the first 10 years of operations;

(iv) annual operations and capital costs;

(v) the projected levels of capital investments required both initially and in subsequent years to maintain a state-of-good-repair necessary to provide the initially proposed level of service or higher levels of service;

(vi) projected levels of private investment and sources thereof, including the identity of any person or entity that has made or is expected to make a commitment

to provide or secure funding and the amount of such commitment; and

(vii) projected funding for the full fair market compensation for any asset, property right or interest, or service acquired from, owned, or held by a private person or Federal entity that would be acquired, impaired, or diminished in value as a result of a project, except as otherwise agreed to by the private person or entity;

(H) a description of how the project would contribute to the development of the intercity passenger rail system and an intermodal plan describing how the system will facilitate convenient travel connections with other transportation services;

(I) a description of how the project will ensure compliance with Federal laws governing the rights and status of employees associated with the route and service, including those specified in section 24405 of title 49, United States Code;

(J) a description of how the design, construction, implementation, and operation of the project will accommodate and allow for future

growth of existing and projected intercity, commuter, and freight rail service;

(K) a description of how the project would comply with Federal and State environmental laws and regulations, of what environmental impacts would result from the project, and of how any adverse impacts would be mitigated; and

(L) a description of the project's impacts on highway and aviation congestion, energy consumption, land use, and economic development in the service area.

(b) DETERMINATION AND ESTABLISHMENT OF COMMISSIONS.—Not later than 90 days after receipt of the proposals under subsection (a), the Secretary shall—

(1) make a determination as to whether any such proposals—

(A) contain the information required under paragraphs (3) and (4) of subsection (a);

(B) are sufficiently credible to warrant further consideration;

(C) are likely to result in a positive impact on the Nation's transportation system; and

(D) are cost-effective and in the public interest;

(2) establish a commission under subsection (c) for each corridor with 1 or more proposals that the Secretary determines satisfy the requirements of paragraph (1); and

(3) forward to each commission established under paragraph (2) the applicable proposals for review and consideration.

(c) COMMISSIONS.—

(1) MEMBERS.—Each commission established under subsection (b)(2) shall include—

(A) the governors of the affected States, or their respective designees;

(B) mayors of appropriate municipalities with stops along the proposed corridor, or their respective designees;

(C) a representative from each freight railroad carrier using the relevant corridor, if applicable;

(D) a representative from each transit authority using the relevant corridor, if applicable;

(E) representatives of nonprofit employee labor organizations representing affected railroad employees; and

(F) the President of Amtrak or his or her designee.

(2) APPOINTMENT AND SELECTION.—The Secretary shall appoint the members under paragraph (1). In selecting each commission's members to fulfill the requirements under subparagraphs (B) and (E) of paragraph (1), the Secretary shall consult with the Chairperson and Ranking Member of the Committee on Commerce, Science, and Transportation of the Senate and of the Committee on Transportation and Infrastructure of the House of Representatives.

(3) CHAIRPERSON AND VICE-CHAIRPERSON SELECTION.—The Chairperson and Vice-Chairperson shall be elected from among members of each commission.

(4) QUORUM AND VACANCY.—

(A) QUORUM.—A majority of the members of each commission shall constitute a quorum.

(B) VACANCY.—Any vacancy in each commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

(5) APPLICATION OF LAW.—Except where otherwise provided by this section, the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to each commission created under this section.

(d) COMMISSION CONSIDERATION.—

(1) IN GENERAL.—Each commission established under subsection (b)(2) shall be responsible for reviewing the proposal or proposals forwarded to it under that subsection and not later than 90 days after the establishment of the commission, shall transmit to the Secretary a report, including—

(A) a summary of each proposal received;

(B) services to be provided under each proposal, including projected ridership, revenues, and costs;

(C) proposed public and private contributions for each proposal;

(D) the advantages offered by the proposal over existing intercity passenger rail services;

(E) public operating subsidies or assets needed for the proposed project;

(F) possible risks to the public associated with the proposal, including risks associated with project financing, implementation, completion, safety, and security;

(G) a ranked list of the proposals recommended for further consideration under subsection (e) in accordance with each proposal's projected positive impact on the Nation's transportation system;

(H) an identification of any proposed Federal legislation that would facilitate implementation of the projects and Federal legislation that would be required to implement the projects; and

(I) any other recommendations by the commission concerning the proposed projects.

(2) VERBAL PRESENTATION.—Proposers shall be given an opportunity to make a verbal presentation to the commission to explain their proposals.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for the use of each commission established under subsection (b)(2) such sums as are necessary to carry out this section.

(e) SELECTION BY SECRETARY.—

(1) IN GENERAL.—Not later than 60 days after receiving the recommended proposals of the commissions established under subsection (b)(2), the Secretary shall—

(A) review such proposals and select any proposal that provides substantial benefits to the public and the national transportation system, is cost-effective, offers significant advantages over existing services, and meets other relevant factors determined appropriate by the Secretary; and

(B) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing any proposal with respect to subsection (a)(1)(A) that is selected by the Secretary under subparagraph (A) of this paragraph, all the information regarding the proposal provided to the Secretary under subsection (d), and any other information the Secretary considers relevant.

(2) SUBSEQUENT REPORT.—Following the submission of the report under paragraph (1)(B), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing any proposal with respect to subparagraphs (B) through (K) of subsection (a)(1) that are selected by the Secretary under paragraph (1) of this subsection, all the information regarding the proposal provided to the Secretary under subsection (d), and any other information the Secretary considers relevant.

(3) LIMITATION ON REPORT SUBMISSION.—The report required under paragraph (2) shall not be sub-

mitted by the Secretary until the report submitted under paragraph (1)(B) has been considered through a hearing by the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the report submitted under paragraph (1)(B).

(f) NO ACTIONS WITHOUT ADDITIONAL AUTHORITY.—No Federal agency may take any action to implement, establish, facilitate, or otherwise act upon any proposal submitted under this section, other than those actions specifically authorized by this section, without explicit statutory authority enacted after the date of enactment of this Act.

(g) DEFINITIONS.—In this section:

(1) INTERCITY PASSENGER RAIL.—The term "intercity passenger rail" means intercity rail passenger transportation as defined in section 24102 of title 49, United States Code.

(2) STATE.—The term "State" means any of the 50 States or the District of Columbia.

SEC. 35312. AMTRAK INSPECTOR GENERAL.

(a) AUTHORITY.—

(1) IN GENERAL.—The Inspector General of Amtrak shall have the authority available to other Inspectors General, as necessary in carrying out the du-

ties specified in the Inspector General Act of 1978 (5 U.S.C. App.), to investigate any alleged violation of sections 286, 287, 371, 641, 1001, 1002 and 1516 of title 18, United States Code.

(2) AGENCY.—For purposes of sections 286, 287, 371, 641, 1001, 1002, and 1516 of title 18, United States Code, Amtrak and the Amtrak Office of Inspector General, shall be considered a corporation in which the United States has a proprietary interest as set forth in section 6 of that title.

(b) ASSESSMENT.—The Inspector General of Amtrak shall—

(1) not later than 60 days after the date of enactment of this Act, initiate an assessment to determine whether current expenditures or procurements involving Amtrak's fulfillment of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) utilize competitive, market-driven provisions that are applicable throughout the entire term of such related expenditures or procurements; and

(2) not later than 6 months after the date of enactment of this Act, transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastruc-

ture of the House of Representatives the assessment under paragraph (1).

(c) LIMITATION.—The authority provided by subsections (a) and (b) shall be effective only with respect to a fiscal year for which Amtrak receives a Federal subsidy.

SEC. 35313. MISCELLANEOUS PROVISIONS.

(a) TITLE 49 AMENDMENTS.—

(1) CONTINGENT INTEREST RECOVERIES.—Section 22106(b) is amended by striking "interest thereof" and inserting "interest thereon".

(2) AUTHORITY.—Section 22702(b)(4) is amended by striking "5 years for reapproval by the Secretary" and inserting "4 years for acceptance by the Secretary".

(3) CONTENTS OF STATE RAIL PLANS.—Section 22705(a) is amended by striking paragraph (12).

(4) MISSION.—Section 24101(b) is amended by striking "of subsection (d)" and inserting "set forth in subsection (c)".

(5) TABLE OF CONTENTS AMENDMENT.—The table of contents for chapter 243 is amended by striking the item relating to section 24316 and inserting the following:

"24316. Plans to address the needs of families of passengers involved in rail passenger accidents.".

(6) UPDATE.—Section 24305(f)(3) is amended by striking "$1,000,000" and inserting "$5,000,000".

(7) AMTRAK.—Chapter 247 is amended—

(A) in section 24702(a), by striking "not included in the national rail passenger transportation system";

(B) in section 24706—

(i) in subsection (a)—

(I) in paragraph (1), by striking "a discontinuance under section 24704 or or"; and

(II) in paragraph (2), by striking "section 24704 or"; and

(ii) in subsection (b), by striking "section 24704 or"; and

(C) in section 24709, by striking "The Secretary of the Treasury and the Attorney General," and inserting "The Secretary of Homeland Security,".

(b) PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT AMENDMENTS.—Section 305(a) of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) is amended by inserting "nonprofit organizations representing employees who perform overhaul and mainte-

nance of passenger railroad equipment,'' after ''equipment manufacturers,''.

Subtitle D—Rail Safety

PART I—SAFETY IMPROVEMENT

SEC. 35401. HIGHWAY-RAIL GRADE CROSSING SAFETY.

(a) MODEL STATE HIGHWAY-RAIL GRADE CROSSING ACTION PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a model of a State-specific highway-rail grade crossing action plan and distribute the model plan to each State.

(2) CONTENTS.—The plan developed under paragraph (1) shall include—

(A) methodologies, tools, and data sources for identifying and evaluating highway-rail grade crossing safety risks, including the public safety risks posed by blocked highway-rail grade crossings due to idling trains;

(B) best practices to reduce the risk of highway-rail grade crossing accidents or incidents and to alleviate the blockage of highway-rail grade crossings due to idling trains, including strategies for—

(i) education, including model stakeholder engagement plans or tools;

(ii) engineering, including the benefits and costs of different designs and technologies used to mitigate highway-rail grade crossing safety risks; and

(iii) enforcement, including the strengths and weaknesses associated with different enforcement methods;

(C) for each State, a customized list and data set of the highway-rail grade crossing accidents or incidents in that State over the past 3 years, including the location, number of deaths, and number of injuries for each accident or incident; and

(D) contact information of a Department of Transportation safety official available to assist the State in adapting the model plan to satisfy the requirements under subsection (b).

(b) STATE HIGHWAY-RAIL GRADE CROSSING ACTION PLANS.—

(1) REQUIREMENTS.—Not later than 18 months after the Secretary develops and distributes the model plan under subsection (a), the Secretary shall promulgate a rule that requires—

(A) each State, except the 10 States identified under section 202 of the Rail Safety Improvement Act of 2008 (49 U.S.C. 22501 note), to develop and implement a State highway-rail grade crossing action plan; and

(B) each State that was identified under section 202 of the Rail Safety Improvement Act of 2008 (49 U.S.C. 22501 note), to update its State action plan under that section and submit to the Secretary the updated State action plan and a report describing what the State did to implement its previous State action plan under that section and how it will continue to reduce highway-rail grade crossing safety risks.

(2) CONTENTS.—Each State plan required under this subsection shall—

(A) identify highway-rail grade crossings that have experienced recent highway-rail grade crossing accidents or incidents, or are at high-risk for accidents or incidents;

(B) identify specific strategies for improving safety at highway-rail grade crossings, including highway-rail grade crossing closures or grade separations; and

(C) designate a State official responsible for managing implementation of the State plan under subparagraph (A) or (B) of paragraph (1), as applicable.

(3) ASSISTANCE.—The Secretary shall provide assistance to each State in developing and carrying out, as appropriate, the State plan under this subsection.

(4) PUBLIC AVAILABILITY.—Each State shall submit its final State plan under this subsection to the Secretary for publication. The Secretary shall make each approved State plan publicly available on an official Internet Web site.

(5) CONDITIONS.—The Secretary may condition the awarding of a grant to a State under chapter 244 of title 49, United States Code, on that State submitting an acceptable State plan under this subsection.

(6) REVIEW OF ACTION PLANS.—Not later than 60 days after the date of receipt of a State plan under this subsection, the Secretary shall—

(A) if the State plan is approved, notify the State and publish the State plan under paragraph (4); and

(B) if the State plan is incomplete or deficient, notify the State of the specific areas in

which the plan is deficient and allow the State to complete the plan or correct the deficiencies and resubmit the plan under paragraph (1).

(7) DEADLINE.—Not later than 60 days after the date of a notice under paragraph (6)(B), a State shall complete the plan or correct the deficiencies and resubmit the plan.

(8) FAILURE TO COMPLETE OR CORRECT PLAN.—If a State fails to meet the deadline under paragraph (7), the Secretary shall post on the Web site under paragraph (4) a notice that the State has an incomplete or deficient highway-rail grade crossing action plan.

(c) RAILWAY-HIGHWAY CROSSINGS FUNDS.—The Secretary may use funds made available to carry out section 130 of title 23, United States Code, to provide States with funds to develop a State highway-rail grade crossing action plan under subsection (b)(1)(A) of this section or to update a State action plan under subsection (b)(1)(B) of this section.

(d) DEFINITIONS.—In this section:

(1) HIGHWAY-RAIL GRADE CROSSING.—The term "highway-rail grade crossing" means a location within a State, other than a location where 1 or more

railroad tracks cross 1 or more railroad tracks at grade, where—

(A) a public highway, road, or street, or a private roadway, including associated sidewalks and pathways, crosses 1 or more railroad tracks either at grade or grade-separated; or

(B) a pathway explicitly authorized by a public authority or a railroad carrier that is dedicated for the use of non-vehicular traffic, including pedestrians, bicyclists, and others, that is not associated with a public highway, road, or street, or a private roadway, crosses 1 or more railroad tracks either at grade or grade-separated.

(2) STATE.—The term ''State'' means a State of the United States or the District of Columbia.

SEC. 35402. SPEED LIMIT ACTION PLANS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, each railroad carrier providing intercity rail passenger transportation or commuter rail passenger transportation, in consultation with any applicable host railroad carrier, shall survey its entire system and identify each main track location where there is a reduction of more than 20 miles per hour from the approach

speed to a curve or bridge and the maximum authorized operating speed for passenger trains at that curve or bridge.

(b) ACTION PLANS.—Not later than 120 days after the date that the survey under subsection (a) is complete, a rail passenger carrier shall submit to the Secretary an action plan that—

(1) identifies each main track location where there is a reduction of more than 20 miles per hour from the approach speed to a curve or bridge and the maximum authorized operating speed for passenger trains at that curve or bridge;

(2) describes appropriate actions, including modification to automatic train control systems, if applicable, other signal systems, increased crew size, improved signage, or other practices, including increased crew communication, to enable warning and enforcement of the maximum authorized speed for passenger trains at each location identified under paragraph (1);

(3) contains milestones and target dates for implementing each appropriate action described under paragraph (2); and

(4) ensures compliance with the maximum authorized speed at each location identified under paragraph (1).

(c) APPROVAL.—Not later than 90 days after the date an action plan is submitted under subsection (a), the Secretary shall approve, approve with conditions, or disapprove the action plan.

(d) ALTERNATIVE SAFETY MEASURES.—The Secretary may exempt from the requirements of this section each segment of track for which operations are governed by a positive train control system certified under section 20157 of title 49, United States Code, or any other safety technology or practice that would achieve an equivalent or greater level of safety in reducing derailment risk.

(e) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

(1) the actions the railroad carriers have taken in response to Safety Advisory 2013–08, entitled "Operational Tests and Inspections for Compliance With Maximum Authorized Train Speeds and Other Speed Restrictions";

(2) the actions the railroad carriers have taken in response to Safety Advisory 2015–03, entitled "Operational and Signal Modifications for Compli-

ance with Maximum Authorized Passenger Train Speeds and Other Speed Restrictions''; and

(3) the actions the Federal Railroad Administration has taken to evaluate or incorporate the information and findings arising from the safety advisories referred to in paragraphs (1) and (2) into the development of regulatory action and oversight activities.

(f) SAVINGS CLAUSE.—Nothing in this section shall prohibit the Secretary from applying the requirements of this section to other segments of track at high risk of overspeed derailment.

SEC. 35403. SIGNAGE.

(a) IN GENERAL.—The Secretary shall promulgate such regulations as the Secretary considers necessary to require each railroad carrier providing intercity rail passenger transportation or commuter rail passenger transportation, in consultation with any applicable host railroad carrier, to install signs to warn train crews before the train approaches a location that the Secretary identifies as having high risk of overspeed derailment.

(b) ALTERNATIVE SAFETY MEASURES.—The Secretary may exempt from the requirements of this section each segment of track for which operations are governed by a positive train control system certified under section 20157 of title 49, United States Code, or any other safety technology

or practice that would achieve an equivalent or greater level of safety in reducing derailment risk.

SEC. 35404. ALERTERS.

(a) IN GENERAL.—The Secretary shall promulgate a rule to require a working alerter in the controlling locomotive of each passenger train in intercity rail passenger transportation (as defined in section 24102 of title 49, United States Code) or commuter rail passenger transportation (as defined in section 24102 of title 49, United States Code).

(b) RULEMAKING.—

(1) IN GENERAL.—The Secretary may promulgate a rule to specify the essential functionalities of a working alerter, including the manner in which the alerter can be reset.

(2) ALTERNATE PRACTICE OR TECHNOLOGY.—The Secretary may require or allow a technology or practice in lieu of a working alerter if the Secretary determines that the technology or practice would achieve an equivalent or greater level of safety in enhancing or ensuring appropriate locomotive control.

SEC. 35405. SIGNAL PROTECTION.

(a) IN GENERAL.—The Secretary shall promulgate regulations to require, not later than 18 months after the date of the enactment of this Act, that on-track safety regu-

lations, whenever practicable and consistent with other safety requirements and operational considerations, include requiring implementation of redundant signal protection, such as shunting or other practices and technologies that achieve an equivalent or greater level of safety, for maintenance-of-way work crews who depend on a train dispatcher to provide signal protection.

(b) ALTERNATIVE SAFETY MEASURES.—The Secretary may exempt from the requirements of this section each segment of track for which operations are governed by a positive train control system certified under section 20157 of title 49, United States Code, or any other safety technology or practice that would achieve an equivalent or greater level of safety in providing additional signal protection.

SEC. 35406. TECHNOLOGY IMPLEMENTATION PLANS.

Section 20156(e) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A), by striking "and" at the end; and

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(2) by adding at the end the following:

"(C) each railroad carrier required to submit such a plan, until the implementation of a positive train control system by the railroad car-

rier, shall analyze and, as appropriate, prioritize technologies and practices to mitigate the risk of overspeed derailments.''.

SEC. 35407. COMMUTER RAIL TRACK INSPECTIONS.

(a) IN GENERAL.—The Secretary shall evaluate track inspection regulations to determine if a railroad carrier providing commuter rail passenger transportation on high density commuter railroad lines should be required to inspect the lines in the same manner as currently required for other commuter railroad lines.

(b) RULEMAKING.—Considering safety, including railroad carrier employee and contractor safety, and system capacity, the Secretary may promulgate a rule for high density commuter railroad lines. If, after the evaluation under subsection (a), the Secretary determines that it is necessary to promulgate a rule, the Secretary shall specifically consider the following regulatory requirements for high density commuter railroad lines:

(1) At least once every 2 weeks—

(A) traverse each main line by vehicle; or

(B) inspect each main line on foot.

(2) At least once each month, traverse and inspect each siding by vehicle or by foot.

(c) REPORT.—If, after the evaluation under subsection (a), the Secretary determines it is not necessary to revise

the regulations under this section, the Secretary, not later than 18 months after the date of enactment of this Act, shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives explaining the reasons for not revising the regulations.

(d) CONSTRUCTION.—Nothing in this section may be construed to limit the authority of the Secretary to promulgate regulations or issue orders under any other law.

SEC. 35408. EMERGENCY RESPONSE.

(a) IN GENERAL.—The Secretary, in consultation with railroad carriers, shall conduct a study to determine whether limitations or weaknesses exist in the emergency response information carried by train crews transporting hazardous materials.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall evaluate the differences between the emergency response information carried by train crews transporting hazardous materials and the emergency response guidance provided in the Emergency Response Guidebook issued by the Department of Transportation.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of

the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report of the findings of the study under subsection (a) and any recommendations for legislative action.

SEC. 35409. PRIVATE HIGHWAY-RAIL GRADE CROSSINGS.

(a) IN GENERAL.—The Secretary, in consultation with railroad carriers, shall conduct a study—

(1) to determine whether limitations or weaknesses exist regarding the availability and usefulness for safety purposes of data on private highway-rail grade crossings; and

(2) to evaluate existing engineering practices on private highway-rail grade crossings.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall make recommendations as necessary to improve—

(1) the utility of the data on private highway-rail grade crossings; and

(2) the implementation of private highway-rail crossing safety measures, including signage and warning systems.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and In-

frastructure of the House of Representatives a report of the findings of the study and any recommendations for further action.

SEC. 35410. REPAIR AND REPLACEMENT OF DAMAGED TRACK INSPECTION EQUIPMENT.

(a) IN GENERAL.—Subchapter I of chapter 201 is amended by inserting after section 20120 the following:

"§ 20121. Repair and replacement of damaged track inspection equipment

"The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third-party liability for such damages, and any amounts collected under this section shall be credited directly to the Railroad Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation, and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.".

(b) CONFORMING AMENDMENT.—The table of contents for subchapter I of chapter 201 is amended by adding after section 21020 the following:

"20121. Repair and replacement of damaged track inspection equipment.".

SEC. 35411. RAIL POLICE OFFICERS.

(a) IN GENERAL.—Section 28101 is amended—

(1) by striking "employed by" each place it appears and inserting "directly employed by or contracted by";

(2) in subsection (b), by inserting "or agent, as applicable," after "an employee"; and

(3) by adding at the end the following:

"(c) TRANSFERS.—

"(1) IN GENERAL.—If a railroad police officer directly employed by or contracted by a rail carrier and certified or commissioned as a police officer under the laws of a State transfers primary employment or residence from the certifying or commissioning State to another State or jurisdiction, the railroad police officer, not later than 1 year after the date of transfer, shall apply to be certified or commissioned as a police office under the laws of the State of new primary employment or residence.

"(2) INTERIM PERIOD.—During the period beginning on the date of transfer and ending 1 year after the date of transfer, a railroad police officer directly employed by or contracted by a rail carrier and certified or commissioned as a police officer under the laws of a State may enforce the laws of the new jurisdiction in which the railroad police officer

resides, to the same extent as provided in subsection (a).

"(d) TRAINING.—

"(1) IN GENERAL.—A State shall recognize as meeting that State's basic police officer certification or commissioning requirements for qualification as a rail police officer under this section any individual who successfully completes a program at a State-recognized police training academy in another State or at a Federal law enforcement training center and who is certified or commissioned as a police officer by that other State.

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as superseding or affecting any unique State training requirements related to criminal law, criminal procedure, motor vehicle code, or State-mandated comparative or annual in-service training academy or Federal law enforcement training center.".

(b) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall revise the regulations in part 207 of title 49, Code of Federal Regulations (relating to railroad police officers), to permit a railroad to designate an individual, who is commissioned in the individual's State of legal residence or State of primary

employment and directly employed by or contracted by a railroad to enforce State laws for the protection of railroad property, personnel, passengers, and cargo, to serve in the States in which the railroad owns property.

(c) CONFORMING AMENDMENTS.—

(1) AMTRAK RAIL POLICE.—Section 24305(e) is amended—

(A) by striking "may employ" and inserting "may directly employ or contract with";

(B) by striking "employed by" and inserting "directly employed by or contracted by"; and

(C) by striking "employed without" and inserting "directly employed or contracted without".

(2) SECURE GUN STORAGE OR SAFETY DEVICE; EXCEPTIONS.—Section 922(z)(2)(B) of title 18 is amended by striking "employed by" and inserting "directly employed by or contracted by".

SEC. 35412. OPERATION DEEP DIVE; REPORT.

(a) PROGRESS REPORTS.—Not later than 60 days after the date of the enactment of this Act, and quarterly thereafter until the completion date, the Administrator of the Federal Railroad Administration shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation

and Infrastructure of the House of Representatives that describes the progress of Metro-North Commuter Railroad in implementing the directives and recommendations issued by the Federal Railroad Administration in its March 2014 report to Congress titled "Operation Deep Dive Metro-North Commuter Railroad Safety Assessment".

(b) FINAL REPORT.—Not later than 30 days after the completion date, the Administrator of the Federal Railroad Administration shall submit a final report on the directives and recommendations to Congress.

(c) DEFINED TERM.—In this section, the term "completion date" means the date on which Metro-North Commuter Railroad has completed all of the directives and recommendations referred to in subsection (a).

SEC. 35413. POST-ACCIDENT ASSESSMENT.

(a) IN GENERAL.—The Secretary of Transportation, in cooperation with the National Transportation Safety Board and the National Railroad Passenger Corporation (referred to in this section as "Amtrak"), shall conduct a post-accident assessment of the Amtrak Northeast Regional Train #188 crash on May 12, 2015.

(b) ELEMENTS.—The assessment conducted pursuant to subsection (a) shall include—

(1) a review of Amtrak's compliance with the plan for addressing the needs of the families of pas-

sengers involved in any rail passenger accident, which was submitted pursuant to section 24316 of title 49, United States Code;

(2) a review of Amtrak's compliance with the emergency preparedness plan required under section 239.101(a) of title 49, Code of Federal Regulations;

(3) a determination of any additional action items that should be included in the plans referred to in paragraphs (1) and (2) to meet the needs of the passengers involved in the crash and their families, including—

(A) notification of emergency contacts;

(B) dedicated and trained staff to manage family assistance;

(C) the establishment of a family assistance center at the accident locale or other appropriate location;

(D) a system for identifying and recovering items belonging to passengers that were lost in the crash; and

(E) the establishment of a single customer service entity within Amtrak to coordinate the response to the needs of the passengers involved in the crash and their families;

(4) recommendations for any additional training needed by Amtrak staff to better implement the plans referred to in paragraphs (1) and (2), including the establishment of a regular schedule for training drills and exercises.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, Amtrak shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

(1) its plan to achieve the recommendations referred to in subsection (b)(4); and

(2) steps that have been taken to address any deficiencies identified through the assessment.

SEC. 35414. TECHNICAL AND CONFORMING AMENDMENTS.

(a) ASSISTANCE TO FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.—Section 1139 is amended—

(1) in subsection (a)(1), by striking "phone number" and inserting "telephone number";

(2) in subsection (a)(2), by striking "post trauma communication with families" and inserting "post-trauma communication with families"; and

(3) in subsection (j), by striking "railroad passenger accident" each place it appears and inserting "rail passenger accident".

(b) SOLID WASTE RAIL TRANSFER FACILITY LAND-USE EXEMPTION.—Section 10909 is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking "Clean Railroad Act of 2008" and inserting "Clean Railroads Act of 2008"; and

(2) in subsection (e), by striking "Upon the granting of petition from the State" and inserting "Upon the granting of a petition from the State".

(c) RULEMAKING PROCESS.—Section 20116 is amended—

(1) by inserting "(2)" before "the code, rule, standard, requirement, or practice has been subject to notice and comment under a rule or order issued under this part." and indenting accordingly;

(2) by inserting "(1)" before "unless" and indenting accordingly;

(3) in paragraph (1), as redesignated, by striking "order, or" and inserting "order; or"; and

(4) in the matter preceding paragraph (1), as redesignated, by striking "unless" and inserting "unless—".

(d) ENFORCEMENT REPORT.—Section 20120(a) is amended—

(1) in the matter preceding paragraph (1), by striking "website" and inserting "Web site";

(2) in paragraph (1), by striking "accident and incidence reporting" and inserting "accident and incident reporting";

(3) in paragraph (2)(G), by inserting "and" at the end; and

(4) in paragraph (5)(B), by striking "Administrative Hearing Officer or Administrative Law Judge" and inserting "administrative hearing officer or administrative law judge".

(e) RAILROAD SAFETY RISK REDUCTION PROGRAM.—Section 20156 is amended—

(1) in subsection (c), by inserting a comma after "In developing its railroad safety risk reduction program"; and

(2) in subsection (g)(1)—

(A) by inserting a comma after "good faith"; and

(B) by striking "non-profit" and inserting "nonprofit".

(f) ROADWAY USER SIGHT DISTANCE AT HIGHWAY-RAIL GRADE CROSSINGS.—Section 20159 is amended by

striking "the Secretary" and inserting "the Secretary of Transportation".

(g) NATIONAL CROSSING INVENTORY.—Section 20160 is amended—

(1) in subsection (a)(1), by striking "concerning each previously unreported crossing through which it operates or with respect to the trackage over which it operates" and inserting "concerning each previously unreported crossing through which it operates with respect to the trackage over which it operates"; and

(2) in subsection (b)(1)(A), by striking "concerning each crossing through which it operates or with respect to the trackage over which it operates" and inserting "concerning each crossing through which it operates with respect to the trackage over which it operates".

(h) MINIMUM TRAINING STANDARDS AND PLANS.—Section 20162(a)(3) is amended by striking "railroad compliance with Federal standards" and inserting "railroad carrier compliance with Federal standards".

(i) DEVELOPMENT AND USE OF RAIL SAFETY TECHNOLOGY.—Section 20164(a) is amended by striking "after enactment of the Railroad Safety Enhancement Act of 2008" and inserting "after the date of enactment of the Rail Safety Improvement Act of 2008".

(j) RAIL SAFETY IMPROVEMENT ACT OF 2008.—

(1) TABLE OF CONTENTS.—Section 1(b) of division A of the Rail Safety Improvement Act of 2008 (Public Law 110–432; 122 Stat. 4848) is amended—

(A) in the item relating to section 307, by striking "website" and inserting "Web site";

(B) in the item relating to title VI, by striking "solid waste facilities" and inserting "solid waste rail transfer facilities"; and

(C) in the item relating to section 602, by striking "solid waste transfer facilities" and inserting "solid waste rail transfer facilities".

(2) DEFINITIONS.—Section 2(a)(1) of division A of the Rail Safety Improvement Act of 2008 (Public Law 110–432; 122 Stat. 4849) is amended in the matter preceding subparagraph (A), by inserting a comma after "at grade".

(3) RAILROAD SAFETY STRATEGY.—Section 102(a)(6) of title I of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20101 note) is amended by striking "Improving the safety of railroad bridges, tunnels, and related infrastructure to prevent accidents, incidents, injuries, and fatalities caused by catastrophic failures and other bridge and tunnel failures." and inserting "Improving the safety

of railroad bridges, tunnels, and related infrastructure to prevent accidents, incidents, injuries, and fatalities caused by catastrophic and other failures of such infrastructure.".

(4) OPERATION LIFESAVER.—Section 206(a) of title II of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 22501 note) is amended by striking "Public Service Announcements" and inserting "public service announcements".

(5) UPDATE OF FEDERAL RAILROAD ADMINISTRATION'S WEB SITE.—Section 307 of title III of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 103 note) is amended—

*(A) in the heading by striking "**FEDERAL RAILROAD ADMINISTRATION'S WEBSITE**" and inserting "Federal Railroad Administration Web site";*

(B) by striking "website" each place it appears and inserting "Web site"; and

(C) by striking "website's" and inserting "Web site's".

(6) ALCOHOL AND CONTROLLED SUBSTANCE TESTING FOR MAINTENANCE-OF-WAY EMPLOYEES.—Section 412 of title IV of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20140 note)

is amended by striking "Secretary of Transportation" and inserting "Secretary".

(7) TUNNEL INFORMATION.—Section 414 of title IV of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20103 note) is amended—

(A) by striking "parts 171.8, 173.115" and inserting "sections 171.8, 173.115"; and

(B) by striking "part 1520.5" and inserting "section 1520.5".

(8) SAFETY INSPECTIONS IN MEXICO.—Section 416 of title IV of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20107 note) is amended—

(A) in the matter preceding paragraph (1), by striking "Secretary of Transportation" and inserting "Secretary"; and

(B) in paragraph (4), by striking "subsection" and inserting "section".

*(9) HEADING OF TITLE VI.—The heading of title VI of division A of the Rail Safety Improvement Act of 2008 (122 Stat. 4900) is amended by striking "**SOLID WASTE FACILITIES**" and inserting "**SOLID WASTE RAIL TRANSFER FACILITIES**".*

*(10) HEADING OF SECTION 602.—Section 602 of title VI of division A of the Rail Safety Improvement Act of 2008 (122 Stat. 4900) is amended by striking "**SOLID WASTE TRANSFER FACILITIES**" and inserting "**SOLID WASTE RAIL TRANSFER FACILITIES**".*

SEC. 35415. GAO STUDY ON USE OF LOCOMOTIVE HORNS AT HIGHWAY-RAIL GRADE CROSSINGS.

The Comptroller General of the United States shall submit a report to Congress containing the results of a study evaluating the effectiveness of the Federal Railroad Administration's final rule on the use of locomotive horns at highway-rail grade crossings, which was published in the Federal Register on August 17, 2006 (71 Fed. Reg. 47614).

SEC. 35416. BRIDGE INSPECTION REPORTS.

Section 417(d) of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20103 note) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary"; and

(2) by adding at the end the following:

"(2) AVAILABILITY OF BRIDGE INSPECTION REPORTS.—The Administrator of the Federal Railroad Administration shall—

"(A) maintain a copy of the most recent bridge inspection reports prepared in accordance with section (b)(5); and

"(B) provide copies of the reports described in subparagraph (A) to appropriate State and local government transportation officials, upon request.".

PART II—CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS

SEC. 35421. CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS.

(a) IN GENERAL.—Chapter 244, as amended by section 35302 of this Act, is further amended by adding at the end the following:

"§ 24408. Consolidated rail infrastructure and safety improvements

"(a) GENERAL AUTHORITY.—The Secretary may make grants under this section to an eligible recipient to assist in financing the cost of improving passenger and freight rail transportation systems in terms of safety, efficiency, or reliability.

"(b) ELIGIBLE RECIPIENTS.—The following entities are eligible to receive a grant under this section:

"(1) A State.

"(2) A group of States.

"(3) An Interstate Compact.

"(4) A public agency or publicly chartered authority established by 1 or more States and having responsibility for providing intercity rail passenger, commuter rail passenger, or freight rail transportation service.

"(5) A political subdivision of a State.

"(6) Amtrak or another rail passenger carrier that provides intercity rail passenger transportation (as defined in section 24102) or commuter rail passenger transportation (as defined in section 24102).

"(7) A Class II railroad or Class III railroad (as those terms are defined in section 20102).

"(8) Any rail carrier or rail equipment manufacturer in partnership with at least 1 of the entities described in paragraphs (1) through (5).

"(9) Any entity established to procure, manage, or maintain passenger rail equipment under section 305 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

"(10) An organization that is actively involved in the development of operational and safety-related standards for rail equipment and operations or the implementation of safety-related programs.

"(11) The Transportation Research Board and any entity with which it contracts in the development of rail-related research, including cooperative research programs.

"(12) A University transportation center actively engaged in rail-related research.

"(13) A non-profit labor organization representing a class or craft of employees of railroad carriers or railroad carrier contractors.

"(c) ELIGIBLE PROJECTS.—The following projects are eligible to receive grants under this section:

"(1) Deployment of railroad safety technology, including positive train control and rail integrity inspection systems.

"(2) A capital project as defined in section 24401, except that a project shall not be required to be in a State rail plan developed under chapter 227.

"(3) A capital project identified by the Secretary as being necessary to address congestion challenges affecting rail service.

"(4) A highway-rail grade crossing improvement, including grade separations, private highway-rail grade crossing improvements, and safety engineering improvements to reduce risk in quiet zones or potential quiet zones.

"(5) A rail line relocation project.

"(6) A capital project to improve short-line or regional railroad infrastructure.

"(7) Development of public education, awareness, and targeted law enforcement activities to reduce violations of traffic laws at highway-rail grade crossings and to help prevent and reduce injuries and fatalities along railroad rights-of-way.

"(8) The preparation of regional rail and corridor service development plans and corresponding environmental analyses.

"(9) Any project that the Secretary considers necessary to enhance multimodal connections or facilitate service integration between rail service and other modes, including between intercity rail passenger transportation and intercity bus service.

"(10) The development of rail-related capital, operations, and safety standards.

"(11) The implementation and operation of a safety program or institute designed to improve rail safety culture and rail safety performance.

"(12) Any research that the Secretary considers necessary to advance any particular aspect of rail-related capital, operations, or safety improvements.

"(13) Workforce development activities, coordinated to the extent practicable with the existing local training programs supported by the Department of Transportation, Department of Labor, and Department of Education.

"(d) APPLICATION PROCESS.—The Secretary shall prescribe the form and manner of filing an application under this section.

"(e) PROJECT SELECTION CRITERIA.—

"(1) IN GENERAL.—In selecting a recipient of a grant for an eligible project, the Secretary shall—

"(A) give preference to a proposed project for which the proposed Federal share of total project costs does not exceed 50 percent; and

"(B) after factoring in preference to projects under subparagraph (A), select projects that will maximize the net benefits of the funds appropriated for use under this section, considering the cost-benefit analysis of the proposed project, including anticipated private and public benefits relative to the costs of the proposed project and factoring in the other considerations described in paragraph (2).

"(2) OTHER CONSIDERATIONS.—The Secretary shall also consider the following:

"(A) The degree to which the proposed project's business plan considers potential private sector participation in the financing, construction, or operation of the project;

"(B) The recipient's past performance in developing and delivering similar projects, and previous financial contributions;

"(C) Whether the recipient has or will have the legal, financial, and technical capacity to carry out the proposed project, satisfactory continuing control over the use of the equipment or facilities, and the capability and willingness to maintain the equipment or facilities;

"(D) If applicable, the consistency of the proposed project with planning guidance and documents set forth by the Secretary or required by law or State rail plans developed under chapter 227;

"(E) If applicable, any technical evaluation ratings that proposed project received under previous competitive grant programs administered by the Secretary; and

"(F) Such other factors as the Secretary considers relevant to the successful delivery of the project.

"(3) BENEFITS.—The benefits described in paragraph (1)(B) may include the effects on system and service performance, including measures such as improved safety, competitiveness, reliability, trip or transit time, resilience, efficiencies from improved integration with other modes, and ability to meet existing or anticipated demand.

"(f) PERFORMANCE MEASURES.—The Secretary shall establish performance measures for each grant recipient to assess progress in achieving strategic goals and objectives. The Secretary may require a grant recipient to periodically report information related to such performance measures.

"(g) RURAL AREAS.—

"(1) IN GENERAL.—Of the amounts appropriated under this section, at least 25 percent shall be available for projects in rural areas. The Secretary shall consider a project to be in a rural area if all or the majority of the project (determined by the geographic location or locations where the majority of the project funds will be spent) is located in a rural area.

"(2) DEFINITION OF RURAL AREA.—In this subsection, the term 'rural area' means any area not in an urbanized area, as defined by the Census Bureau.

"(h) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

"(1) TOTAL PROJECT COSTS.—The Secretary shall estimate the total costs of a project under this subsection based on the best available information, including engineering studies, studies of economic feasibility, environmental analyses, and information on the expected use of equipment or facilities.

"(2) FEDERAL SHARE.—The Federal share of total project costs under this subsection shall not exceed 80 percent.

"(3) TREATMENT OF PASSENGER RAIL REVENUE.—If Amtrak or another rail passenger carrier is an applicant under this section, Amtrak or the other rail passenger carrier, as applicable, may use ticket and other revenues generated from its operations and other sources to satisfy the non-Federal share requirements.

"(i) APPLICABILITY.—Except as specifically provided in this section, the use of any amounts appropriated for grants under this section shall be subject to the requirements of this chapter.

"(j) AVAILABILITY.—Amounts appropriated for carrying out this section shall remain available until expended.".

(b) CONFORMING AMENDMENT.—The table of contents of chapter 244, as amended by section 35302 of this Act,

is amended by adding after the item relating to section 24407 the following:

"24408. Consolidated rail infrastructure and safety improvements.".

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

SEC. 35431. REAL-TIME EMERGENCY RESPONSE INFORMATION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Homeland Security, shall promulgate regulations—

(1) to require a Class I railroad transporting hazardous materials—

(A) to generate accurate, real-time, and electronic train consist information, including—

(i) the identity, quantity, and location of hazardous materials on a train;

(ii) the point of origin and destination of the train;

(iii) any emergency response information or resources required by the Secretary; and

(iv) an emergency response point of contact designated by the Class I railroad; and

(B) to enter into a memorandum of understanding with each applicable fusion center to provide that fusion center with secure and confidential access to the electronic train consist information described in subparagraph (A) for each train transporting hazardous materials in that fusion center's jurisdiction;

(2) to require each applicable fusion center to provide the electronic train consist information described in paragraph (1)(A) to first responders, emergency response officials, and law enforcement personnel that are involved in the response to or investigation of an incident, accident, or public health or safety emergency involving the rail transportation of hazardous materials and that request such electronic train consist information;

(3) upon the request of each State, political subdivision of a State, or public agency responsible for emergency response or law enforcement, to require each applicable fusion center to provide advance notice for each high-hazard flammable train traveling through the jurisdiction of each State, political subdivision of a State, or public agency, which notice shall include the electronic train consist information described in paragraph (1)(A) for the high-hazard

flammable train, and to the extent practicable, for requesting States, political subdivisions, or public agencies, to ensure that the fusion center shall provide at least 12 hours of advance notice for a high-hazard flammable train that will be traveling through the jurisdiction of the State, political subdivision of a State, or public agency, and include within the notice its best estimate of the time the train will enter the jurisdiction;

(4) to prohibit any railroad, employee, or agent from withholding, or causing to be withheld the train consist information from first responders, emergency response officials, and law enforcement personnel described in paragraph (2) in the event of an incident, accident, or public health or safety emergency involving the rail transportation of hazardous materials;

(5) to establish security and confidentiality protections to prevent the release of the electronic train consist information to unauthorized persons; and

(6) to allow each Class I railroad to enter into a memorandum of understanding with any Class II or Class III railroad that operates trains over the Class I railroad's line to incorporate the Class II or Class III railroad's train consist information within the existing framework described in paragraph (1).

(b) DEFINITIONS.—In this section:

(1) APPLICABLE FUSION CENTER.—The term "applicable fusion center" means a fusion center with responsibility for a geographic area in which a Class I railroad operates.

(2) CLASS I RAILROAD.—The term "Class I railroad" has the meaning given the term in section 20102 of title 49, United States Code.

(3) FUSION CENTER.—The term "fusion center" has the meaning given the term in section 124h(j) of title 6, United States Code.

(4) HAZARDOUS MATERIALS.—The term "hazardous materials" means material designated as hazardous by the Secretary of Transportation under chapter 51 of the United States Code.

(5) HIGH-HAZARD FLAMMABLE TRAIN.—The term "high-hazard flammable train" means a single train transporting 20 or more tank cars loaded with a Class 3 flammable liquid in a continuous block or a single train transporting 35 or more tank cars loaded with a Class 3 flammable liquid throughout the train consist.

(6) TRAIN CONSIST.—The term "train consist" includes, with regard to a specific train, the number

of rail cars and the commodity transported by each rail car.

(c) SAVINGS CLAUSE.—

(1) Nothing in this section may be construed to prohibit a Class I railroad from voluntarily entering into a memorandum of understanding, as described in subsection (a)(1)(B), with a State emergency response commission or an entity representing or including first responders, emergency response officials, and law enforcement personnel.

(2) Nothing in this section may be construed to amend any requirement for a railroad to provide a State Emergency Response Commission, for each State in which it operates trains transporting 1,000,000 gallons or more of Bakken crude oil, notification regarding the expected movement of such trains through the counties in the State.

SEC. 35432. THERMAL BLANKETS.

(a) REQUIREMENTS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to require each tank car built to meet the DOT–117 specification and each non-jacketed tank car modified to meet the DOT–117R specification—

(1) to be equipped with a thermal blanket; or

(2) to have sufficient thermal resistance so that there will be no release of any lading within the tank car, except release through the pressure relief device, when subjected to a pool fire for 200 minutes and a torch fire for 30 minutes.

(b) DEFINITION OF THERMAL BLANKET.—In this section, the term "thermal blanket" means an insulating blanket that is applied between the outer surface of a tank car tank and the inner surface of a tank car jacket and that has thermal conductivity no greater than 2.65 Btu per inch, per hour, per square foot, and per degree Fahrenheit at a temperature of 2000 degrees Fahrenheit, plus or minus 100 degrees Fahrenheit.

(c) SAVINGS CLAUSE.—

(1) PRESSURE RELIEF DEVICES.—Nothing in this section may be construed to affect or prohibit any requirement to equip with appropriately sized pressure relief devices a tank car built to meet the DOT–117 specification or a non-jacketed tank car modified to meet the DOT–117R specification.

(2) HARMONIZATION.—Nothing in this section may be construed to require or allow the Secretary to prescribe an implementation deadline or authorization end date for the requirement under subsection (a) that is earlier than the applicable implementation

deadline or authorization end date for other tank car modifications necessary to meet the DOT–117R specification.

SEC. 35433. COMPREHENSIVE OIL SPILL RESPONSE PLANS.

(a) REQUIREMENTS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue a notice of proposed rulemaking to require each railroad carrier transporting a Class 3 flammable liquid to maintain a comprehensive oil spill response plan.

(b) CONTENTS.—The regulations under subsection (a) shall require each rail carrier described in that subsection—

(1) to include in the comprehensive oil spill response plan procedures and resources for responding, to the maximum extent practicable, to a worst-case discharge;

(2) to ensure the comprehensive oil spill response plan is consistent with the National Contingency Plan and each applicable Area Contingency Plan;

(3) to include in the comprehensive oil spill response plan appropriate notification and training procedures;

(4) to review and update its comprehensive oil spill response plan as appropriate; and

(5) to provide the comprehensive oil spill response plan for acceptance by the Secretary.

(c) SAVINGS CLAUSE.—Nothing in the section may be construed as prohibiting the Secretary from promulgating different comprehensive oil response plan standards for Class I, Class II, and Class III railroads.

(d) DEFINITIONS.—In this section:

(1) AREA CONTINGENCY PLAN.—The term "Area Contingency Plan" has the meaning given the term in section 311(a) of the Federal Water Pollution Control Act (33 U.S.C. 1321(a)).

(2) CLASS 3 FLAMMABLE LIQUID.—The term "Class 3 flammable liquid" has the meaning given the term in section 173.120(a) of title 49, Code of Federal Regulations.

(3) CLASS I RAILROAD, CLASS II RAILROAD, AND CLASS III RAILROAD.—The terms "Class I railroad", "Class II railroad" and "Class III railroad" have the meanings given the terms in section 20102 of title 49, United States Code.

(4) NATIONAL CONTINGENCY PLAN.—The term "National Contingency Plan" has the meaning given the term in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701).

(5) RAILROAD CARRIER.—The term "railroad carrier" has the meaning given the term in section 20102 of title 49, United States Code.

(6) WORST-CASE DISCHARGE.—The term "worst-case discharge" means a railroad carrier's calculation of its largest foreseeable discharge in the event of an accident or incident.

SEC. 35434. HAZARDOUS MATERIALS BY RAIL LIABILITY STUDY.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall initiate a study on the levels and structure of insurance for a railroad carrier transporting hazardous materials.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall evaluate—

(1) the level and structure of insurance, including self-insurance, available in the private market against the full liability potential for damages arising from an accident or incident involving a train transporting hazardous materials;

(2) the level and structure of insurance that would be necessary and appropriate—

(A) to efficiently allocate risk and financial responsibility for claims; and

(B) to ensure that a railroad carrier transporting hazardous materials can continue to operate despite the risk of an accident or incident;

(3) the potential applicability to trains transporting hazardous materials of—

(A) a liability regime modeled after section 170 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2210); and

(B) a liability regime modeled after subtitle 2 of title XXI of the Public Health Service Act (42 U.S.C. 300aa–10 et seq.).

(c) REPORT.—Not later than 1 year after the date the study under subsection (a) is initiated, the Secretary shall submit a report containing the results of the study and recommendations for addressing liability issues with rail transportation of hazardous materials to—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

(d) DEFINITIONS.—In this section:

(1) HAZARDOUS MATERIAL.—The term "hazardous material" means a substance or material the Secretary designates under section 5103(a) of title 49, United States Code.

(2) RAILROAD CARRIER.—The term "railroad carrier" has the meaning given the term in section 20102 of title 49, United States Code.

SEC. 35435. STUDY AND TESTING OF ELECTRONICALLY-CONTROLLED PNEUMATIC BRAKES.

(a) GOVERNMENT ACCOUNTABILITY OFFICE STUDY.—

(1) IN GENERAL.—The Government Accountability Office shall complete an independent evaluation of ECP brake systems pilot program data and the Department of Transportation's research and analysis on the effects of ECP brake systems.

(2) STUDY ELEMENTS.—In completing the independent evaluation under paragraph (1), the Government Accountability Office shall examine the following issues related to ECP brake systems:

(A) Data and modeling results on safety benefits relative to conventional brakes and to other braking technologies or systems, such as distributed power and 2-way end-of-train devices.

(B) Data and modeling results on business benefits, including the effects of dynamic braking.

(C) Data on costs, including up-front capital costs and on-going maintenance costs.

(D) Analysis of potential operational challenges, including the effects of potential locomotive and car segregation, technical reliability issues, and network disruptions.

(E) Analysis of potential implementation challenges, including installation time, positive train control integration complexities, component availability issues, and tank car shop capabilities.

(F) Analysis of international experiences with the use of advanced braking technologies.

(3) DEADLINE.—Not later than 18 months after the date of enactment of this Act, the Government Accountability Office shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the independent evaluation under paragraph (1).

(b) EMERGENCY BRAKING APPLICATION TESTING.—

(1) IN GENERAL.—The Secretary of Transportation shall enter into an agreement with the NCRRP Board—

(A) to complete testing of ECP brake systems during emergency braking application, including more than 1 scenario involving the uncoupling of a train with 70 or more DOT–117-specification or DOT–117R-specification tank cars; and

(B) to transmit, not later than 18 months after the date of enactment of this Act, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the testing.

(2) INDEPENDENT EXPERTS.—In completing the testing under paragraph (1), the NCRRP Board may contract with 1 or more engineering or rail experts, as appropriate, with relevant experience in conducting railroad safety technology tests or similar crash tests.

(3) TESTING FRAMEWORK.—In completing the testing under paragraph (1), the NCRRP Board and each contractor described in paragraph (2) shall ensure that the testing objectively, accurately, and reliably measures the performance of ECP brake systems relative to other braking technologies or systems, such as distributed power and 2-way end-of-train devices, including differences in—

(A) the number of cars derailed;

(B) the number of cars punctured;

(C) the measures of in-train forces; and

(D) the stopping distance.

(4) FUNDING.—The Secretary shall require, as part of the agreement under paragraph (1), that the NCRRP Board fund the testing required under this section—

(A) using such sums made available under section 24910 of title 49, United States Code; and

(B) to the extent funding under subparagraph (A) is insufficient or unavailable to fund the testing required under this section, using such sums as are necessary from the amounts appropriated to the Office of the Secretary.

(5) EQUIPMENT.—The NCRRP Board and each contractor described in paragraph (2) may receive or use rolling stock, track, and other equipment or infrastructure from a private entity for the purposes of conducting the testing required under this section.

(c) EVIDENCE-BASED APPROACH.—

(1) ANALYSIS.—The Secretary shall—

(A) not later than 90 days after the report date, fully incorporate and reflect the findings from both reports into a draft updated regulatory impact analysis of the effects of the applicable ECP brake system requirements;

(B) as soon as practicable after completion of the draft updated analysis under subparagraph (A), solicit public comment on the analysis for a period of not more than 30 days; and

(C) not later than 60 days after the end of the public comment period, post the final updated regulatory impact analysis on the Department of Transportation Web site.

(2) DETERMINATION.—Not later than 180 days after the report date, the Secretary shall—

(A) determine, based on whether the final regulatory impact analysis described in paragraph (1)(C) demonstrates that the benefits, including safety benefits, of the applicable ECP brake system requirements exceed their costs, whether the applicable ECP brake system requirements are justified; and

(B)(i) if the applicable ECP brake system requirements are justified, publish in the Federal Register the determination with the reasons for it; or

(ii) if the Secretary does not publish the determination under clause (i), repeal the applicable ECP brake system requirements.

(d) DEFINITIONS.—In this section:

(1) APPLICABLE ECP BRAKE SYSTEM REQUIREMENTS.—The term "applicable brake system requirements" means sections 174.310(a)(3)(ii), 174.310(a)(3)(iii), 174.310(a)(5)(v), 179.102–10, 179.202–12(g), and 179.202–13(i) of title 49, Code of Federal Regulations, and any other regulation in effect on the date of enactment of this Act requiring the installation of ECP brakes or operation in ECP brake mode.

(2) CLASS 3 FLAMMABLE LIQUID.—The term "Class 3 flammable liquid" has the meaning given the term in section 173.120(a) of title 49, Code of Federal Regulations.

(3) ECP.—The term "ECP" means electronically-controlled pneumatic when applied to a brake or brakes.

(4) ECP BRAKE MODE.—The term "ECP brake mode" includes any operation of a rail car or an entire train using an ECP brake system.

(5) ECP BRAKE SYSTEM.—

(A) IN GENERAL.—The term "ECP brake system" means a train power braking system actuated by compressed air and controlled by electronic signals from the locomotive or an ECP–EOT to the cars in the consist for service and

emergency applications in which the brake pipe is used to provide a constant supply of compressed air to the reservoirs on each car but does not convey braking signals to the car.

(B) INCLUSIONS.—The term "ECP brake system" includes dual mode and stand-alone ECP brake systems.

(6) HIGH-HAZARD FLAMMABLE UNIT TRAIN.—The term "high-hazard flammable unit train" means a single train transporting 70 or more loaded tank cars containing Class 3 flammable liquid.

(7) NCRRP BOARD.—The term "NCRRP Board" means the independent governing board of the National Cooperative Rail Research Program.

(8) RAILROAD CARRIER.—The term "railroad carrier" has the meaning given the term in section 20102 of title 49, United States Code.

(9) REPORT DATE.—The term "report date" means the date that both the report under subsection (a)(3) and the report under subsection (b)(1)(B) have been transmitted under those subsections.

SEC. 35436. RECORDING DEVICES.

(a) IN GENERAL.—Subchapter II of chapter 201 is amended by adding after section 20167 the following:

"§ 20168. Installation of audio and image recording devices

"(a) IN GENERAL.—Not later than 2 years after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, the Secretary of Transportation shall promulgate regulations to require each rail carrier that provides regularly scheduled intercity rail passenger or commuter rail passenger transportation to the public to install inward- and outward-facing image recording devices in all controlling locomotive cabs and cab car operating compartments in such passenger trains.

"(b) DEVICE STANDARDS.—Each inward- and outward-facing image recording device shall—

"(1) have a minimum 12-hour continuous recording capability;

"(2) have crash and fire protections for any in-cab image recordings that are stored only within a controlling locomotive cab or cab car operating compartment; and

"(3) have recordings accessible for review during an accident investigation.

"(c) REVIEW.—The Secretary shall establish a process to review and approve or disapprove an inward- or outward-facing recording device for compliance with the standards described in subsection (b).

"(d) USES.—A rail carrier that has installed an inward- or outward-facing image recording device approved under subsection (c) may use recordings from that inward- or outward-facing image recording device for the following purposes:

"(1) Verifying that train crew actions are in accordance with applicable safety laws and the rail carrier's operating rules and procedures.

"(2) Assisting in an investigation into the causation of a reportable accident or incident.

"(3) Carrying out efficiency testing and system-wide performance monitoring programs.

"(4) Documenting a criminal act or monitoring unauthorized occupancy of the controlling locomotive cab or car operating compartment.

"(5) Other purposes that the Secretary considers appropriate.

"(e) VOLUNTARY IMPLEMENTATION.—

"(1) IN GENERAL.—Each rail carrier operating freight rail service may implement any inward- or outward-facing image recording devices approved under subsection (c).

"(2) AUTHORIZED USES.—Notwithstanding any other provision of law, each rail carrier may use recordings from an inward- or outward-facing image

recording device approved under subsection (c) for any of the purposes described in subsection (d).

"(f) DISCRETION.—

"(1) IN GENERAL.—The Secretary may—

"(A) require in-cab audio recording devices for the purposes described in subsection (d); and

"(B) define in appropriate technical detail the essential features of the devices required under subparagraph (A).

"(2) EXEMPTIONS.—The Secretary may exempt any rail passenger carrier or any part of a rail passenger carrier's operations from the requirements under subsection (a) if the Secretary determines that the rail passenger carrier has implemented an alternative technology or practice that provides an equivalent or greater safety benefit or is better suited to the risks of the operation.

"(g) TAMPERING.—A rail carrier may take appropriate enforcement or administrative action against any employee that tampers with or disables an audio or inward- or outward-facing image recording device installed by the rail carrier.

"(h) PRESERVATION OF DATA.—Each rail passenger carrier subject to the requirements of subsection (a) shall

preserve recording device data for 1 year after the date of a reportable accident or incident.

"(i) INFORMATION PROTECTIONS.—The Secretary may not disclose publicly any part of an in-cab audio or image recording or transcript of oral communications by or among train employees or other operating employees responsible for the movement and direction of the train, or between such operating employees and company communication centers, related to an accident investigated by the Secretary. However, the Secretary shall make public any part of a transcript or any written depiction of visual information that the Secretary decides is relevant to the accident at the time a majority of the other factual reports on the accident are released to the public.

"(j) PROHIBITED USE.—An in-cab audio or image recording obtained by a rail carrier under this section may not be used to retaliate against an employee.

"(k) SAVINGS CLAUSE.—Nothing in this section may be construed as requiring a rail carrier to cease or restrict operations upon a technical failure of an inward- or outward-facing image recording device. Such rail carrier shall repair or replace the failed inward- or outward-facing image recording device as soon as practicable.".

(b) CONFORMING AMENDMENT.—The table of contents for subchapter II of chapter 201 is amended by adding at the end the following:

"20168. Installation of audio and image recording devices.".

SEC. 35437. RAIL PASSENGER TRANSPORTATION LIABILITY.

(a) LIMITATIONS.—Section 28103(a) is amended—

(1) in paragraph (2), by striking "$200,000,000" and inserting "$295,000,000, except as provided in paragraph (3)."; and

(2) by adding at the end the following:

"(3) The liability cap under paragraph (2) shall be adjusted every 5 years by the Secretary of Transportation to reflect changes in the Consumer Price Index-All Urban Consumers.

"(4) The Federal Government shall have no financial responsibility for any claims described in paragraph (2).".

(b) DEFINITION OF RAIL PASSENGER TRANSPORTATION.—Section 28103(e) is amended—

(1) in the heading, by striking "DEFINITION.—" and inserting "DEFINITIONS.—";

(2) in paragraph (2), by striking "; and" and inserting a semicolon;

(3) in paragraph (3), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(4) the term 'rail passenger transportation' includes commuter rail passenger transportation (as defined in section 24102).".

(c) PROHIBITION.—No Federal funds may be appropriated for the purpose of paying for the portion of an insurance premium attributable to the increase in allowable awards under the amendments made by subsection (a).

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective for any passenger rail accident or incident occurring on or after May 12, 2015.

SEC. 35438. MODIFICATION REPORTING.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall implement a reporting requirement to monitor industry-wide progress toward modifying tank cars used in high-hazard flammable train service by the applicable deadlines or authorization end dates set in regulation.

(b) TANK CAR DATA.—The Secretary shall collect data from shippers and tank car owners on—

(1) the total number of tank cars modified to meet the DOT–117R specification, or equivalent, specifying—

(A) the type or specification of each tank car before it was modified, including non-jacketed DOT–111, jacketed DOT–111, non-jacketed

DOT–111 meeting the CPC–1232 standard, or jacketed DOT–111 meeting the CPC–1232 standard; and

(B) the identification number of each Class 3 flammable liquid carried by each tank car in the past year;

(2) the total number of tank cars built to meet the DOT–117 specification, or equivalent; and

(3) the total number of tank cars used or likely to be used in high-hazard flammable train service that have not been modified, specifying—

(A) the type or specification of each tank car not modified, including the non-jacketed DOT–111, jacketed DOT–111, non-jacketed DOT–111 meeting the CPC–1232 standard, or jacketed DOT–111 meeting the CPC–1232 standard; and

(B) the identification number of each Class 3 flammable liquid carried by each tank car in the past year.

(c) TANK CAR SHOP DATA.—The Secretary shall conduct a survey of tank car facilities modifying tank cars to the DOT–117R specification, or equivalent, or building new tank cars to the DOT–117 specification, or equivalent, to generate statistically-valid estimates of the expected number

of tank cars those facilities expect to modify to DOT–117R specification, or equivalent, or build to the DOT–117 specification, or equivalent.

(d) FREQUENCY.—The Secretary shall collect the data under subsection (b) and conduct the survey under subsection (c) annually until May 1, 2025.

(e) INFORMATION PROTECTIONS.—

(1) IN GENERAL.—The Secretary shall only report data in industry-wide totals and shall treat company-specific information as confidential business information.

(2) LEVEL OF CONFIDENTIALITY.—The Secretary shall ensure the data collected under subsection (b) and the survey data under subsection (c) have the same level of confidentiality as contained in the Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), as administered by the Bureau of Transportation Statistics.

(3) DESIGNEE.—The Secretary may designate the Director of the Bureau of Transportation Statistics to collect data under subsection (b) and the survey data under subsection (c) and direct the Director to ensure the confidentially of company-specific information to the maximum extent permitted by law.

(f) REPORT.—Each year, not later than 60 days after the date that both the collection of the data under subsection (b) and the survey under subsection (c) are complete, the Secretary shall report on the aggregate results, without company-specific information, to—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

(g) DEFINITIONS.—In this section:

(1) CLASS 3 FLAMMABLE LIQUID.—The term "Class 3 flammable liquid" has the meaning given the term in section 173.120(a) of title 49, Code of Federal Regulations.

(2) HIGH-HAZARD FLAMMABLE TRAIN.—The term "high-hazard flammable train" means a single train transporting 20 or more tank cars loaded with a Class 3 flammable liquid in a continuous block or a single train transporting 35 or more tank cars loaded with a Class 3 flammable liquid throughout the train consist.

SEC. 35439. REPORT ON CRUDE OIL CHARACTERISTICS RESEARCH STUDY.

Not later than 180 days after the research completion of the comprehensive Crude Oil Characteristics Research

Sampling, Analysis, and Experiment (SAE) Plan study at Sandia National Laboratories, the Secretary of Energy, in cooperation with the Secretary of Transportation, shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Natural Resources of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives that contains—

(1) the results of the comprehensive Crude Oil Characteristics Research Sampling, Analysis, and Experiment (SAE) Plan study; and

(2) recommendations, based on the findings of the study, for—

(A) regulations that should be prescribed by the Secretary of Transportation or the Secretary of Energy to improve the safe transport of crude oil; and

(B) statutes that should be enacted by Congress to improve the safe transport of crude oil.

PART IV—POSITIVE TRAIN CONTROL

SEC. 35441. COORDINATION OF SPECTRUM.

(a) ASSESSMENT.—The Secretary, in coordination with the Chairman of the Federal Communications Commission, shall assess spectrum needs and availability for

implementing positive train control systems (as defined in section 20157(i)(3) of title 49, United States Code). The Secretary and the Chairman may consult with external stakeholders in carrying out this section.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains the results of the assessment conducted under subsection (a).

SEC. 35442. UPDATED PLANS.

(a) IMPLEMENTATION.—Section 20157(a) is amended to read as follows:

"(a) IMPLEMENTATION.—

"(1) PLAN REQUIRED.—Each Class I railroad carrier and each entity providing regularly scheduled intercity or commuter rail passenger transportation shall develop and submit to the Secretary of Transportation a plan for implementing a positive train control system by December 31, 2015, governing operations on—

"(A) its main line over which intercity rail passenger transportation or commuter rail pas-

senger transportation (as defined in section 24102) is regularly provided;

"(B) its main line over which poison- or toxic-by-inhalation hazardous materials (as defined in sections 171.8, 173.115, and 173.132 of title 49, Code of Federal Regulations) are transported; and

"(C) such other tracks as the Secretary may prescribe by regulation or order.

"(2) INTEROPERABILITY AND PRIORITIZATION.—The plan shall describe how the railroad carrier or other entity subject to paragraph (1) will provide for interoperability of the positive train control systems with movements of trains of other railroad carriers over its lines and shall, to the extent practical, implement the positive train control systems in a manner that addresses areas of greater risk before areas of lesser risk.

"(3) SECRETARIAL REVIEW OF UPDATED PLANS.—

"(A) SUBMISSION OF UPDATED PLANS.—Notwithstanding the deadline set forth in paragraph (1), not later than 90 days after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, each Class I railroad

carrier or other entity subject to paragraph (1) may submit to the Secretary an updated plan that amends the plan submitted under paragraph (1) with an updated implementation schedule (as described in paragraph (4)(B)) and milestones or metrics (as described in paragraph (4)(A)) that demonstrate that the railroad carrier or other entity will implement a positive train control system as soon as practicable, if implementing in accordance with the updated plan will not introduce operational challenges or risks to full, successful, and safe implementation.

"(B) REVIEW OF UPDATED PLANS.—Not later than 150 days after receiving an updated plan under subparagraph (A), the Secretary shall review the updated plan and approve or disapprove it. In determining whether to approve or disapprove the updated plan, the Secretary shall consider whether the railroad carrier or other entity submitting the plan—

"(i)(I) has encountered technical or programmatic challenges identified by the Secretary in the 2012 report transmitted to Congress pursuant to subsection (d); and

"(II) the challenges referred to in subclause (I) have negatively affected the successful implementation of positive train control systems;

"(ii) has demonstrated due diligence in its effort to implement a positive train control system;

"(iii) has included in its plan milestones or metrics that demonstrate the railroad carrier or other entity will implement a positive train control system as soon as practicable, if implementing in accordance with the milestones or metrics will not introduce operational challenges or risks to full, successful, and safe implementation; and

"(iv) has set an implementation schedule in its plan that shows the railroad will comply with paragraph (7), if implementing in accordance with the implementation schedule will not introduce operational challenges or risks to full, successful, and safe implementation.

"(C) MODIFICATION OF UPDATED PLANS.—(i) If the Secretary has not approved an updated

plan under subparagraph (B) within 60 days of receiving the updated plan under subparagraph (A), the Secretary shall immediately—

"(I) provide a written response to the railroad carrier or other entity that identifies the reason for not approving the updated plan and explains any incomplete or deficient items;

"(II) allow the railroad carrier or other entity to submit, within 30 days of receiving the written response under subclause (I), a modified version of the updated plan for the Secretary's review; and

"(III) approve or issue final disapproval for a modified version of the updated plan submitted under subclause (II) not later than 60 days after receipt.

"(ii) During the 60-day period described in clause (i)(III), the railroad or other entity that has submitted a modified version of the updated plan under clause (i)(II) may make additional modifications, if requested by the Secretary, for the purposes of correcting incomplete or deficient items to receive approval.

"(D) PUBLIC AVAILABILITY.—Not later than 30 days after approving an updated plan under this paragraph, the Secretary shall make the updated plan available on the website of the Federal Railroad Administration.

"(E) PENDING REVIEWS.—For an applicant that submits an updated plan under subparagraph (A), the Secretary shall extend the deadline for implementing a positive train control system at least until the date the Secretary approves or issues final disapproval for the updated plan with an updated implementation schedule (as described in paragraph (4)(B)).

"(F) DISAPPROVAL.—A railroad carrier or other entity that has its modified version of its updated plan disapproved by the Secretary under subparagraph (C)(i)(III), and that has not implemented a positive train control system by the deadline in subsection (a)(1), is subject to enforcement action authorized under subsection (e).

"(4) CONTENTS OF UPDATED PLAN.—

"(A) MILESTONES OR METRICS.—Each updated plan submitted under paragraph (3) shall describe the following milestones or metrics:

"(i) The total number of components that will be installed with positive train control by the end of each calendar year until positive train control is fully implemented, with totals separated by each component category.

"(ii) The number of employees that will receive the training, as required under the applicable positive train control system regulations, by the end of each calendar year until positive train control is fully implemented.

"(iii) The calendar year or years in which spectrum will be acquired and will be available for use in all areas that it is needed for positive train control implementation, if such spectrum is not already acquired and ready for use.

"(B) IMPLEMENTATION SCHEDULE.—Each updated plan submitted under paragraph (3) shall include an implementation schedule that identifies the dates by which the railroad carrier or other entity will—

"(i) fully implement a positive train control system;

"(ii) complete all component installation, consistent with the milestones or metrics described in subparagraph (A)(i);

"(iii) complete all employee training required under the applicable positive train control system regulations, consistent with the milestones or metrics described in subparagraph (A)(ii);

"(iv) acquire all necessary spectrum, consistent with the milestones or metrics in subparagraph (A)(iii); and

"(v) activate its positive train control system.

"(C) ADDITIONAL INFORMATION.—Each updated plan submitted under paragraph (3) shall include—

"(i) the total number of positive train control components required for implementation, with totals separated by each major component category;

"(ii) the total number of employees requiring training under the applicable positive train control system regulations;

"(iii) a summary of the remaining challenges to positive train control system implementation, including—

"(I) testing issues;

"(II) interoperability challenges;

"(III) permitting issues; and

"(IV) certification challenges.

"(D) DEFINED TERM.—In this paragraph, the term 'component' means a locomotive apparatus, a wayside interface unit (including any associated legacy signal system replacements), back office system hardware, a base station radio, a wayside radio, or a locomotive radio.

"(5) PLAN IMPLEMENTATION.—The Class I railroad carrier or other entity subject to paragraph (1) shall implement a positive train control system in accordance with its plan, including any amendments made to the plan by its updated plan approved by the Secretary under paragraph (3), and subject to section 35443 of the Railroad Reform, Enhancement, and Efficiency Act.

"(6) PROGRESS REPORT.—Each Class I railroad carrier or other entity with an approved updated plan shall submit an annual report to the Secretary

that describes the progress made on positive train control implementation, including—

"(A) the extent to which the railroad carrier or other entity met or exceeded the metrics or milestones described in paragraph (4)(A);

"(B) the extent to which the railroad carrier or other entity complied with its implementation schedule under paragraph (4)(B); and

"(C) any update to the information provided under paragraph (4)(C).

"(7) CONSTRAINT.—Each updated plan shall reflect that the railroad carrier or other entity subject to paragraph (1) will, not later than December 31, 2018—

"(A) complete component installation and spectrum acquisition; and

"(B) activate its positive train control system without undue delay.".

(b) ENFORCEMENT.—Section 20157(e) is amended to read as follows:

"(e) ENFORCEMENT.—The Secretary is authorized to assess civil penalties pursuant to chapter 213 for the failure to submit or comply with a plan for implementing positive train control under subsection (a), including any amendments to the plan made by an updated plan (including

milestones or metrics and an updated implementation schedule) approved by the Secretary under paragraph (3) of such subsection, subject to section 35443 of the Railroad Reform, Enhancement, and Efficiency Act.".

(c) DEFINITIONS.—Section 20157(i) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) by inserting before paragraph (2), as redesignated, the following:

"(1) ACTIVATE.—The term 'activate' means to initiate the use of a positive train control system in every subdivision or district where the railroad carrier or other entity is prepared to do so safely, reliably, and successfully, and proceed with revenue service demonstration as necessary for system testing and certification, prior to full implementation.".

(d) CONFORMING AMENDMENT.—Section 20157(g) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary"; and

(2) by adding at the end the following:

"(2) CONFORMING REGULATORY AMENDMENTS.—Immediately after the date of the enactment of the

Railroad Reform, Enhancement, and Efficiency Act, the Secretary—

"(A) shall remove or revise any references to specified dates in the regulations or orders implementing this section to the extent necessary to conform with the amendments made by such Act; and

"(B) may not enforce any such date-specific deadlines or requirements that are inconsistent with the amendments made by such Act.".

(e) SAVINGS PROVISIONS.—

(1) RESUBMISSION OF INFORMATION.—Nothing in the amendments made by this section may be construed to require a Class I railroad carrier or other entity subject to section 20157(a) of title 49, United States Code, to resubmit in its updated plan information from its initial implementation plan that is not changed or affected by the updated plan. The Secretary shall consider an updated plan submitted pursuant to paragraph (3) of that section to be an addendum that makes amendments to the initial implementation plan.

(2) SUBMISSION OF NEW PLAN.—Nothing in the amendments made by this section may be construed to require a Class I railroad carrier or other entity

subject to section 20157(a) of title 49, United States Code, to submit a new implementation plan pursuant to the deadline set forth in that section.

(3) APPROVAL.—A railroad carrier or other entity subject to section 20157(a) of title 49, United States Code, that has its updated plan, including a modified version of the updated plan, approved by the Secretary under subparagraph (B) or subparagraph (C) of paragraph (3) of that section shall not be required to implement a positive train control system by the deadline under paragraph (1) of that section.

SEC. 35443. EARLY ADOPTION AND INTEROPERABILITY.

(a) EARLY ADOPTION.—During the 1-year period beginning on the date on which the last railroad carrier's or other entity's positive train control system, subject to section 20157(a) of title 49, United States Code, is certified by the Secretary under subsection (h) of such section and implemented on all of that railroad carrier's or other entity's lines required to have operations governed by a positive train control system, any railroad carrier or other entity shall not be subject to the operational restrictions set forth in subpart I of part 236 of title 49, Code of Federal Regulations, that would otherwise apply in the event of a positive train control system component failure.

(b) INTEROPERABILITY PROCEDURE.—If multiple railroad carriers operate on a single railroad line through a trackage or haulage agreement, each railroad carrier operating on the railroad line shall not be subject to the operating restrictions set forth in subpart I of part 236 of title 49, Code of Federal Regulations, with respect to the railroad line, until the Secretary certifies that—

(1) each Class I railroad carrier and each entity providing regularly scheduled intercity or commuter rail passenger transportation that operates on the railroad line is in compliance with its positive train control requirements under section 20157(a) of title 49, United States Code;

(2) each Class II or Class III railroad that operates on the railroad line is in compliance with the applicable regulatory requirements to equip locomotives operating in positive train control territory; and

(3) the implementation of any and all positive train control systems are interoperable and operational on the railroad line in conformance with each approved implementation plan so that each freight and passenger railroad can operate on the line with that freight or passenger railroad's positive train control equipment.

(c) SMALL RAILROADS.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall amend section 236.1006(b)(4)(iii)(B) of title 49, Code of Federal Regulations (relating to equipping locomotives for applicable Class II and Class III railroads operating in positive train control territory) to extend each deadline by 3 years.

(d) ENFORCEMENT.—

(1) IN GENERAL.—Subject to paragraph (2), nothing in subsection (a) may be construed to prohibit the Secretary from enforcing the metrics and milestones under section 20157(a)(4)(A) of title 49, United States Code, as amended by section 35442 of this Act.

(2) ACTIVATION.—Beginning on the date in which a railroad carrier or other entity subject to section 20157(a) of title 49, United States Code, as amended by section 35442 of this Act, has activated its positive train control system, the railroad carrier or other entity shall not be in violation of its plan, including its updated plan, approved under this Act if implementing such plan introduces operational challenges or risks to full, successful, and safe implementation.

SEC. 35444. POSITIVE TRAIN CONTROL AT GRADE CROSSINGS EFFECTIVENESS STUDY.

(a) STUDY.—After the Secretary certifies that each Class I railroad carrier and each entity providing regularly scheduled intercity or commuter rail passenger transportation is in compliance with the positive train control requirements under section 20157(a) of title 49, United States Code, the Secretary shall enter into an agreement with the National Cooperative Rail Research Program Board—

(1) to conduct a study of the possible effectiveness of positive train control and related technologies on reducing collisions at highway-rail grade crossings; and

(2) to submit a report containing the results of the study conducted under paragraph (1) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(b) FUNDING.—The Secretary may require, as part of the agreement under subsection (a), that the National Cooperative Rail Research Program Board fund the study required under this section using such sums as may be necessary out of the amounts made available under section 24910 of title 49, United States Code.

Subtitle E—Project Delivery

SEC. 35501. SHORT TITLE.

This subtitle may be cited as the "Track, Railroad, and Infrastructure Network Act".

SEC. 35502. PRESERVATION OF PUBLIC LANDS.

(a) HIGHWAYS.—Section 138 of title 23, United States Code, is amended—

(1) in subsection (b)(2)(A)(i), by inserting ", taking into consideration any avoidance, minimization, and mitigation or enhancement measures incorporated into the program or project" after "historic site"; and

(2) by adding at the end the following:

"(c) RAIL AND TRANSIT.—Improvements to, or the maintenance, rehabilitation, or operation of, railroad or rail transit lines or elements of such lines, with the exception of stations, that are in use or were historically used for the transportation of goods or passengers, shall not be considered a use of an historic site under subsection (a), regardless of whether the railroad or rail transit line or element of such line is listed on, or eligible for listing on, the National Register of Historic Places.".

(b) TRANSPORTATION PROJECTS.—Section 303 is amended—

(1) in subsection (c), by striking "subsection (d)" and inserting "subsections (d) and (e)";

(2) in subsection (d)(2)(A)(i), by inserting ", taking into consideration any avoidance, minimization, and mitigation or enhancement measures incorporated into the program or project" after "historic site"; and

(3) by adding at the end the following:

"(e) RAIL AND TRANSIT.—Improvements to, or the maintenance, rehabilitation, or operation of, railroad or rail transit lines or elements of such lines, with the exception of stations, that are in use or were historically used for the transportation of goods or passengers, shall not be considered a use of an historic site under subsection (c), regardless of whether the railroad or rail transit line or element of such line is listed on, or eligible for listing on, the National Register of Historic Places.".

SEC. 35503. EFFICIENT ENVIRONMENTAL REVIEWS.

(a) IN GENERAL.—Section 304 is amended—

*(1) in the heading, by striking "**for multimodal projects**" and inserting "**and increasing the efficiency of environmental reviews**"; and*

(2) by adding at the end the following:

"(e) EFFICIENT ENVIRONMENTAL REVIEWS.—

"(1) IN GENERAL.—The Secretary of Transportation shall apply the project development procedures, to the greatest extent feasible, described in section 139 of title 23, United States Code, to any rail project that requires the approval of the Secretary of Transportation under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(2) REGULATIONS AND PROCEDURES.—The Secretary of Transportation shall incorporate such project development procedures into the agency regulations and procedures pertaining to rail projects.

"(f) APPLICABILITY OF NEPA DECISIONS.—

"(1) IN GENERAL.—A Department of Transportation operating administration may apply a categorical exclusion designated by another Department of Transportation operating administration under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(2) FINDINGS.—A Department of Transportation operating administration may adopt, in whole or in part, another Department of Transportation operating administration's Record of Decision, Finding of No Significant Impact, and any associated evaluations, determinations, or findings demonstrating com-

pliance with any law related to environmental review or historic preservation.".

SEC. 35504. ADVANCE ACQUISITION.

(a) IN GENERAL.—Chapter 241 is amended by inserting after section 24105 the following—

"§ 24106. Advance acquisition

"(a) RAIL CORRIDOR PRESERVATION.—The Secretary may assist a recipient of funding in acquiring right-of-way and adjacent real property interests before or during the completion of the environmental reviews for any project receiving funding under subtitle V of title 49, United States Code, that may use such property interests if the acquisition is otherwise permitted under Federal law, and the recipient requesting Federal funding for the acquisition certifies, with the concurrence of the Secretary, that—

"(1) the recipient has authority to acquire the right-of-way or adjacent real property interest; and

"(2) the acquisition of the right-of-way or adjacent real property interest—

"(A) is for a transportation or transportation-related purpose;

"(B) will not cause significant adverse environmental impact;

"(C) will not limit the choice of reasonable alternatives for the proposed project or otherwise

influence the decision of the Secretary on any approval required for the proposed project;

"(D) does not prevent the lead agency for the review process from making an impartial decision as to whether to accept an alternative that is being considered;

"(E) complies with other applicable Federal law, including regulations;

"(F) will be acquired through negotiation and without the threat of condemnation; and

"(G) will not result in the elimination or reduction of benefits or assistance to a displaced person under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) and title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

"(b) ENVIRONMENTAL REVIEWS.—

"(1) COMPLETION OF NEPA REVIEW.—Before authorizing any Federal funding for the acquisition of a real property interest that is the subject of a grant or other funding under this subtitle, the Secretary shall complete, if required, the review process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the acquisition.

"(2) COMPLETION OF SECTION 106.—An acquisition of a real property interest involving an historic site shall not occur unless the section 106 process, if required, under the National Historic Preservation Act (54 U.S.C. 306108) is complete.

"(3) TIMING OF ACQUISITIONS.—A real property interest acquired under subsection (a) may not be developed in anticipation of the proposed project until all required environmental reviews for the project have been completed.".

(b) CONFORMING AMENDMENT.—The table of contents of chapter 241 is amended by inserting after the item relating to section 24105 the following:

"24106. Advance acquisition.".

SEC. 35505. RAILROAD RIGHTS-OF-WAY.

Section 306108 of title 54, United States Code, is amended—

(1) by inserting "(b) OPPORTUNITY TO COMMENT.—" before "The head of the Federal agency shall afford" and indenting accordingly;

(2) in the matter before subsection (b), by inserting "(a) IN GENERAL.—" before "The head of any Federal agency having direct" and indenting accordingly; and

(3) by adding at the end the following:

"(c) EXEMPTION FOR RAILROAD RIGHTS-OF-WAY.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Track, Railroad, and Infrastructure Network Act, the Secretary of Transportation shall submit a proposed exemption of railroad rights-of-way from the review under this chapter to the Council for its consideration, consistent with the exemption for interstate highways approved on March 10, 2005 (70 Fed. Reg. 11,928).

"(2) FINAL EXEMPTION.—Not later than 180 days after the date that the Secretary submits the proposed exemption under paragraph (1) to the Council, the Council shall issue a final exemption of railroad rights-of-way from review under this chapter, consistent with the exemption for interstate highways approved on March 10, 2005 (70 Fed. Reg. 11,928).".

SEC. 35506. SAVINGS CLAUSE.

Nothing in this title, or any amendment made by this title, shall be construed as superceding, amending, or modifying the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or affect the responsibility of any Federal officer to comply with or enforce any such statute.

SEC. 35507. TRANSITION.

Nothing in this title, or any amendment made by this title, shall affect any existing environmental review process, program, agreement, or funding arrangement approved by

the Secretary under title 49, United States Code, as that title was in effect on the day preceding the date of enactment of this subtitle.

Subtitle F—Financing

SEC. 35601. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This subtitle may be cited as the "Railroad Infrastructure Financing Improvement Act".

(b) REFERENCES TO THE RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976.—Except as otherwise expressly provided, wherever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (45 U.S.C. 801 et seq.).

SEC. 35602. DEFINITIONS.

Section 501 (45 U.S.C. 821) is amended—

(1) by redesignating paragraph (8) as paragraph (10);

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

(3) by inserting after paragraph (5) the following:

"(6) The term 'investment-grade rating' means a rating of BBB minus, Baa 3, bbb minus, BBB(low), or higher assigned by a rating agency.";

(4) by inserting after paragraph (8), as redesignated, the following:

"(9) The term 'master credit agreement' means an agreement to make 1 or more direct loans or loan guarantees at future dates for a program of related projects on terms acceptable to the Secretary."; and

(5) by adding at the end the following:

"(11) The term 'project obligation' means a note, bond, debenture, or other debt obligation issued by a borrower in connection with the financing of a project, other than a direct loan or loan guarantee under this title.

"(12) The term 'railroad' has the meaning given the term 'railroad carrier' in section 20102 of title 49, United States Code.

"(13) The term 'rating agency' means a credit rating agency registered with the Securities and Exchange Commission as a nationally recognized statistical rating organization (as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))).

"(14) The term 'substantial completion' means—

"(A) the opening of a project to passenger or freight traffic; or

"(B) a comparable event, as determined by the Secretary and specified in the direct loan.".

SEC. 35603. ELIGIBLE APPLICANTS.

Section 502(a) (45 U.S.C. 822(a)) is amended—

(1) in paragraph (5), by striking "one railroad; and" and inserting "1 of the entities described in paragraph (1), (2), (3), (4), or (6);"; and

(2) by amending paragraph (6) to read as follows:

"(6) solely for the purpose of constructing a rail connection between a plant or facility and a rail carrier, limited option freight shippers that own or operate a plant or other facility; and".

SEC. 35604. ELIGIBLE PURPOSES.

Section 502(b)(1) (45 U.S.C. 822(b)(1)) is amended—

(1) in subparagraph (A), by inserting ", and costs related to these activities, including pre-construction costs" after "shops";

(2) in subparagraph (B), by striking "subparagraph (A); or" and inserting "subparagraph (A) or (C);";

(3) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(D) reimburse planning and design expenses relating to projects described in subparagraph (A) or (C).".

SEC. 35605. PROGRAM ADMINISTRATION.

(a) APPLICATION PROCESSING PROCEDURES.—Section 502(i) (45 U.S.C. 822(i)) is amended to read as follows:

"(i) APPLICATION PROCESSING PROCEDURES.—

"(1) APPLICATION STATUS NOTICES.—Not later than 30 days after the date that the Secretary receives an application under this section, the Secretary shall provide the applicant written notice as to whether the application is complete or incomplete.

"(2) INCOMPLETE APPLICATIONS.—If the Secretary determines that an application is incomplete, the Secretary shall—

"(A) provide the applicant with a description of all of the specific information or material that is needed to complete the application; and

"(B) allow the applicant to resubmit the information and material described under subparagraph (A) to complete the application.

"(3) APPLICATION APPROVALS AND DISAPPROVALS.—

"(A) IN GENERAL.—Not later than 60 days after the date the Secretary notifies an applicant that an application is complete under paragraph (1), the Secretary shall provide the applicant written notice as to whether the Secretary has approved or disapproved the application.

"(B) ACTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—In order to enable compliance with the time limit under subparagraph (A), the Office of Management and Budget shall take any action required with respect to the application within that 60-day period.

"(4) EXPEDITED PROCESSING.—The Secretary shall implement procedures and measures to economize the time and cost involved in obtaining an approval or a disapproval of credit assistance under this title.

"(5) DASHBOARD.—The Secretary shall post on the Department of Transportation's public Web site a monthly report that includes for each application—

"(A) the name of the applicant or applicants;

"(B) the location of the project;

"(C) a brief description of the project, including its purpose;

"(D) the requested direct loan or loan guarantee amount;

"(E) the date on which the Secretary provided application status notice under paragraph (1); and

"(F) the date that the Secretary provided notice of approval or disapproval under paragraph (3).".

(b) ADMINISTRATION OF DIRECT LOANS AND LOAN GUARANTEES.—Section 503 (45 U.S.C. 823) is amended—

(1) in subsection (a), by striking the period at the end and inserting ", including a program guide and standard term sheet and specific timetables.";

(2) by redesignating subsections (c) through (l) as subsections (d) through (m), respectively;

(3) by striking "(b) ASSIGNMENT OF LOAN GUARANTEES.—" and inserting "(c) ASSIGNMENT OF LOAN GUARANTEES.—";

(4) in subsection (d), as redesignated—

(A) in paragraph (1), by striking "; and" and inserting a semicolon;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) the modification cost has been covered under section 502(f)."; and

(5) by amending subsection (l), as redesignated, to read as follows:

"(l) CHARGES AND LOAN SERVICING.—

"(1) PURPOSES.—The Secretary may collect and spend from each applicant, obligor, or loan party a reasonable charge for—

"(A) the cost of evaluating the application, amendments, modifications, and waivers, including for evaluating project viability, applicant creditworthiness, and the appraisal of the value of the equipment or facilities for which the direct loan or loan guarantee is sought, and for making necessary determinations and findings;

"(B) the cost of award management and project management oversight;

"(C) the cost of services from expert firms, including counsel, and independent financial advisors to assist in the underwriting, auditing, servicing, and exercise of rights with respect to direct loans and loan guarantees; and

"(D) the cost of all other expenses incurred as a result of a breach of any term or condition

or any event of default on a direct loan or loan guarantee.

"(2) STANDARDS.—The Secretary may charge different amounts under this subsection based on the different costs incurred under paragraph (1).

"(3) SERVICER.—

"(A) IN GENERAL.—The Secretary may appoint a financial entity to assist the Secretary in servicing a direct loan or loan guarantee under this section.

"(B) DUTIES.—A servicer appointed under subparagraph (A) shall act as the agent of the Secretary in serving a direct loan or loan guarantee under this section.

"(C) FEES.—A servicer appointed under subparagraph (A) shall receive a servicing fee from the obligor or other loan party, subject to approval by the Secretary.

"(4) SAFETY AND OPERATIONS ACCOUNT.—Amounts collected under this subsection shall—

"(A) be credited directly to the Safety and Operations account of the Federal Railroad Administration; and

"(B) remain available until expended to pay for the costs described in this subsection.".

SEC. 35606. LOAN TERMS AND REPAYMENT.

(a) PREREQUISITES FOR ASSISTANCE.—Section 502(g)(1) (45 U.S.C. 822(g)(1)) is amended by striking "35 years from the date of its execution" and inserting "the lesser of 35 years after the date of substantial completion of the project or the estimated useful life of the rail equipment or facilities to be acquired, rehabilitated, improved, developed, or established".

(b) REPAYMENT SCHEDULES.—Section 502(j) (45 U.S.C. 822(j)) is amended—

(1) in paragraph (1), by striking "the sixth anniversary date of the original loan disbursement" and inserting "5 years after the date of substantial completion"; and

(2) by adding at the end the following:

"(3) DEFERRED PAYMENTS.—

"(A) IN GENERAL.—If at any time after the date of substantial completion the project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal and interest on the direct loan, the Secretary, subject to subparagraph (B), may allow, for a maximum aggregate time of 1 year over the duration of the direct loan, the obligor to add unpaid principal and interest to the outstanding balance of the direct loan.

"(B) INTEREST.—A payment deferred under subparagraph (A) shall—

"(i) continue to accrue interest under paragraph (2) until the loan is fully repaid; and

"(ii) be scheduled to be amortized over the remaining term of the loan.

"(4) PREPAYMENTS.—

"(A) USE OF EXCESS REVENUES.—Any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and direct loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay the direct loan without penalty.

"(B) USE OF PROCEEDS OF REFINANCING.—The direct loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.".

(c) SALE OF DIRECT LOANS.—Section 502 (45 U.S.C. 822) is amended by adding at the end the following:

"(k) SALE OF DIRECT LOANS.—

"(1) IN GENERAL.—Subject to paragraph (2) and as soon as practicable after substantial comple-

tion of a project, the Secretary, after notifying the obligor, may sell to another entity or reoffer into the capital markets a direct loan for the project if the Secretary determines that the sale or reoffering has a high probability of being made on favorable terms.

"(2) CONSENT OF OBLIGOR.—In making a sale or reoffering under paragraph (1), the Secretary may not change the original terms and conditions of the secured loan without the prior written consent of the obligor".

(d) NONSUBORDINATION.—Section 502 (45 U.S.C. 822), as amended in subsection (c), is further amended by adding at the end the following:

"(l) NONSUBORDINATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2)(B), a direct loan shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

"(2) PREEXISTING INDENTURES.—

"(A) IN GENERAL.—The Secretary may waive the requirement under paragraph (1) for a public agency borrower that is financing ongoing capital programs and has outstanding senior bonds under a preexisting indenture if—

"(i) the direct loan is rated in the A category or higher;

"(ii) the direct loan is secured and payable from pledged revenues not affected by project performance, such as a tax-based revenue pledge or a system-backed pledge of project revenues; and

"(iii) the program share, under this title, of eligible project costs is 50 percent or less.

"(B) LIMITATION.—The Secretary may impose limitations for the waiver of the non-subordination requirement under this paragraph if the Secretary determines that such limitations would be in the financial interest of the Federal Government.".

SEC. 35607. CREDIT RISK PREMIUMS.

Section 502(f) (45 U.S.C. 822(f)) is amended—

(1) in paragraph (1), by amending the first sentence to read as follows: "In lieu of or in combination with appropriations of budget authority to cover the costs of direct loans and loan guarantees as required under section 504(b)(1) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)(1)), including the cost of a modification thereof, the Secretary may accept on

behalf of an applicant for assistance under this section a commitment from a non-Federal source, including a State or local government or agency or public benefit corporation or public authority thereof, to fund in whole or in part credit risk premiums and modification costs with respect to the loan that is the subject of the application or modification.";

(2) in paragraph (2)—

(A) in subparagraph (D), by adding "and" after the semicolon;

(B) by striking subparagraph (E); and

(C) by redesignating subparagraph (F) as subparagraph (E);

(3) by striking paragraph (4);

(4) by redesignating paragraph (3) as paragraph (4);

(5) by inserting after paragraph (2) the following:

"(3) CREDITWORTHINESS.—An applicant may propose and the Secretary may accept as a basis for determining the amount of the credit risk premium under paragraph (2) any of the following in addition to the value of any tangible asset:

"(A) The net present value of a future stream of State or local subsidy income or other

dedicated revenues to secure the direct loan or loan guarantee.

"(B) Adequate coverage requirements to ensure repayment, on a non-recourse basis, from cash flows generated by the project or any other dedicated revenue source, including—

"(i) tolls;

"(ii) user fees; or

"(iii) payments owing to the obligor under a public-private partnership.

"(C) An investment-grade rating on the direct loan or loan guarantee, as applicable, except that if the total amount of the direct loan or loan guarantee is greater than $75,000,000, the applicant shall have an investment-grade rating from at least 2 rating agencies on the direct loan or loan guarantee."; and

(6) in paragraph (4), as redesignated, by striking "amounts" and inserting "amounts (and in the case of a modification, before the modification is executed), to the extent appropriations are not available to the Secretary to meet the costs of direct loans and loan guarantees, including costs of modifications thereof".

SEC. 35608. MASTER CREDIT AGREEMENTS.

Section 502 (45 U.S.C. 822), as amended by subsections (c) and (d) of section 35606 of this Act, is further amended by adding at the end the following:

"(m) MASTER CREDIT AGREEMENTS.—

"(1) IN GENERAL.—Subject to section 502(d) and paragraph (2) of this subsection, the Secretary may enter into a master credit agreement that is contingent on all of the conditions for the provision of a direct loan or loan guarantee, as applicable, under this title and other applicable requirements being satisfied prior to the issuance of the direct loan or loan guarantee.

"(2) CONDITIONS.—Each master credit agreement shall—

"(A) establish the maximum amount and general terms and conditions of each applicable direct loan or loan guarantee;

"(B) identify 1 or more dedicated non-Federal revenue sources that will secure the repayment of each applicable direct loan or loan guarantee;

"(C) provide for the obligation of funds for the direct loans or loan guarantees contingent on and after all requirements have been met for the

projects subject to the master credit agreement; and

"(D) provide 1 or more dates, as determined by the Secretary, before which the master credit agreement results in each of the direct loans or loan guarantees or in the release of the master credit agreement.".

SEC. 35609. PRIORITIES AND CONDITIONS.

(a) PRIORITY PROJECTS.—Section 502(c) (45 U.S.C. 822(c)) is amended—

(1) in paragraph (1), by inserting ", including projects for the installation of a positive train control system (as defined in section 20157(i) of title 49, United States Code)" after "public safety";

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (2), respectively;

(3) in paragraph (5), by inserting "or chapter 227 of title 49" after "section 135 of title 23";

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

(5) by inserting after paragraph (5) the following:

"(6) improve railroad stations and passenger facilities and increase transit-oriented development;".

(b) CONDITIONS OF ASSISTANCE.—Section 502(h) (45 U.S.C. 822(h)) is amended in paragraph (2), by inserting ", if applicable" after "project".

SEC. 35610. SAVINGS PROVISION.

(a) IN GENERAL.—Except as provided in subsection (b), this subtitle, and the amendments made by this subtitle, shall not affect any direct loan (or direct loan obligation) or an outstanding loan guarantee (or loan guarantee commitment) that was in effect prior to the date of enactment of this Act. Any such transaction entered into before the date of enactment of this Act shall be administered until completion under its terms as if this Act were not enacted.

(b) MODIFICATION COSTS.—At the discretion of the Secretary, the authority to accept modification costs on behalf of an applicant under section 502(f) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(f)), as amended by section 35607 of this Act, may apply with respect to any direct loan (or direct loan obligation) or an outstanding loan guarantee (or loan guarantee commitment) that was in effect prior to the date of enactment of this Act.

DIVISION D—FREIGHT AND MAJOR PROJECTS

TITLE XLI—FREIGHT POLICY

SEC. 41001. ESTABLISHMENT OF FREIGHT CHAPTER.

(a) FREIGHT.—Subtitle III of title 49, United States Code, is amended by inserting after chapter 53 the following:

"CHAPTER 54—FREIGHT

"5401. Definitions.
"5402. National multimodal freight policy.
"5403. National multimodal freight network.
"5404. National freight strategic plan.
"5405. State freight advisory committees.
"5406. State freight plans.
"5407. Transportation investment planning and data tools.
"5408. Savings provision.
"5409. Assistance for freight projects.

"§ 5401. Definitions

"In this chapter:

"(1) ECONOMIC COMPETITIVENESS.—The term 'economic competitiveness' means the ability of the economy to efficiently move freight and people, produce goods, and deliver services, including—

"(A) reductions in the travel time of freight;

"(B) reductions in the congestion caused by the movement of freight;

"(C) improvements to freight travel time reliability; and

"(D) reductions in freight transportation costs due to congestion and insufficient infrastructure.

"(2) FREIGHT.—The term 'freight' means the commercial transportation of cargo, including agricultural, manufactured, retail, or other goods by vessel, vehicle, pipeline, or rail.

"(3) FREIGHT TRANSPORTATION MODES.—The term 'freight transportation modes' means—

"(A) the infrastructure supporting any mode of transportation that moves freight, including highways, ports, waterways, rail facilities, and pipelines; and

"(B) any vehicles or equipment transporting goods on such infrastructure.

"(4) NATIONAL HIGHWAY FREIGHT NETWORK.—The term 'national highway freight network' means the network established under section 167 of title 23.

"(5) NATIONAL MULTIMODAL FREIGHT NETWORK.—The term 'national multimodal freight network' means the network established under section 5403.

"(6) NATIONAL MULTIMODAL FREIGHT STRATEGIC PLAN.—The term 'national multimodal freight

strategic plan' means the strategic plan developed under section 5404.

"(7) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"(8) STATE.—The term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, and the United States Virgin Islands.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for subtitle III of title 49, United States Code, is amended by inserting after the item relating to chapter 53 the following:

"54. Freight ..... 5401".

SEC. 41002. NATIONAL MULTIMODAL FREIGHT POLICY.

Chapter 54 of subtitle III of title 49, United States Code, as added by section 41001, is amended by adding after section 5401 the following:

"§ 5402. National multimodal freight policy

"(a) POLICY.—It is the policy of the United States—

"(1) to support investment to maintain and improve the condition and performance of the national multimodal freight network;

"(2) to ensure that the United States maximizes its competitiveness in the global economy by increas-

ing the overall productivity and connectivity of the national freight system; and

"(3) to pursue the goals described in subsection (b).

"(b) GOALS.—The national multimodal freight policy has the following goals:

"(1) To enhance the economic competitiveness of the United States by investing in infrastructure improvements and implementing operational improvements on the freight network of the United States that achieve 1 or more of the following:

"(A) Strengthen the contribution of the national freight network to the economic competitiveness of the United States.

"(B) Reduce congestion and relieve bottlenecks in the freight transportation system.

"(C) Reduce the cost of freight transportation.

"(D) Improve the reliability of freight transportation.

"(E) Increase productivity, particularly for domestic industries and businesses that create jobs.

"(2) To improve the safety, security, efficiency, and resiliency of freight transportation in rural and urban areas.

"(3) To improve the condition of the national freight network.

"(4) To use advanced technology to improve the safety and efficiency of the national freight network.

"(5) To incorporate concepts of performance, innovation, competition, and accountability into the operation and maintenance of the national freight network.

"(6) To improve the efficiency and productivity of the national freight network.

"(7) To pursue these goals in a manner that is not burdensome to State and local governments.

"(c) STRATEGIES.—The United States may achieve the goals described in subsection (b) by—

"(1) providing funding to maintain and improve freight infrastructure facilities;

"(2) implementing appropriate safety, environmental, energy and other transportation policies;

"(3) utilizing advanced technology and innovation;

"(4) promoting workforce development; and

"(5) using performance management activities.

"(d) IMPLEMENTATION.—The Under Secretary for Policy, who shall be responsible for the oversight and implementation of the national multimodal freight policy, shall—

"(1) assist with the coordination of modal freight planning;

"(2) ensure consistent, expedited review of multimodal freight projects;

"(3) review the project planning and approval processes at each modal administration to identify modeling and metric inconsistencies, approvals, and terminology differences that could hamper multimodal project approval;

"(4) identify interagency data sharing opportunities to promote freight planning and coordination;

"(5) identify multimodal efforts and connections;

"(6) designate the lead agency for multimodal freight projects;

"(7) develop recommendations for State incentives for multimodal planning efforts, which may include—

"(A) reducing the State cost share; or

"(B) expediting the review of agreements for multimodal or freight specific projects;

"(8) explore opportunities within existing legal authorities to reduce project delays by issuing categorical exclusions or allowing self-certifications of right-of-way acquisitions for freight projects; and

"(9) submit a report to the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that identifies required reports, statutory requirements, and other limitations on efficient freight project delivery that could be streamlined or consolidated.".

SEC. 41003. NATIONAL MULTIMODAL FREIGHT NETWORK.

Chapter 54 of subtitle III of title 49, United States Code, as amended by section 41002, is amended by adding after section 5402 the following:

"§ 5403. National multimodal freight network

"(a) IN GENERAL.—The Secretary shall establish a national freight network, in accordance with this section—

"(1) to assist States in strategically directing resources toward improved system performance for the efficient movement of freight on transportation networks;

"(2) to inform freight transportation planning;

"(3) to assist in the prioritization of Federal investment; and

"(4) to assess and support Federal investments to achieve the national multimodal freight policy goals described in section 5402(b) of this title and in section 150(b) of title 23.

"(b) NETWORK COMPONENTS.—The national multimodal freight network established under this section shall consist of all connectors, corridors, and facilities in all freight transportation modes that are the most critical to the current and future movement of freight, including the national highway freight network, to achieve the national multimodal freight policy goals described in section 5402(b) of this title and in section 150(b) of title 23.

"(c) INITIAL DESIGNATION OF PRIMARY FREIGHT SYSTEM.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the DRIVE Act, the Secretary, after soliciting input from stakeholders, including multimodal freight system users, transport providers, metropolitan planning organizations, local governments, ports, airports, railroads, and States, through a public process to identify critical freight facilities and corridors that are vital to achieve the national multimodal freight policy goals described in

section 5402(b) of this title and in section 150(b) of title 23, and after providing notice and opportunity for comment on a draft system, shall designate a primary freight system with the goal of—

"(A) improving network and intermodal connectivity; and

"(B) using measurable data as part of the assessment of the significance of freight movement, including the consideration of points of origin, destination, and linking components of domestic and international supply chains.

"(2) FACTORS.—In designating or redesignating a primary freight system, the Secretary shall consider—

"(A) origins and destinations of freight movement within, to, and from the United States;

"(B) volume, value, tonnage, and the strategic importance of freight;

"(C) access to border crossings, airports, seaports, and pipelines;

"(D) economic factors, including balance of trade;

"(E) access to major areas for manufacturing, agriculture, or natural resources;

"(F) access to energy exploration, development, installation, and production areas;

"(G) intermodal links and intersections that promote connectivity;

"(H) freight choke points and other impediments contributing to significant measurable congestion, delay in freight movement, or inefficient modal connections;

"(I) impacts on all freight transportation modes and modes that share significant freight infrastructure;

"(J) elements and transportation corridors identified by a multi-State coalition, a State, a State advisory committee, or a metropolitan planning organization, using national or local data, as having critical freight importance to the region;

"(K) intermodal connectors, major distribution centers, inland intermodal facilities, and first- and last-mile facilities;

"(L) the annual average daily truck traffic on principal arterials; and

"(M) the significance of goods movement, including consideration of global and domestic supply chains.

"(3) REQUIREMENTS FOR DESIGNATION.—A designation may be made under this subsection if the freight transportation facility or infrastructure being considered—

"(A) is in an urbanized area, regardless of population;

"(B) has been designated under subsection (d) as a critical rural freight corridor;

"(C) connects an intermodal facility to—

"(i) the primary freight network; or

"(ii) an intermodal freight facility;

"(D)(i) is located within a corridor of a route on the primary freight network; and

"(ii) provides an alternative option important to goods movement;

"(E) serves a major freight generator, logistic center, agricultural region, or manufacturing, warehouse, or industrial land; or

"(F) is important to the movement of freight within a State or metropolitan region, as determined by the State or the metropolitan planning organization.

"(4) CONSIDERATIONS.—In designating or redesignating the primary freight system under subsection (e), the Secretary shall—

"(A) use, to the extent practicable, measurable data to assess the significance of goods movement, including the consideration of points of origin, destination, and linking components of the United States global and domestic supply chains;

"(B) consider—

"(i) the factors described in subsection (c)(2); and

"(ii) any changes in the economy or freight transportation network demand; and

"(C) provide the States with an opportunity to submit proposed designations in accordance with paragraph (5).

"(5) STATE INPUT.—

"(A) IN GENERAL.—Each State that proposes increased designations on the primary freight system shall—

"(i) consider nominations for additional designations from metropolitan planning organizations and State freight advisory committees within the State;

"(ii) consider nominations for the additional designations from owners and oper-

ators of port, rail, pipeline, and airport facilities; and

"(iii) ensure that additional designations are consistent with the State Transportation Improvement Program or freight plan.

"(B) REVISIONS.—States may revise routes certified under section 4006 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2148) to conform with the designated freight system under this section.

"(C) SUBMISSION AND CERTIFICATION.—Each State shall submit to the Secretary—

"(i) a list of the additional designations added under this subsection; and

"(ii) certification that—

"(I) the State has satisfied the requirements under subparagraph (A); and

"(II) the designations referred to in clause (i) address the factors for redesignation described in subsection (c)(3).

"(d) CRITICAL RURAL FREIGHT CORRIDORS.—A State may designate freight transportation infrastructure or facilities within the borders of the State as a critical rural freight corridor if the public road or facility—

"(1) is a rural principal arterial roadway or facility;

"(2) provides access or service to energy exploration, development, installation, or production areas;

"(3) provides access or service to—

"(A) a grain elevator;

"(B) an agricultural facility;

"(C) a mining facility;

"(D) a forestry facility; or

"(E) an intermodal facility;

"(4) connects to an international port of entry;

"(5) provides access to significant air, rail, water, or other freight facilities in the State; or

"(6) has been determined by the State to be vital to improving the efficient movement of freight of importance to the economy of the State.

"(e) REDESIGNATION OF PRIMARY FREIGHT SYSTEM.—Beginning on the date that is 5 years after the initial designation under subsection (c), and every 5 years thereafter, the Secretary, using the designation factors de-

scribed in subsection (c)(3), shall redesignate the primary freight system.''.

TITLE XLII—PLANNING

SEC. 42001. NATIONAL FREIGHT STRATEGIC PLAN.

Chapter 54 of subtitle III of title 49, United States Code (as amended by title XLI), is amended by adding at the end the following:

''§ 5404. National freight strategic plan

''(a) INITIAL DEVELOPMENT OF NATIONAL FREIGHT STRATEGIC PLAN.—Not later than 3 years after the date of enactment of the DRIVE Act, the Secretary, in consultation with State departments of transportation, metropolitan planning organizations, and other appropriate public and private transportation stakeholders, shall develop, after providing opportunity for notice and comment on a draft national freight strategic plan, and post on the public website of the Department of Transportation a national freight strategic plan that includes—

''(1) an assessment of the condition and performance of the national multimodal freight network;

''(2) an identification of bottlenecks on the national multimodal freight network that create significant freight congestion based on a quantitative methodology developed by the Secretary, which shall, at a minimum, include—

"(A) information from the Freight Analysis Framework of the Federal Highway Administration; and

"(B) to the maximum extent practicable, an estimate of the cost of addressing each bottleneck and any operational improvements that could be implemented;

"(3) a forecast of freight volumes, based on the most recent data available, for—

"(A) the 5-year period beginning in the year during which the plan is issued; and

"(B) if practicable, for the 10- and 20-year period beginning in the year during which the plan is issued;

"(4) an identification of major trade gateways and national freight corridors that connect major economic corridors, population centers, trade gateways, and other major freight generators for current and forecasted traffic and freight volumes, the identification of which shall be revised, as appropriate, in subsequent plans;

"(5) an assessment of statutory, regulatory, technological, institutional, financial, and other barriers to improved freight transportation performance (including opportunities for overcoming the barriers);

"(6) an identification of routes providing access to energy exploration, development, installation, or production areas;

"(7) routes for providing access to major areas for manufacturing, agriculture, or natural resources;

"(8) best practices for improving the performance of the national freight network;

"(9) best practices to mitigate the impacts of freight movement on communities;

"(10) a process for addressing multistate projects and encouraging jurisdictions to collaborate on multistate projects;

"(11) identification of locations or areas with congestion involving freight traffic, and strategies to address those issues;

"(12) strategies to improve freight intermodal connectivity; and

"(13) best practices for improving the performance of the national multimodal freight network and rural and urban access to critical freight corridors.

"(b) UPDATES TO NATIONAL FREIGHT STRATEGIC PLAN.—Not later than 5 years after the date of completion of the first national multimodal freight strategic plan under subsection (a) and every 5 years thereafter, the Secretary shall update and repost on the public website of the Depart-

ment of Transportation a revised national freight strategic plan.".

SEC. 42002. STATE FREIGHT ADVISORY COMMITTEES.

Chapter 54 of subtitle III of title 49, United States Code (as amended by section 42001), is amended by adding at the end the following:

"§ 5405. State freight advisory committees

"(a) IN GENERAL.—Each State shall establish a freight advisory committee consisting of a representative cross-section of public and private sector freight stakeholders, including representatives of ports, third party logistics providers, shippers, carriers, freight-related associations, the freight industry workforce, the transportation department of the State, and local governments.

"(b) ROLE OF COMMITTEE.—A freight advisory committee of a State described in subsection (a) shall—

"(1) advise the State on freight-related priorities, issues, projects, and funding needs;

"(2) serve as a forum for discussion for State transportation decisions affecting freight mobility;

"(3) communicate and coordinate regional priorities with other organizations;

"(4) promote the sharing of information between the private and public sectors on freight issues; and

"(5) participate in the development of the freight plan of the State described in section 5406.".

SEC. 42003. STATE FREIGHT PLANS.

Chapter 54 of subtitle III of title 49, United States Code (as amended by section 42002), is amended by adding at the end the following:

"§ 5406. State freight plans

"(a) IN GENERAL.—Each State shall develop a freight plan that provides a comprehensive plan for the immediate and long-range planning activities and investments of the State with respect to freight.

"(b) PLAN CONTENTS.—A freight plan described in subsection (a) shall include, at a minimum—

"(1) an identification of significant freight system trends, needs, and issues with respect to the State;

"(2) a description of the freight policies, strategies, and performance measures that will guide the freight-related transportation investment decisions of the State;

"(3) when applicable, a listing of critical rural and urban freight corridors designated within the State under section 5403 of this title or section 167 of title 23;

"(4) a description of how the plan will improve the ability of the State to meet the national freight goals established under section 5402(b) of this title and section 150(b) of title 23;

"(5) a description of how innovative technologies and operational strategies, including freight intelligent transportation systems, that improve the safety and efficiency of freight movement, were considered;

"(6) in the case of roadways on which travel by heavy vehicles (including mining, agricultural, energy cargo or equipment, and timber vehicles) is projected to substantially deteriorate the condition of roadways, a description of improvements that may be required to reduce or impede the deterioration;

"(7) an inventory of facilities with freight mobility issues, such as bottlenecks, within the State, and where the facilities are State owned or operated, a description of the strategies the State is employing to address those freight mobility issues;

"(8) consideration of any significant congestion or delay caused by freight movements and any strategies to mitigate that congestion or delay; and

"(9) a freight investment plan that, subject to subsection (c)(2), includes a list of priority projects

and describes how funds made available to carry out section 167 of title 23 would be invested and matched.

"(c) RELATIONSHIP TO LONG-RANGE PLAN.—

"(1) INCORPORATION.—A State freight plan described in subsection (a) may be developed separately from or incorporated into the statewide strategic long-range transportation plan required by section 135 of title 23.

"(2) FISCAL CONSTRAINT.—The freight investment plan component of a freight plan shall include a project, or an identified phase of a project, only if funding for completion of the project can reasonably be anticipated to be available for the project within the time period identified in the freight investment plan.

"(d) PLANNING PERIOD.—The freight plan shall address a 5-year forecast period.

"(e) UPDATES.—

"(1) IN GENERAL.—A State shall update the freight plan not less frequently than once every 5 years.

"(2) FREIGHT INVESTMENT PLAN.—A State may update the freight investment plan more frequently than is required under paragraph (1).".

SEC. 42004. FREIGHT DATA AND TOOLS.

Chapter 54 of subtitle III of title 49, United States Code (as amended by section 42003), is amended by adding at the end the following:

"§ 5407. Transportation investment data and planning tools

"(a) IN GENERAL.—Not later than 1 year after the date of enactment of the DRIVE Act, the Secretary shall—

"(1) begin development of new tools and improvement of existing tools to support an outcome-oriented, performance-based approach to evaluate proposed freight-related and other transportation projects, including—

"(A) methodologies for systematic analysis of benefits and costs on a national or regional basis;

"(B) tools for ensuring that the evaluation of freight-related and other transportation projects could consider safety, economic competitiveness, urban and rural access, environmental sustainability, and system condition in the project selection process;

"(C) improved methods for data collection and trend analysis;

"(D) encouragement of public-private partnerships to carry out data sharing activities

while maintaining the confidentiality of all proprietary data; and

"(E) other tools to assist in effective transportation planning;

"(2) identify transportation-related model data elements to support a broad range of evaluation methods and techniques to assist in making transportation investment decisions; and

"(3) at a minimum, in consultation with other relevant Federal agencies, consider any improvements to existing freight flow data collection efforts that could reduce identified freight data gaps and deficiencies and help improve forecasts of freight transportation demand.

"(b) CONSULTATION.—The Secretary shall consult with Federal, State, and other stakeholders to develop, improve, and implement the tools and collect the data described in subsection (a).".

SEC. 42005. SAVINGS PROVISION.

Chapter 54 of subtitle III of title 49, United States Code (as amended by section 42004), is amended by adding at the end the following:

"§ 5408. Savings provision

"Nothing in this chapter provides additional authority to regulate or direct private activity on freight networks designated by this chapter.".

TITLE XLIII—FORMULA FREIGHT PROGRAM

SEC. 43001. NATIONAL HIGHWAY FREIGHT PROGRAM.

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

"§ 167. National highway freight program

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—It is the policy of the United States to improve the condition and performance of the national highway freight network to ensure that the national freight network provides the foundation for the United States to compete in the global economy and achieve each goal described in subsection (b).

"(2) ESTABLISHMENT.—In support of the goals described in subsection (b), the Federal Highway Administrator (referred to in this section as the 'Administrator') shall establish a national highway freight program in accordance with this section to improve the efficient movement of freight on the national highway freight network.

"(b) GOALS.—The goals of the national highway freight program are—

"(1) to invest in infrastructure improvements and to implement operational improvements on the highways of the United States that—

"(A) strengthen the contribution of the national highway freight network to the economic competitiveness of the United States;

"(B) reduce congestion and relieve bottlenecks in the freight transportation system;

"(C) reduce the cost of freight transportation;

"(D) improve the reliability of freight transportation; and

"(E) increase productivity, particularly for domestic industries and businesses that create high-value jobs;

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

"(3) to improve the state of good repair of the national highway freight network;

"(4) to use advanced technology to improve the safety and efficiency of the national highway freight network;

"(5) to incorporate concepts of performance, innovation, competition, and accountability into the op-

eration and maintenance of the national highway freight network;

"(6) to improve the efficiency and productivity of the national highway freight network; and

"(7) to reduce the environmental impacts of freight movement.

"(c) ESTABLISHMENT OF A NATIONAL HIGHWAY FREIGHT NETWORK.—

"(1) IN GENERAL.—The Administrator shall establish a national highway freight network in accordance with this section to assist States in strategically directing resources toward improved system performance for efficient movement of freight on highways.

"(2) NETWORK COMPONENTS.—The national highway freight network shall consist of—

"(A) the primary highway freight system, as designated under subsection (d);

"(B) critical rural freight corridors established under subsection (e);

"(C) critical urban freight corridors established under subsection (f); and

"(D) the portions of the Interstate System not designated as part of the primary highway freight system, including designated future Inter-

state System routes as of the date of enactment of the DRIVE Act.

"(d) DESIGNATION AND REDESIGNATION OF THE PRIMARY HIGHWAY FREIGHT SYSTEM.—

"(1) INITIAL DESIGNATION OF PRIMARY HIGHWAY FREIGHT SYSTEM.—The initial designation of the primary highway freight system shall be—

"(A) the network designated by the Secretary under section 167(d) of title 23, United States Code, as in effect on the day before the date of enactment of the DRIVE Act; and

"(B) all National Highway System freight intermodal connectors.

"(2) REDESIGNATION OF PRIMARY HIGHWAY FREIGHT SYSTEM.—

"(A) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of the DRIVE Act and every 5 years thereafter, using the designation factors described in subparagraph (E), the Administrator shall redesignate the primary highway freight system (including any additional mileage added to the primary highway freight system under this paragraph as of the date on which the redesignation process is effective).

"(B) MILEAGE.—

"(i) FIRST REDESIGNATION.—In redesignating the primary highway freight system on the date that is 1 year after the date of enactment of the DRIVE Act, the Administrator shall limit the system to 30,000 centerline miles, without regard to the connectivity of the primary highway freight system.

"(ii) SUBSEQUENT REDESIGNATIONS.—Each redesignation after the redesignation described in clause (i), the Administrator may increase the primary highway freight system by up to 5 percent of the total mileage of the system, without regard to the connectivity of the primary highway freight system.

"(C) CONSIDERATIONS.—

"(i) IN GENERAL.—In redesignating the primary highway freight system, to the maximum extent practicable, the Administrator shall use measurable data to assess the significance of goods movement, including consideration of points of origin, destination, and linking components of the

United States global and domestic supply chains.

"(ii) INTERMODAL CONNECTORS.—In redesignating the primary highway freight system, the Administrator shall include all National Highway System freight intermodal connectors.

"(D) INPUT.—In addition to the process provided to State freight advisory committees under paragraph (3), in redesignating the primary highway freight system, the Administrator shall provide an opportunity for State freight advisory committees to submit additional miles for consideration.

"(E) FACTORS FOR REDESIGNATION.—In redesignating the primary highway freight system, the Administrator shall consider—

"(i) the origins and destinations of freight movement in, to, and from the United States;

"(ii) land and water ports of entry;

"(iii) access to energy exploration, development, installation, or production areas;

"(iv) proximity of access to other freight intermodal facilities, including rail, air, water, and pipelines;

"(v) the total freight tonnage and value moved via highways;

"(vi) significant freight bottlenecks, as identified by the Administrator;

"(vii) the annual average daily truck traffic on principal arterials; and

"(viii) the significance of goods movement on principal arterials, including consideration of global and domestic supply chains.

"(3) STATE FLEXIBILITY FOR ADDITIONAL MILES ON PRIMARY HIGHWAY FREIGHT SYSTEM.—

"(A) IN GENERAL.—Not later than 1 year after each redesignation conducted by the Administrator under paragraph (2), each State, under the advisement of the State freight advisory committee, as developed and carried out in accordance with subsection (l), may increase the number of miles designated as part of the primary highway freight system in that State by not more than 10 percent of the miles designated

in that State under this subsection if the additional miles—

"(i) close gaps between primary highway freight system segments;

"(ii) establish connections of the primary highway freight system critical to the efficient movement of goods, including ports, international border crossings, airports, intermodal facilities, logistics centers, warehouses, and agricultural facilities; or

"(iii) designate critical emerging freight routes.

"(B) CONSIDERATIONS.—Each State, under the advisement of the State freight advisory committee that increases the number of miles on the primary highway freight system under subparagraph (A) shall—

"(i) consider nominations for the additional miles from metropolitan planning organizations within the State;

"(ii) ensure that the additional miles are consistent with the freight plan of the State; and

"(iii) review the primary highway freight system of the State designated under

paragraph (1) and redesignate miles in a manner that is consistent with paragraph (2).

"(C) SUBMISSION.—Each State, under the advisement of the State freight advisory committee shall—

"(i) submit to the Administrator a list of the additional miles added under this subsection; and

"(ii) certify that—

"(I) the additional miles meet the requirements of subparagraph (A); and

"(II) the State, under the advisement of the State freight advisory committee, has satisfied the requirements of subparagraph (B).

"(e) CRITICAL RURAL FREIGHT CORRIDORS.—A State may designate a public road within the borders of the State as a critical rural freight corridor if the public road—

"(1) is a rural principal arterial roadway and has a minimum of 25 percent of the annual average daily traffic of the road measured in passenger vehicle equivalent units from trucks (Federal Highway Administration vehicle class 8 to 13);

"(2) provides access to energy exploration, development, installation, or production areas;

"(3) connects the primary highway freight system, a roadway described in paragraph (1) or (2), or the Interstate System to facilities that handle more than—

"(A) 50,000 20-foot equivalent units per year; or

"(B) 500,000 tons per year of bulk commodities;

"(4) provides access to—

"(A) a grain elevator;

"(B) an agricultural facility;

"(C) a mining facility;

"(D) a forestry facility; or

"(E) an intermodal facility;

"(5) connects to an international port of entry;

"(6) provides access to significant air, rail, water, or other freight facilities in the State; or

"(7) is, in the determination of the State, vital to improving the efficient movement of freight of importance to the economy of the State.

"(f) CRITICAL URBAN FREIGHT CORRIDORS.—

"(1) URBANIZED AREA WITH POPULATION OF 500,000 OR MORE.—In an urbanized area with a pop-

ulation of 500,000 or more individuals, the representative metropolitan planning organization, in consultation with the State, may designate a public road within the borders of that area of the State as a critical urban freight corridor.

"(2) URBANIZED AREA WITH A POPULATION LESS THAN 500,000.—In an urbanized area with a population of less than 500,000 individuals, the State, in consultation with the representative metropolitan planning organization, may designate a public road within the borders of that area of the State as a critical urban freight corridor.

"(3) REQUIREMENTS FOR DESIGNATION.—A designation may be made under paragraphs (1) or (2) if the public road—

"(A) is in an urbanized area, regardless of population; and

"(B)(i) connects an intermodal facility to—

"(I) the primary highway freight network;

"(II) the Interstate System; or

"(III) an intermodal freight facility;

"(ii) is located within a corridor of a route on the primary highway freight network and

provides an alternative highway option important to goods movement;

"(iii) serves a major freight generator, logistic center, or manufacturing and warehouse industrial land; or

"(iv) is important to the movement of freight within the region, as determined by the metropolitan planning organization or the State.

"(g) DESIGNATION AND CERTIFICATION.—

"(1) DESIGNATION.—States and metropolitan planning organizations may designate corridors under subsections (e) and (f) and submit the designated corridors to the Administrator on a rolling basis.

"(2) CERTIFICATION.—Each State or metropolitan planning organization that designates a corridor under subsection (e) or (f) shall certify to the Administrator that the designated corridor meets the requirements of the applicable subsection.

"(h) HIGHWAY FREIGHT TRANSPORTATION CONDITIONS AND PERFORMANCE REPORTS.—Not later than 2 years after the date of enactment of the DRIVE Act and biennially thereafter, the Administrator shall prepare and submit to Congress a report that describes the conditions

and performance of the national highway freight network in the United States.

"(i) USE OF APPORTIONED FUNDS.—

"(1) IN GENERAL.—A State shall obligate funds apportioned to the State under section 104(b)(5) to improve the movement of freight on the national highway freight network.

"(2) FORMULA.—The Administrator shall calculate for each State the proportion that—

"(A) the total mileage in the State designated as part of the primary highway freight system; bears to

"(B) the total mileage of the primary highway freight system in all States.

"(3) USE OF FUNDS.—

"(A) STATES WITH HIGH PRIMARY HIGHWAY FREIGHT SYSTEM MILEAGE.—If the proportion of a State under paragraph (2) is greater than or equal to 3 percent, the State may obligate funds apportioned to the State under section 104(b)(5) for projects on—

"(i) the primary highway freight system;

"(ii) critical rural freight corridors; and

"(iii) critical urban freight corridors.

"(B) STATES WITH LOW PRIMARY HIGHWAY FREIGHT SYSTEM MILEAGE.—If the proportion of a State under paragraph (2) is less than 3 percent, the State may obligate funds apportioned to the State under section 104(b)(5) for projects on any component of the national highway freight network.

"(4) FREIGHT PLANNING.—Notwithstanding any other provision of law, effective beginning 2 years after the date of enactment of the DRIVE Act, a State may not obligate funds apportioned to the State under section 104(b)(5) unless the State has—

"(A) established a freight advisory committee in accordance with section 5405 of title 49; and

"(B) developed a freight plan in accordance with section 5406 of title 49, except that the multimodal component of the plan may be incomplete before an obligation may be made under this section.

"(5) ELIGIBILITY.—

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

"(i) contribute to the efficient movement of freight on the national highway freight network; and

"(ii) be consistent with a freight investment plan included in a freight plan of the State that is in effect.

"(B) OTHER PROJECTS.—A State may obligate not more than 10 percent of the total apportionment of the State under section 104(b)(5) for projects—

"(i) within the boundaries of public and private freight rail, water facilities (including ports), and intermodal facilities; and

"(ii) that provide surface transportation infrastructure necessary to facilitate direct intermodal interchange, transfer, and access into and out of the facility.

"(C) ELIGIBLE PROJECTS.—Funds apportioned to the State under section 104(b)(5) for the national highway freight program may be obligated to carry out 1 or more of the following:

"(i) Development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, pre-

liminary engineering and design work, and other preconstruction activities.

"(ii) Construction, reconstruction, rehabilitation, acquisition of real property (including land relating to the project and improvements to land), construction contingencies, acquisition of equipment, and operational improvements directly relating to improving system performance.

"(iii) Intelligent transportation systems and other technology to improve the flow of freight, including intelligent freight transportation systems.

"(iv) Efforts to reduce the environmental impacts of freight movement.

"(v) Environmental and community mitigation of freight movement.

"(vi) Railway-highway grade separation.

"(vii) Geometric improvements to interchanges and ramps.

"(viii) Truck-only lanes.

"(ix) Climbing and runaway truck lanes.

"(x) Adding or widening of shoulders.

"(xi) Truck parking facilities eligible for funding under section 1401 of MAP–21 (23 U.S.C. 137 note; Public Law 112–141).

"(xii) Real-time traffic, truck parking, roadway condition, and multimodal transportation information systems.

"(xiii) Electronic screening and credentialing systems for vehicles, including weigh-in-motion truck inspection technologies.

"(xiv) Traffic signal optimization, including synchronized and adaptive signals.

"(xv) Work zone management and information systems.

"(xvi) Highway ramp metering.

"(xvii) Electronic cargo and border security technologies that improve truck freight movement.

"(xviii) Intelligent transportation systems that would increase truck freight efficiencies inside the boundaries of intermodal facilities.

"(xix) Additional road capacity to address highway freight bottlenecks.

"(xx) A highway project, other than a project described in clauses (i) through (xix), to improve the flow of freight on the national highway freight network.

"(xxi) Any other surface transportation project to improve the flow of freight into and out of a facility described in subparagraph (B).

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

"(A) carrying out diesel retrofit or alternative fuel projects under section 149 for class 8 vehicles; and

"(B) the necessary costs of—

"(i) conducting analyses and data collection related to the national highway freight program;

"(ii) developing and updating performance targets to carry out this section; and

"(iii) reporting to the Administrator to comply with section 150.

"(7) APPLICABILITY OF PLANNING REQUIREMENTS.—Programming and expenditure of funds for

projects under this section shall be consistent with the requirements of sections 134 and 135.

"(j) STATE PERFORMANCE TARGETS.—If the Administrator determines that a State has not met or made significant progress toward meeting the performance targets related to freight movement of the State established under section 150(d) by the date that is 2 years after the date of the establishment of the performance targets, until the date on which the Administrator determines that the State has met or has made significant progress towards meeting the performance targets, the State shall submit to the Administrator, on a biennial basis, a freight performance improvement plan that includes—

"(1) an identification of significant freight system trends, needs, and issues within the State;

"(2) a description of the freight policies and strategies that will guide the freight-related transportation investments of the State;

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

"(4) a description of the actions the State will undertake to meet the performance targets of the State.

"(k) STUDY OF MULTIMODAL PROJECTS.—Not later than 2 years after the date of enactment of the DRIVE Act, the Administrator shall submit to Congress a report that contains—

"(1) a study of freight projects identified in State freight plans under section 5406 of title 49; and

"(2) an evaluation of multimodal freight projects included in the State freight plans, or otherwise identified by States, that are subject to the limitation of funding for such projects under this section.

"(l) STATE FREIGHT ADVISORY COMMITTEES.—A State freight advisory committee shall be carried out as described in section 5405 of title 49.

"(m) STATE FREIGHT PLANS.—A State freight plan shall be carried out as described in section 5406 of title 49.

"(n) INTELLIGENT FREIGHT TRANSPORTATION SYSTEM.—

"(1) DEFINITION OF INTELLIGENT FREIGHT TRANSPORTATION SYSTEM.—In this section, the term 'intelligent freight transportation system' means—

"(A) an innovative or intelligent technological transportation system, infrastructure, or facilities, including electronic roads, driverless trucks, elevated freight transportation facilities,

and other intelligent freight transportation systems; and

"(B) a communications or information processing system used singly or in combination for dedicated intelligent freight lanes and conveyances that improve the efficiency, security, or safety of freight on the Federal-aid highway system or that operate to convey freight or improve existing freight movements.

"(2) LOCATION.—An intelligent freight transportation system shall be located—

"(A)(i) along existing Federal-aid highways; or

"(ii) in a manner that connects ports-of-entry to existing Federal-aid highways; and

"(B) in proximity to, or within, an existing right-of-way on a Federal-aid highway.

"(3) OPERATING STANDARDS.—The Administrator of the Federal Highway Administration shall determine the need for establishing operating standards for intelligent freight transportation systems.

"(o) TREATMENT OF FREIGHT PROJECTS.—Notwithstanding any other provision of law, a freight project carried out under this section shall be treated as if the project were on a Federal-aid highway.".

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"167. National highway freight program."

(2) Sections 1116, 1117, and 1118 of MAP–21 (23 U.S.C. 167 note; Public Law 112–141) are repealed.

TITLE XLIV—GRANTS

SEC. 44001. PURPOSE; DEFINITIONS; ADMINISTRATION.

(a) IN GENERAL.—The purpose of the grants described in the amendments made by section 44002 is to assist in funding critical high-cost transportation infrastructure projects that—

(1) are difficult to complete with existing Federal, State, local, and private funds; and

(2) will achieve 1 or more of—

(A) generation of national or regional economic benefits and an increase in the global economic competitiveness of the United States;

(B) reduction of congestion and the impacts of congestion;

(C) improvement of facilities vital to agriculture, manufacturing, or national energy security;

(D) improvement of the efficiency, reliability, and affordability of the movement of freight;

(E) improvement of transportation safety;

(F) improvement of existing and designated future Interstate System routes; or

(G) improvement of the movement of people through improving rural connectivity and metropolitan accessibility.

(b) DEFINITIONS.—In this section and for purposes of the grant programs established under the amendments made by section 44002:

(1) ELIGIBLE APPLICANT.—The term ''eligible applicant'' means—

(A) a State (or a group of States);

(B) a local government (or a group of local governments);

(C) a tribal government (or a consortium of tribal governments);

(D) a transit agency (or a group of transit agencies);

(E) a special purpose district or a public authority with a transportation function;

(F) a port authority (or a group of port authorities);

(G) a political subdivision of a State or local government;

(H) a Federal land management agency, jointly with the applicable State; or

(I) a multistate or multijurisdictional group of entities described in subparagraphs (A) through (H).

(2) RURAL AREA.—The term "rural area" means an area that is outside of an urbanized area with a population greater than 150,000 individuals, as determined by the Bureau of the Census.

(3) RURAL STATE.—The term "rural State" means a State that has a population density of 80 or fewer persons per square mile, based on the most recent decennial census.

(c) APPLICATIONS.—

(1) IN GENERAL.—An eligible applicant shall submit to the Secretary or the Federal Highway Administrator (referred to in this section as the "Administrator"), as appropriate, an application in such form and containing such information as the Secretary or Administrator, as appropriate, determines necessary, including the total amount of the grant requested.

(2) CONTENTS.—Each application submitted under this paragraph shall include data on the most recent system performance, to the extent practicable, and estimated system improvements that will result from completion of the eligible project, including projections for improvements 5 and 10 years after completion of the project.

(3) RESUBMISSION OF APPLICATIONS.—An eligible applicant whose project is not selected may resubmit an application in a subsequent solicitation with an addendum indicating changes to the project application.

(d) ACCOUNTABILITY MEASURES.—The Secretary and the Administrator shall establish accountability measures for the management of the grants described in this section—

(1) to establish clear procedures for addressing late-arriving applications;

(2) to publicly communicate decisions to accept or reject applications; and

(3) to document major decisions in the application evaluation and project selection process through a decision memorandum or similar mechanism that provides a clear rationale for decisions.

(e) GEOGRAPHIC DISTRIBUTION.—In awarding grants, the Secretary or Administrator, as appropriate,

shall take measures to ensure, to the maximum extent practicable—

(1) an equitable geographic distribution of amounts; and

(2) an appropriate balance in addressing the needs of rural and urban communities.

(f) REPORTS.—

(1) IN GENERAL.—The Secretary or the Administrator, as appropriate, shall make available on the website of the Department at the end of each fiscal year an annual report that lists each project for which a grant has been provided under this section during that fiscal year.

(2) COMPTROLLER GENERAL.—

(A) ASSESSMENT.—The Comptroller General of the United States shall conduct an assessment of the administrative establishment, solicitation, selection, and justification process with respect to the funding of grants described in this title.

(B) REPORT.—Not later than 1 year after the initial awarding of grants described in this section, the Comptroller General of the United States shall submit to the Committee on Environment and Public Works of the Senate, the

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

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

(ii) the justification and criteria used for the selection of each project, if applicable.

SEC. 44002. GRANTS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"§ 171. Assistance for major projects program

"(a) PURPOSE OF PROGRAM.—The purpose of the assistance for major projects program shall be the purpose described in section 44001 of the DRIVE Act.

"(b) DEFINITIONS.—In this section—

"(1) the terms defined in section 44001 of the DRIVE Act shall apply; and

"(2) the following definitions shall apply:

"(A) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Highway Administration.

"(B) ELIGIBLE PROJECT.—

"(i) IN GENERAL.—The term 'eligible project' means a surface transportation project, or a program of integrated surface transportation projects closely related in the function the projects perform, that—

"(I) is a capital project that is eligible for Federal financial assistance under—

"(aa) this title; or

"(bb) chapter 53 of title 49; and

"(II) except as provided in clause (ii), has eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

"(aa) $350,000,000; and

"(bb)(AA) for a project located in a single State, 25 percent of the amount of Federal-aid highway funds apportioned to the State for the most recently completed fiscal year;

"(BB) for a project located in a single rural State with a population density of 80 or fewer

persons per square mile based on the most recent decennial census, 10 percent of the amount of Federal-aid highway funds apportioned to the State for the most recently completed fiscal year; or

"(CC) for a project located in more than 1 State, 75 percent of the amount of Federal-aid highway funds apportioned to the participating State that has the largest apportionment for the most recently completed fiscal year.

"(ii) FEDERAL LAND TRANSPORTATION FACILITY.—In the case of a Federal land transportation facility, the term 'eligible project' means a Federal land transportation facility that has eligible project costs that are reasonably anticipated to equal or exceed $150,000,000.

"(C) ELIGIBLE PROJECT COSTS.—The term 'eligible project costs' means the costs of—

"(i) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, pre-

liminary engineering and design work, and other preconstruction activities; and

"(ii) construction, reconstruction, rehabilitation, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, construction contingencies, acquisition of equipment directly related to improving system performance, and operational improvements.

"(c) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program in accordance with this section to provide grants for projects that will have a significant impact on a region or the Nation.

"(d) SOLICITATIONS AND APPLICATIONS.—

"(1) GRANT SOLICITATIONS.—The Administrator shall conduct a transparent and competitive national solicitation process to review eligible projects for funding under this section.

"(2) APPLICATIONS.—An eligible applicant shall submit an application to the Administrator in such form as described in and in accordance with section 44001 of the DRIVE Act.

"(e) CRITERIA FOR PROJECT EVALUATION AND SELECTION.—

"(1) IN GENERAL.—The Administrator may select a project for funding under this section only if the Administrator determines that the project—

"(A) is consistent with the national goals described in section 150(b);

"(B) will significantly improve the performance of the national surface transportation network, nationally or regionally;

"(C) is based on the results of preliminary engineering;

"(D) is consistent with the long-range statewide transportation plan;

"(E) cannot be readily and efficiently completed without Federal financial assistance;

"(F) is justified based on the ability of the project to achieve 1 or more of—

"(i) generation of national economic benefits that reasonably exceed the costs of the project;

"(ii) reduction of long-term congestion, including impacts on a national, regional, and statewide basis;

"(iii) an increase in the speed, reliability, and accessibility of the movement of people or freight; or

"(iv) improvement of transportation safety, including reducing transportation accident and serious injuries and fatalities; and

"(G) is supported by a sufficient amount of non-Federal funding, including evidence of stable and dependable financing to construct, maintain, and operate the infrastructure facility.

"(2) ADDITIONAL CONSIDERATIONS.—In evaluating a project under this section, in addition to the criteria described in paragraph (1), the Administrator shall consider the extent to which the project—

"(A) leverages Federal investment by encouraging non-Federal contributions to the project, including contributions from public-private partnerships;

"(B) is able to begin construction by the date that is not later than 18 months after the date on which the project is selected;

"(C) incorporates innovative project delivery and financing to the maximum extent practicable;

"(D) helps maintain or protect the environment;

"(E) improves roadways vital to national energy security;

"(F) improves or upgrades designated future Interstate System routes;

"(G) uses innovative technologies, including intelligent transportation systems, that enhance the efficiency of the project;

"(H) helps to improve mobility and accessibility; and

"(I) address the impact of population growth on the movement of people and freight.

"(f) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this section, the Administrator shall take measures as described in section 44001 of the DRIVE Act.

"(g) FUNDING REQUIREMENTS.—

"(1) IN GENERAL.—Except in the case of projects described in paragraph (2), the amount of a grant under this section shall be at least $50,000,000.

"(2) RURAL PROJECTS.—The amounts made available for a fiscal year under this section for eligible projects located in rural areas or in rural States shall not be—

"(A) less than 20 percent of the amount made available for the fiscal year under this section; and

"(B) subject to paragraph (1).

"(3) LIMITATION OF FUNDS.—Not more than 20 percent of the funds made available for a fiscal year to carry out this section shall be allocated for projects eligible under section 167(i)(5)(B) or chapter 53 of title 49.

"(4) STATE CAP.—

"(A) IN GENERAL.—Not more than 20 percent of the funds made available for a fiscal year to carry out this section may be awarded to projects in a single State.

"(B) EXCEPTION FOR MULTISTATE PROJECTS.—For purposes of the limitation described in subparagraph (A), funds awarded for a multistate project shall be considered to be distributed evenly to each State.

"(5) TIFIA PROGRAM.—On the request of an eligible applicant under this section, the Administrator may use amounts awarded to the entity to pay subsidy and administrative costs necessary to provide the entity Federal credit assistance under chapter 6 with respect to the project for which the grant was awarded.

"(h) GRANT REQUIREMENTS.—

"(1) APPLICABILITY OF PLANNING REQUIREMENTS.—The programming and expenditure of funds for projects under this section shall be consistent with the requirements of sections 134 and 135.

"(2) DETERMINATION OF APPLICABLE MODAL REQUIREMENTS.—If an eligible project that receives a grant under this section has a crossmodal component, the Administrator—

"(A) shall determine the predominant modal component of the project; and

"(B) may apply the applicable requirements of that predominant modal component to the project.

"(i) REPORT TO THE ADMINISTRATOR.—For each project funded under this section, the project sponsor shall evaluate system performance and submit to the Administrator a report not later than 5, 10, and 20 years after completion of the project to assess whether the project outcomes have met preconstruction projections.

"(j) ADMINISTRATIVE SELECTION.—The Administrator shall award grants to eligible projects in a fiscal year based on the criteria described in subsection (e).

"(k) REPORTS.—

"(1) IN GENERAL.—The Administrator shall provide an annual report as described in section 44001 of the DRIVE Act.

"(2) COMPTROLLER GENERAL.—The Comptroller General of the United States shall conduct an assessment as described in section 44001 of the DRIVE Act.".

(b) ASSISTANCE FOR FREIGHT PROJECTS.—Chapter 54 of subtitle III of title 49, United States Code, as amended by section 42005, is amended by adding after section 5408 the following:

"§ 5409. Assistance for freight projects

"(a) ESTABLISHMENT.—The Secretary shall establish and implement an assistance for freight projects grant program for capital investments in major freight transportation infrastructure projects to improve the movement of goods through the transportation network of the United States.

"(b) CRITERIA FOR PROJECT EVALUATION AND SELECTION.—

"(1) IN GENERAL.—The Secretary may select a project for funding under this section only if the Secretary determines that the project—

"(A) is consistent with the goals described in section 5402(b);

"(B) will significantly improve the national or regional performance of the freight transportation network;

"(C) is based on the results of preliminary engineering;

"(D) is consistent with the long-range statewide transportation plan;

"(E) cannot be readily and efficiently completed without Federal financial assistance;

"(F) is justified based on the ability of the project—

"(i) to generate national economic benefits that reasonably exceed the costs of the project;

"(ii) to reduce long-term congestion, including impacts on a regional and statewide basis; or

"(iii) to increase the speed, reliability, and accessibility of the movement of freight; and

"(G) is supported by a sufficient amount of non-Federal funding, including evidence of stable and dependable financing to construct, maintain, and operate the infrastructure facility.

"(2) ADDITIONAL CONSIDERATIONS.—In evaluating a project under this section, in addition to the criteria described in paragraph (1), the Secretary shall consider the extent to which the project—

"(A) leverages Federal investment by encouraging non-Federal contributions to the project, including contributions from public-private partnerships;

"(B) is able to begin construction by the date that is not later than 1 year after the date on which the project is selected;

"(C) incorporates innovative project delivery and financing to the maximum extent practicable;

"(D) improves freight facilities vital to agricultural or national energy security;

"(E) improves or upgrades current or designated future Interstate System routes;

"(F) uses innovative technologies, including intelligent transportation systems, that enhance the efficiency of the project;

"(G) helps to improve mobility and accessibility; and

"(H) improves transportation safety, including reducing transportation accident and serious injuries and fatalities.

"(c) ELIGIBLE PROJECTS.—

"(1) IN GENERAL.—A project is eligible for a grant under this section if the project—

"(A) is difficult to complete with existing Federal, State, local, and private funds;

"(B)(i) enhances the economic competitiveness of the United States; or

"(ii) improves the flow of freight or reduces bottlenecks in the freight infrastructure of the United States; and

"(C) will advance 1 or more of the following objectives:

"(i) Generate regional or national economic benefits and an increase in the global economic competitiveness of the United States.

"(ii) Improve transportation resources vital to agriculture or national energy security.

"(iii) Improve the efficiency, reliability, and affordability of the movement of freight.

"(iv) Improve existing freight infrastructure projects.

"(v) Improve the movement of people by improving rural and metropolitan freight routes.

"(2) EXAMPLES.—Eligible projects for grant funding under this section shall include—

"(A) a freight intermodal facility, including—

"(i) an intermodal facility serving a seaport;

"(ii) an intermodal or cargo access facility serving an airport;

"(iii) an intermodal facility serving a port on the inland waterways;

"(iv) a bulk intermodal/transload facility; or

"(v) a highway/rail intermodal facility;

"(B) a highway or bridge project eligible under title 23;

"(C) a public transportation project that reduces congestion on freight corridors and is eligible under chapter 53;

"(D) a freight rail transportation project (including rail-grade separations); and

"(E) a port infrastructure investment (including inland port infrastructure).

"(d) REQUIREMENTS.—

"(1) CONSIDERATIONS.—In selecting projects to receive grant funding under this section, the Secretary shall—

"(A) consider—

"(i) projected freight volumes; and

"(ii) how projects will enhance economic efficiency, productivity, and competitiveness;

"(iii) population growth and the impact on freight demand; and

"(B) give priority to projects dedicated to—

"(i) improving freight infrastructure facilities;

"(ii) reducing travel time for freight projects;

"(iii) reducing freight transportation costs; and

"(iv) reducing congestion caused by rapid population growth on freight corridors.

"(2) MULTIMODAL DISTRIBUTION OF FUNDS.—In distributing funding for grants under this section, the Secretary shall take such measures as the Secretary determines necessary to ensure the investment in a variety of transportation modes.

"(3) AMOUNT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B)(i), a grant under this section shall be in an amount that is not less than $10,000,000 and not greater than $100,000,000.

"(B) PROJECTS IN RURAL AREAS.—If a grant awarded under this section is for a project located in a rural area—

"(i) the amount of the grant shall be at least $1,000,000; and

"(ii) the Secretary may increase the Federal share of costs to greater than 80 percent.

"(4) FEDERAL SHARE.—Except as provided under paragraph (3)(B)(ii), the Federal share of the costs for a project receiving a grant under this section shall be up to 80 percent.

"(5) PRIORITY.—The Secretary shall give priority to projects that require a contribution of Federal

funds in order to complete an overall financing package.

"(6) RURAL AREAS.—Not less than 25 percent of the funding provided under this section shall be used to make grants for projects located in rural areas.

"(7) NEW COMPETITION.—The Secretary shall conduct a new competition each fiscal year to select the grants and credit assistance awarded under this section.

"(e) CONSULTATION.—The Secretary shall consult with the Secretary of Energy when considering projects that facilitate the movement of energy resources.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated from the general fund of the Treasury, $200,000,000 for each of fiscal years 2016 through 2021 to carry out this section.

"(2) ADMINISTRATIVE AND OVERSIGHT COSTS.—The Secretary may retain up to 0.5 percent of the amounts appropriated pursuant to paragraph (1)—

"(A) to administer the assistance for freight projects grant program; and

"(B) to oversee eligible projects funded under this section.

"(3) ADMINISTRATION OF FUNDS.—Amounts appropriated pursuant to this subsection shall be available for obligation until expended.

"(g) CONGRESSIONAL NOTIFICATION.—Not later than 72 hours before public notification of a grant awarded under this section, the Secretary shall notify the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Environment and Public Works of the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Appropriations of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Appropriations of the House of Representatives of such award.

"(h) ACCOUNTABILITY MEASURES.—The Secretary shall provide to Congress documentation of major decisions in the application evaluation and project selection process, which shall include a clear rationale for decisions—

"(1) to advance for senior review applications other than those rated as highly recommended;

"(2) to not advance applications rated as highly recommended; and

"(3) to change the technical evaluation rating of an application.".

(c) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"171. Assistance for major projects program.".

DIVISION E—FINANCE

SEC. 50001. SHORT TITLE.

This division may be cited as the "Transportation Funding Act of 2015".

TITLE LI—HIGHWAY TRUST FUND AND RELATED TAXES

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

SEC. 51101. EXTENSION OF TRUST FUND EXPENDITURE AUTHORITY.

(a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986, as amended by division G, is amended—

(1) by striking "October 1, 2015" in subsections (b)(6)(B), (c)(1), and (e)(3) and inserting "October 1, 2021", and

(2) by striking "Surface Transportation Extension Act of 2015" in subsections (c)(1) and (e)(3) and inserting "DRIVE Act".

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—Section 9504 of the Internal Revenue Code of 1986, as amended by division G is amended—

(1) by striking "Surface Transportation Extension Act of 2015" each place it appears in subsection (b)(2) and inserting "DRIVE Act", and

(2) by striking "October 1, 2015" in subsection (d)(2) and inserting "October 1, 2021".

(c) LEAKING UNDERGROUND STORAGE TANK TRUST FUND.—Paragraph (2) of section 9508(e) of the Internal Revenue Code of 1986, as amended by division G, is amended by striking "October 1, 2015" and inserting "October 1, 2021".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 1, 2015.

SEC. 51102. EXTENSION OF HIGHWAY-RELATED TAXES.

(a) IN GENERAL.—

(1) Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking "September 30, 2016" and inserting "September 30, 2023":

(A) Section 4041(a)(1)(C)(iii)(I).

(B) Section 4041(m)(1)(B).

(C) Section 4081(d)(1).

(2) Each of the following provisions of such Code is amended by striking "October 1, 2016" and inserting "October 1, 2023":

(A) Section 4041(m)(1)(A).

(B) Section 4051(c).

(C) Section 4071(d).

(D) Section 4081(d)(3).

(b) EXTENSION OF TAX, ETC., ON USE OF CERTAIN HEAVY VEHICLES.—Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking "2017" each place it appears and inserting "2024":

(1) Section 4481(f).

(2) Subsections (c)(4) and (d) of section 4482.

(c) FLOOR STOCKS REFUNDS.—Section 6412(a)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking "October 1, 2016" each place it appears and inserting "October 1, 2023",

(2) by striking "March 31, 2017" each place it appears and inserting "March 31, 2024", and

(3) by striking "January 1, 2017" and inserting "January 1, 2024".

(d) EXTENSION OF CERTAIN EXEMPTIONS.—

(1) Section 4221(a) of the Internal Revenue Code of 1986 is amended by striking "October 1, 2016" and inserting "October 1, 2023".

(2) Section 4483(i) of such Code is amended by striking "October 1, 2017" and inserting "October 1, 2024".

(e) EXTENSION OF TRANSFERS OF CERTAIN TAXES.—

(1) IN GENERAL.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(A) in subsection (b)—

(i) by striking "October 1, 2016" each place it appears in paragraphs (1) and (2) and inserting "October 1, 2023",

(ii) by striking "OCTOBER 1, 2016" in the heading of paragraph (2) and inserting "OCTOBER 1, 2023",

(iii) by striking "September 30, 2016" in paragraph (2) and inserting "September 30, 2023", and

(iv) by striking "July 1, 2017" in paragraph (2) and inserting "July 1, 2024", and

(B) in subsection (c)(2), by striking "July 1, 2017" and inserting "July 1, 2024".

(2) MOTORBOAT AND SMALL-ENGINE FUEL TAX TRANSFERS.—

(A) IN GENERAL.—Paragraphs (3)(A)(i) and (4)(A) of section 9503(c) of such Code are

each amended by striking "October 1, 2016" and inserting "October 1, 2023".

(B) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 200310 of title 54, United States Code, is amended—

(i) by striking "October 1, 2017" each place it appears and inserting "October 1, 2024", and

(ii) by striking "October 1, 2016" and inserting "October 1, 2023".

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2016.

Subtitle B—Additional Transfers to Highway Trust Fund

SEC. 51201. FURTHER ADDITIONAL TRANSFERS TO TRUST FUND.

Subsection (f) of section 9503 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (7) as paragraph (9) and by inserting after paragraph (6) the following new paragraphs:

"(7) FURTHER TRANSFERS TO TRUST FUND.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated—

"(A) $34,401,000,000 to the Highway Account (as defined in subsection (e)(5)(B)) in the Highway Trust Fund; and

"(B) $11,214,000,000 to the Mass Transit Account in the Highway Trust Fund.

"(8) ADDITIONAL INCREASE IN FUND BALANCE.—There is hereby transferred to the Highway Account (as defined in subsection (e)(5)(B)) in the Highway Trust Fund amounts appropriated from the Leaking Underground Storage Tank Trust Fund under section 9508(c)(4).".

SEC. 51202. TRANSFER TO HIGHWAY TRUST FUND OF CERTAIN MOTOR VEHICLE SAFETY PENALTIES.

(a) IN GENERAL.—Paragraph (5) of section 9503(b) of the Internal Revenue Code of 1986 is amended—

(1) by striking "There are hereby" and inserting the following:

"(A) IN GENERAL.—There are hereby", and

(2) by adding at the end the following new paragraph:

"(B) PENALTIES RELATED TO MOTOR VEHICLE SAFETY.—

"(i) IN GENERAL.—There are hereby appropriated to the Highway Trust Fund

amounts equivalent to covered motor vehicle safety penalty collections.

"(ii) COVERED MOTOR VEHICLE SAFETY PENALTY COLLECTIONS.—For purposes of this subparagraph, the term 'covered motor vehicle safety penalty collections' means any amount collected in connection with a civil penalty under section 30165 of title 49, United States Code, reduced by any award authorized by the Secretary of Transportation to be paid to any person in connection with information provided by such person related to a violation of chapter 301 of such title which is a predicate to such civil penalty.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts collected after the date of the enactment of this Act.

SEC. 51203. APPROPRIATION FROM LEAKING UNDERGROUND STORAGE TANK TRUST FUND.

(a) IN GENERAL.—Subsection (c) of section 9508 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(4) ADDITIONAL TRANSFER TO HIGHWAY TRUST FUND.—Out of amounts in the Leaking Underground

Storage Tank Trust Fund there is hereby appropriated—

"(A) on the date of the enactment of the DRIVE Act, $100,000,000,

"(B) on October 1, 2016, $100,000,000, and

"(C) on October 1, 2017, $100,000,000,

to be transferred under section 9503(f)(8) to the Highway Account (as defined in section 9503(e)(5)(B)) in the Highway Trust Fund.".

(b) CONFORMING AMENDMENT.—Section 9508(c)(1) of the Internal Revenue Code of 1986 is amended by striking "paragraphs (2) and (3)" and inserting "paragraphs (2), (3), and (4)".

TITLE LII—OFFSETS

Subtitle A—Tax Provisions

SEC. 52101. CONSISTENT BASIS REPORTING BETWEEN ESTATE AND PERSON ACQUIRING PROPERTY FROM DECEDENT.

(a) PROPERTY ACQUIRED FROM A DECEDENT.—

(1) IN GENERAL.—Section 1014 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(f) BASIS MUST BE CONSISTENT WITH ESTATE TAX VALUE.—

"(1) IN GENERAL.—The basis under subsection (a) of any property shall not exceed—

"(A) in the case of property the value of which has been finally determined for purposes of the tax imposed by chapter 11 on the estate of such decedent, such value, and

"(B) in the case of property not described in subparagraph (A) and with respect to which a statement has been furnished under section 6035(a) identifying the value of such property, such value.

"(2) DETERMINATION.—For purposes of paragraph (1), the value of property has been finally determined for purposes of the tax imposed by chapter 11 if—

"(A) the value of such property is shown on a return under section 6018 and such value is not contested by the Secretary before the expiration of the time for assessing a tax under chapter 11,

"(B) in a case not described in subparagraph (A), the value is specified by the Secretary and such value is not timely contested by the executor of the estate, or

"(C) the value is determined by a court or pursuant to a settlement agreement with the Secretary.

"(3) REGULATIONS.—The Secretary may by regulations provide exceptions to the application of this subsection.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property with respect to which an estate tax return is filed after the date of the enactment of this Act.

(b) INFORMATION REPORTING.—

(1) IN GENERAL.—Subpart A of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by inserting after section 6034A the following new section:

"SEC. 6035. BASIS INFORMATION TO PERSONS ACQUIRING PROPERTY FROM DECEDENT.

"(a) INFORMATION WITH RESPECT TO PROPERTY ACQUIRED FROM DECEDENTS.—

"(1) IN GENERAL.—The executor of any estate required to file a return under section 6018(a) shall furnish to the Secretary and to each person acquiring any interest in property included in the decedent's gross estate for Federal estate tax purposes a statement identifying the value of each interest in such

property as reported on such return and such other information with respect to such interest as the Secretary may prescribe.

"(2) STATEMENTS BY BENEFICIARIES.—Each person required to file a return under section 6018(b) shall furnish to the Secretary and to each other person who holds a legal or beneficial interest in the property to which such return relates a statement identifying the information described in paragraph (1).

"(3) TIME FOR FURNISHING STATEMENT.—

"(A) IN GENERAL.—Each statement required to be furnished under paragraph (1) or (2) shall be furnished at such time as the Secretary may prescribe, but in no case at a time later than the earlier of—

"(i) the date which is 30 days after the date on which the return under section 6018 was required to be filed (including extensions, if any), or

"(ii) the date which is 30 days after the date such return is filed.

"(B) ADJUSTMENTS.—In any case in which there is an adjustment to the information required to be included on a statement filed under

paragraph (1) or (2) after such statement has been filed, a supplemental statement under such paragraph shall be filed not later than the date which is 30 days after such adjustment is made.

"(b) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out this section, including regulations relating to—

"(1) the extension of this section to property of estates not required to file an estate tax return, and

"(2) situations in which the surviving joint tenant or other recipient may have better information than the executor regarding the basis or fair market value of the property.".

(2) PENALTY FOR FAILURE TO FILE.—

(A) RETURN.—Section 6724(d)(1) of such Code is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", and", and by adding at the end the following new subparagraph:

"(D) any statement required to be filed with the Secretary under section 6035.".

(B) STATEMENT.—Section 6724(d)(2) of such Code is amended by striking "or" at the end of subparagraph (GG), by striking the pe-

riod at the end of subparagraph (HH) and inserting ", or", and by adding at the end the following new subparagraph:

"(II) section 6035 (other than a statement described in paragraph (1)(D)).".

(3) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6034A the following new item:

"SEC. 6035. BASIS INFORMATION TO PERSONS ACQUIRING PROPERTY FROM DECEDENT.".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(c) PENALTY FOR INCONSISTENT REPORTING.—

(1) IN GENERAL.—Subsection (b) of section 6662 of the Internal Revenue Code of 1986 is amended by inserting after paragraph (7) the following new paragraph:

"(8) Any inconsistent estate basis.".

(2) INCONSISTENT BASIS REPORTING.—Section 6662 of such Code is amended by adding at the end the following new subsection:

"(k) INCONSISTENT ESTATE BASIS REPORTING.—For purposes of this section, there is an 'inconsistent estate basis' if the basis of property (determined without regard to adjustments to basis during the period the property was held by the taxpayer) claimed on a return exceeds the basis as determined under section 1014(f).".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to returns filed after the date of the enactment of this Act.

SEC. 52102. REVOCATION OR DENIAL OF PASSPORT IN CASE OF CERTAIN UNPAID TAXES.

(a) IN GENERAL.—Subchapter D of chapter 75 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 7345. REVOCATION OR DENIAL OF PASSPORT IN CASE OF CERTAIN TAX DELINQUENCIES.

"(a) IN GENERAL.—If the Secretary receives certification by the Commissioner of Internal Revenue that any individual has a seriously delinquent tax debt in an amount in excess of $50,000, the Secretary shall transmit such certification to the Secretary of State for action with respect to denial, revocation, or limitation of a passport pursuant to section 52102(d) of the Transportation Funding Act of 2015.

"(b) SERIOUSLY DELINQUENT TAX DEBT.—For purposes of this section, the term 'seriously delinquent tax debt' means an outstanding debt under this title for which a notice of lien has been filed in public records pursuant to section 6323 or a notice of levy has been filed pursuant to section 6331, except that such term does not include—

"(1) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or 7122, and

"(2) a debt with respect to which collection is suspended because a collection due process hearing under section 6330, or relief under subsection (b), (c), or (f) of section 6015, is requested or pending.

"(c) ADJUSTMENT FOR INFLATION.—In the case of a calendar year beginning after 2016, the dollar amount in subsection (a) shall be increased by an amount equal to—

"(1) such dollar amount, multiplied by

"(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2015' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $1,000, such amount shall be rounded to the next highest multiple of $1,000.".

(b) CLERICAL AMENDMENT.—The table of sections for subchapter D of chapter 75 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 7345. Revocation or denial of passport in case of certain tax delinquencies.".

(c) AUTHORITY FOR INFORMATION SHARING.—

(1) IN GENERAL.—Subsection (l) of section 6103 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(23) DISCLOSURE OF RETURN INFORMATION TO DEPARTMENT OF STATE FOR PURPOSES OF PASSPORT REVOCATION UNDER SECTION 7345.—

"(A) IN GENERAL.—The Secretary shall, upon receiving a certification described in section 7345, disclose to the Secretary of State return information with respect to a taxpayer who has a seriously delinquent tax debt described in such section. Such return information shall be limited to—

"(i) the taxpayer identity information with respect to such taxpayer, and

"(ii) the amount of such seriously delinquent tax debt.

"(B) RESTRICTION ON DISCLOSURE.—Return information disclosed under subparagraph

(A) may be used by officers and employees of the Department of State for the purposes of, and to the extent necessary in, carrying out the requirements of section 52102(d) of the Transportation Funding Act of 2015.".

(2) CONFORMING AMENDMENT.—Paragraph (4) of section 6103(p) of such Code is amended by striking "or (22)" each place it appears in subparagraph (F)(ii) and in the matter preceding subparagraph (A) and inserting "(22), or (23)".

(d) AUTHORITY TO DENY OR REVOKE PASSPORT.—

(1) DENIAL.—

(A) IN GENERAL.—Except as provided under subparagraph (B), upon receiving a certification described in section 7345 of the Internal Revenue Code of 1986 from the Secretary of the Treasury, the Secretary of State shall not issue a passport to any individual who has a seriously delinquent tax debt described in such section.

(B) EMERGENCY AND HUMANITARIAN SITUATIONS.—Notwithstanding subparagraph (A), the Secretary of State may issue a passport, in emergency circumstances or for humanitarian

reasons, to an individual described in such subparagraph.

(2) REVOCATION.—

(A) IN GENERAL.—The Secretary of State may revoke a passport previously issued to any individual described in paragraph (1)(A).

(B) LIMITATION FOR RETURN TO UNITED STATES.—If the Secretary of State decides to revoke a passport under subparagraph (A), the Secretary of State, before revocation, may—

(i) limit a previously issued passport only for return travel to the United States; or

(ii) issue a limited passport that only permits return travel to the United States.

(3) HOLD HARMLESS.—The Secretary of the Treasury and the Secretary of State shall not be liable to an individual for any action with respect to a certification by the Commissioner of Internal Revenue under section 7345 of the Internal Revenue Code of 1986.

(e) REVOCATION OR DENIAL OF PASSPORT IN CASE OF INDIVIDUAL WITHOUT SOCIAL SECURITY ACCOUNT NUMBER.—

(1) DENIAL.—

(A) IN GENERAL.—Except as provided under subparagraph (B), upon receiving an application for a passport from an individual that either—

(i) does not include the social security account number issued to that individual, or

(ii) includes an incorrect or invalid social security number willfully, intentionally, negligently, or recklessly provided by such individual,

the Secretary of State is authorized to deny such application and is authorized to not issue a passport to the individual.

(B) EMERGENCY AND HUMANITARIAN SITUATIONS.—Notwithstanding subparagraph (A), the Secretary of State may issue a passport, in emergency circumstances or for humanitarian reasons, to an individual described in subparagraph (A).

(2) REVOCATION.—

(A) IN GENERAL.—The Secretary of State may revoke a passport previously issued to any individual described in paragraph (1)(A).

(B) LIMITATION FOR RETURN TO UNITED STATES.—If the Secretary of State decides to revoke a passport under subparagraph (A), the Secretary of State, before revocation, may—

(i) limit a previously issued passport only for return travel to the United States; or

(ii) issue a limited passport that only permits return travel to the United States.

(f) EFFECTIVE DATE.—The provisions of, and amendments made by, this section shall take effect on January 1, 2016.

SEC. 52103. CLARIFICATION OF 6-YEAR STATUTE OF LIMITATIONS IN CASE OF OVERSTATEMENT OF BASIS.

(a) IN GENERAL.—Subparagraph (B) of section 6501(e)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking "and" at the end of clause (i), by redesignating clause (ii) as clause (iii), and by inserting after clause (i) the following new clause:

"(ii) An understatement of gross income by reason of an overstatement of unrecovered cost or other basis is an omission from gross income; and",

(2) by inserting "(other than in the case of an overstatement of unrecovered cost or other basis)" in clause (iii) (as so redesignated) after "In determining the amount omitted from gross income", and

(3) by inserting "AMOUNT OMITTED FROM" after "DETERMINATION OF" in the heading thereof.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) returns filed after the date of the enactment of this Act, and

(2) returns filed on or before such date if the period specified in section 6501 of the Internal Revenue Code of 1986 (determined without regard to such amendments) for assessment of the taxes with respect to which such return relates has not expired as of such date.

SEC. 52104. ADDITIONAL INFORMATION ON RETURNS RELATING TO MORTGAGE INTEREST.

(a) IN GENERAL.—Paragraph (2) of section 6050H(b) of the Internal Revenue Code of 1986 is amended by striking "and" at the end of subparagraph (C), by redesignating subparagraph (D) as subparagraph (G), and by inserting after subparagraph (C) the following new subparagraphs:

"(D) the amount of outstanding principal on the mortgage as of the beginning of such calendar year,

"(E) the address of the property securing such mortgage,

"(F) the date of the origination of such mortgage, and".

(b) PAYEE STATEMENTS.—Subsection (d) of section 6050H of the Internal Revenue Code of 1986 is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by inserting after paragraph (2) the following new paragraph:

"(3) the information required to be included on the return under subparagraphs (D), (E), and (F) of subsection (b)(2).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns and statements the due date for which (determined without regard to extensions) is after December 31, 2016.

SEC. 52105. RETURN DUE DATE MODIFICATIONS.

(a) NEW DUE DATE FOR PARTNERSHIP FORM 1065, S CORPORATION FORM 1120S, AND C CORPORATION FORM 1120.—

(1) PARTNERSHIPS.—

(A) IN GENERAL.—Section 6072 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(f) RETURNS OF PARTNERSHIPS.—Returns of partnerships under section 6031 made on the basis of the calendar year shall be filed on or before the 15th day of March following the close of the calendar year, and such returns made on the basis of a fiscal year shall be filed on or before the 15th day of the third month following the close of the fiscal year.".

(B) CONFORMING AMENDMENT.—Section 6072(a) of such Code is amended by striking "6017, or 6031" and inserting "or 6017".

(2) S CORPORATIONS.—

(A) IN GENERAL.—So much of subsection (b) of section 6072 of the Internal Revenue Code of 1986 as precedes the second sentence thereof is amended to read as follows:

"(b) RETURNS OF CERTAIN CORPORATIONS.—Returns of S corporations under sections 6012 and 6037 made on the basis of the calendar year shall be filed on or before the 31st day of March following the close of the calendar year, and such returns made on the basis of a fiscal year shall be filed on or before the last day of the third month following the close of the fiscal year.".

(B) CONFORMING AMENDMENTS.—

(i) Section 1362(b) of such Code is amended—

(I) by striking "15th" each place it appears and inserting "last",

(II) by striking "2½" each place it appears in the headings and the text and inserting "3", and

(III) by striking "2 months and 15 days" in paragraph (4) and inserting "3 months".

(ii) Section 1362(d)(1)(C)(i) of such Code is amended by striking "15th" and inserting "last".

(iii) Section 1362(d)(1)(C)(ii) of such Code is amended by striking "such 15th day" and inserting "the last day of the 3d month thereof".

(3) CONFORMING AMENDMENTS RELATING TO C CORPORATIONS.—

(A) Section 170(a)(2)(B) of such Code is amended by striking "third month" and inserting "4th month".

(B) Section 563 of such Code is amended by striking "third month" each place it appears and inserting "4th month".

(C) Section 1354(d)(1)(B)(i) of such Code is amended by striking "3d month" and inserting "4th month".

(D) Subsection (a) and (c) of section 6167 of such Code are each amended by striking "third month" and inserting "4th month".

(E) Section 6425(a)(1) of such Code is amended by striking "third month" and inserting "4th month".

(F) Section 6655 of such Code is amended—

(i) by striking "3rd month" each place it appears in subsections (b)(2)(A), (g)(3), and (h)(1) and inserting "4th month", and

(ii) in subsection (g)(4), by redesignating subparagraph (E) as subparagraph (F) and by inserting after subparagraph (D) the following new subparagraph:

"(E) Subsection (b)(2)(A) shall be applied by substituting 'the last day of the 3rd month' for 'the 15th day of the 4th month'.".

(4) EFFECTIVE DATES.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the amendments made by this subsection shall apply to returns for taxable years beginning after December 31, 2015.

(B) CONFORMING AMENDMENTS RELATING TO S CORPORATIONS.—The amendments made by paragraph (2)(B) shall apply with respect to elections for taxable years beginning after December 31, 2015.

(C) CONFORMING AMENDMENTS RELATING TO C CORPORATIONS.—The amendments made by paragraph (3) shall apply to taxable years beginning after December 31, 2015.

(5) SPECIAL RULE FOR CERTAIN C CORPORATION IN 2025.—In the case of a taxable year of a C Corporation ending on June 30, 2025, section 6072(a) of the Internal Revenue Code of 1986 shall be applied by substituting "third month" for "fourth month".

(b) MODIFICATION OF DUE DATES BY REGULATION.—In the case of returns for any taxable period beginning after December 31, 2015, the Secretary of the Treasury or the Secretary's delegate shall modify appropriate regulations to provide as follows:

(1) The maximum extension for the returns of partnerships filing Form 1065 shall be a 6-month pe-

riod beginning on the due date for filing the return (without regard to any extensions).

(2) The maximum extension for the returns of trusts and estates filing Form 1041 shall be a 5½-month period beginning on the due date for filing the return (without regard to any extensions).

(3) The maximum extension for the returns of employee benefit plans filing Form 5500 shall be an automatic 3½-month period beginning on the due date for filing the return (without regard to any extensions).

(4) The maximum extension for the Forms 990 (series) returns of organizations exempt from income tax shall be an automatic 6-month period beginning on the due date for filing the return (without regard to any extensions).

(5) The maximum extension for the returns of organizations exempt from income tax that are required to file Form 4720 returns of excise taxes shall be an automatic 6-month period beginning on the due date for filing the return (without regard to any extensions).

(6) The maximum extension for the returns of trusts required to file Form 5227 shall be an auto-

matic 6-month period beginning on the due date for filing the return (without regard to any extensions).

(7) The maximum extension for filing Form 6069, Return of Excise Tax on Excess Contributions to Black Lung Benefit Trust Under Section 4953 and Computation of Section 192 Deduction, shall be an automatic 6-month period beginning on the due date for filing the return (without regard to any extensions).

(8) The maximum extension for a taxpayer required to file Form 8870 shall be an automatic 6-month period beginning on the due date for filing the return (without regard to any extensions).

(9) The due date of Form 3520–A, Annual Information Return of a Foreign Trust with a United States Owner, shall be the 15th day of the 3rd month after the close of the trust's taxable year, and the maximum extension shall be a 6-month period beginning on such day.

(10) The due date of FinCEN Form 114 (relating to Report of Foreign Bank and Financial Accounts) shall be April 15 with a maximum extension for a 6-month period ending on October 15, and with provision for an extension under rules similar to the rules of 26 C.F.R. 1.6081–5. For any taxpayer re-

quired to file such form for the first time, the Secretary of the Treasury may waive any penalty for failure to timely request or file an extension.

(11) Taxpayers filing Form 3520, Annual Return to Report Transactions with Foreign Trusts and Receipt of Certain Foreign Gifts, shall be allowed to extend the time for filing such form separately from the income tax return of the taxpayer, for an automatic 6-month period beginning on the due date for filing the return (without regard to any extensions).

(c) CORPORATIONS PERMITTED STATUTORY AUTOMATIC 6-MONTH EXTENSION OF INCOME TAX RETURNS.—

(1) IN GENERAL.—Section 6081(b) of the Internal Revenue Code of 1986 is amended by striking "3 months" and inserting "6 months".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to returns for taxable years beginning after December 31, 2015.

(3) SPECIAL RULE FOR CERTAIN C CORPORATIONS IN 2024.—In the case of any taxable year of a C corporation ending on December 31, 2024, subsections (a) and (b) of section 6081 of the Internal Revenue Code of 1986 shall each be applied to returns of income taxes under subtitle A by substituting "5 months" for "6 months".

SEC. 52106. REFORM OF RULES RELATING TO QUALIFIED TAX COLLECTION CONTRACTS.

(a) REQUIREMENT TO COLLECT CERTAIN INACTIVE TAX RECEIVABLES UNDER QUALIFIED TAX COLLECTION CONTRACTS.—Section 6306 of the Internal Revenue Code of 1986 is amended by redesignating subsections (c) through (f) as subsections (d) through (g), respectively, and by inserting after subsection (b) the following new subsection:

"(c) COLLECTION OF INACTIVE TAX RECEIVABLES.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall enter into one or more qualified tax collection contracts for the collection of all outstanding inactive tax receivables.

"(2) INACTIVE TAX RECEIVABLES.—For purposes of this section—

"(A) IN GENERAL.—The term 'inactive tax receivable' means any tax receivable if—

"(i) at any time after assessment, the Internal Revenue Service removes such receivable from the active inventory for lack of resources or inability to locate the taxpayer,

"(ii) more than 1/3 of the period of the applicable statute of limitation has lapsed and such receivable has not been assigned for collection to any employee of the Internal Revenue Service, or

"(iii) in the case of a receivable which has been assigned for collection, more than 365 days have passed without interaction with the taxpayer or a third party for purposes of furthering the collection of such receivable.

"(B) TAX RECEIVABLE.—The term 'tax receivable' means any outstanding assessment which the Internal Revenue Service includes in potentially collectible inventory.".

(b) CERTAIN TAX RECEIVABLES NOT ELIGIBLE FOR COLLECTION UNDER QUALIFIED TAX COLLECTION CONTRACTS.—Section 6306 of the Internal Revenue Code of 1986, as amended by subsection (a), is amended by redesignating subsections (d) through (g) as subsections (e) through (h), respectively, and by inserting after subsection (c) the following new subsection:

"(d) CERTAIN TAX RECEIVABLES NOT ELIGIBLE FOR COLLECTION UNDER QUALIFIED TAX COLLECTIONS CONTRACTS.—A tax receivable shall not be eligible for collection pursuant to a qualified tax collection contract if such receivable—

"(1) is subject to a pending or active offer-in-compromise or installment agreement,

"(2) is classified as an innocent spouse case,

"(3) involves a taxpayer identified by the Secretary as being—

"(A) deceased,

"(B) under the age of 18,

"(C) in a designated combat zone, or

"(D) a victim of tax-related identity theft,

"(4) is currently under examination, litigation, criminal investigation, or levy, or

"(5) is currently subject to a proper exercise of a right of appeal under this title.".

(c) CONTRACTING PRIORITY.—Section 6306 of the Internal Revenue Code of 1986, as amended by the preceding provisions of this section, is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) CONTRACTING PRIORITY.—In contracting for the services of any person under this section, the Secretary shall utilize private collection contractors and debt collection centers on the schedule required under section 3711(g) of title 31, United States Code, including the technology and communications infrastructure established therein, to the extent such private collection contractors and debt collection centers are appropriate to carry out the purposes of this section.".

(d) DISCLOSURE OF RETURN INFORMATION.—Section 6103(k) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(11) QUALIFIED TAX COLLECTION CONTRACTORS.—Persons providing services pursuant to a qualified tax collection contract under section 6306 may, if speaking to a person who has identified himself or herself as having the name of the taxpayer to which a tax receivable (within the meaning of such section) relates, identify themselves as contractors of the Internal Revenue Service and disclose the business name of the contractor, and the nature, subject, and reason for the contact. Disclosures under this paragraph shall be made only in such situations and under such conditions as have been approved by the Secretary.".

(e) TAXPAYERS AFFECTED BY FEDERALLY DECLARED DISASTERS.—Section 6306 of the Internal Revenue Code of 1986, as amended by the preceding provisions of this section, is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i) TAXPAYERS IN PRESIDENTIALLY DECLARED DISASTER AREAS.—The Secretary may prescribe procedures under which a taxpayer determined to be affected by a Fed-

erally declared disaster (as defined by section 165(i)(5)) may request—

"(1) relief from immediate collection measures by contractors under this section, and

"(2) a return of the inactive tax receivable to the inventory of the Internal Revenue Service to be collected by an employee thereof.".

(f) REPORT TO CONGRESS.—

(1) IN GENERAL.—Section 6306 of the Internal Revenue Code of 1986, as amended by the preceding provisions of this section, is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

"(j) REPORT TO CONGRESS.—Not later than 90 days after the last day of each fiscal year (beginning with the first such fiscal year ending after the date of the enactment of this subsection), the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report with respect to qualified tax collection contracts under this section which shall include—

"(1) annually, with respect to such fiscal year—

"(A) the total number and amount of tax receivables provided to each contractor for collection under this section,

"(B) the total amounts collected (and amounts of installment agreements entered into under subsection (b)(1)(B)) with respect to each contractor and the collection costs incurred (directly and indirectly) by the Internal Revenue Service with respect to such amounts,

"(C) the impact of such contracts on the total number and amount of unpaid assessments, and on the number and amount of assessments collected by Internal Revenue Service personnel after initial contact by a contractor,

"(D) the amount of fees retained by the Secretary under subsection (e) and a description of the use of such funds, and

"(E) a disclosure safeguard report in a form similar to that required under section 6103(p)(5), and

"(2) biannually (beginning with the second report submitted under this subsection)—

"(A) an independent evaluation of contractor performance, and

"(B) a measurement plan that includes a comparison of the best practices used by the private collectors to the collection techniques used by the Internal Revenue Service and mechanisms to

identify and capture information on successful collection techniques used by the contractors that could be adopted by the Internal Revenue Service.''.

(2) REPEAL OF EXISTING REPORTING REQUIREMENTS WITH RESPECT TO QUALIFIED TAX COLLECTION CONTRACTS.—Section 881 of the American Jobs Creation Act of 2004 is amended by striking subsection (e).

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall apply to tax receivables identified by the Secretary after the date of the enactment of this Act.

(2) CONTRACTING PRIORITY.—The Secretary shall begin entering into contracts and agreements as described in the amendment made by subsection (c) within 3 months after the date of the enactment of this Act.

(3) DISCLOSURES.—The amendment made by subsection (d) shall apply to disclosures made after the date of the enactment of this Act.

(4) PROCEDURES; REPORT TO CONGRESS.—The amendments made by subsections (e) and (f) shall take effect on the date of the enactment of this Act.

SEC. 52107. SPECIAL COMPLIANCE PERSONNEL PROGRAM.

(a) IN GENERAL.—Subsection (e) of section 6306 of the Internal Revenue Code of 1986, as redesignated by section 52106, is amended by striking "for collection enforcement activities of the Internal Revenue Service" in paragraph (2) and inserting "to fund the special compliance personnel program account under section 6307".

(b) SPECIAL COMPLIANCE PERSONNEL PROGRAM ACCOUNT.—Subchapter A of chapter 64 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 6307. SPECIAL COMPLIANCE PERSONNEL PROGRAM ACCOUNT.

"(a) ESTABLISHMENT OF A SPECIAL COMPLIANCE PERSONNEL PROGRAM ACCOUNT.—The Secretary shall establish an account within the Department for carrying out a program consisting of the hiring, training, and employment of special compliance personnel, and shall transfer to such account from time to time amounts retained by the Secretary under section 6306(e)(2).

"(b) RESTRICTIONS.—The program described in subsection (a) shall be subject to the following restrictions:

"(1) No funds shall be transferred to such account except as described in subsection (a).

"(2) No other funds from any other source shall be expended for special compliance personnel em-

ployed under such program, and no funds from such account shall be expended for the hiring of any personnel other than special compliance personnel.

"(3) Notwithstanding any other authority, the Secretary is prohibited from spending funds out of such account for any purpose other than for costs under such program associated with the employment of special compliance personnel and the retraining and reassignment of current noncollections personnel as special compliance personnel, and to reimburse the Internal Revenue Service or other government agencies for the cost of administering qualified tax collection contracts under section 6306.

"(c) REPORTING.—Not later than March of each year, the Commissioner of Internal Revenue shall submit a report to the Committees on Finance and Appropriations of the Senate and the Committees on Ways and Means and Appropriations of the House of Representatives consisting of the following:

"(1) For the preceding fiscal year, all funds received in the account established under subsection (a), administrative and program costs for the program described in such subsection, the number of special compliance personnel hired and employed under the pro-

gram, and the amount of revenue actually collected by such personnel.

"(2) For the current fiscal year, all actual and estimated funds received or to be received in the account, all actual and estimated administrative and program costs, the number of all actual and estimated special compliance personnel hired and employed under the program, and the actual and estimated revenue actually collected or to be collected by such personnel.

"(3) For the following fiscal year, an estimate of all funds to be received in the account, all estimated administrative and program costs, the estimated number of special compliance personnel hired and employed under the program, and the estimated revenue to be collected by such personnel.

"(d) DEFINITIONS.—For purposes of this section—

"(1) SPECIAL COMPLIANCE PERSONNEL.—The term 'special compliance personnel' means individuals employed by the Internal Revenue Service as field function collection officers or in a similar position, or employed to collect taxes using the automated collection system or an equivalent replacement system.

"(2) PROGRAM COSTS.—The term 'program costs' means—

"(A) total salaries (including locality pay and bonuses), benefits, and employment taxes for special compliance personnel employed or trained under the program described in subsection (a), and

"(B) direct overhead costs, salaries, benefits, and employment taxes relating to support staff, rental payments, office equipment and furniture, travel, data processing services, vehicle costs, utilities, telecommunications, postage, printing and reproduction, supplies and materials, lands and structures, insurance claims, and indemnities for special compliance personnel hired and employed under this section.

For purposes of subparagraph (B), the cost of management and supervision of special compliance personnel shall be taken into account as direct overhead costs to the extent such costs, when included in total program costs under this paragraph, do not represent more than 10 percent of such total costs.".

(c) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 64 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 6306 the following new item:

"Sec. 6307. Special compliance personnel program account.".

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to amounts collected and retained by the Secretary after the date of the enactment of this Act.

SEC. 52108. TRANSFERS OF EXCESS PENSION ASSETS TO RETIREE HEALTH ACCOUNTS.

(a) IN GENERAL.—Section 420(b)(4) of the Internal Revenue Code of 1986 is amended by striking "December 31, 2021" and inserting "December 31, 2025".

(b) CONFORMING ERISA AMENDMENTS.—

(1) Sections 101(e)(3), 403(c)(1), and 408(b)(13) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(e)(3), 1103(c)(1), 1108(b)(13)) are each amended by striking "MAP–21" and inserting "DRIVE Act".

(2) Section 408(b)(13) of such Act (29 U.S.C. 1108(b)(13)) is amended by striking "January 1, 2022" and inserting "January 1, 2026".

Subtitle B—Fees and Receipts

SEC. 52201. EXTENSION OF DEPOSITS OF SECURITY SERVICE FEES IN THE GENERAL FUND.

Section 44940(i)(4) of title 49, United States Code, is amended by adding at the end the following:

"(K) $1,750,000,000 for each of fiscal years 2024 and 2025.".

SEC. 52202. ADJUSTMENT FOR INFLATION OF FEES FOR CERTAIN CUSTOMS SERVICES.

(a) IN GENERAL.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended by adding at the end the following:

"(l) ADJUSTMENT OF FEES FOR INFLATION.—

"(1) IN GENERAL.—The Secretary of the Treasury shall adjust the fees established under subsection (a), and the limitations on such fees under paragraphs (2), (3), (5), (6), (8), and (9) of subsection (b), on October 1, 2015, and annually thereafter, to reflect the percentage (if any) of the increase in the average of the Consumer Price Index for the preceding 12-month period compared to the Consumer Price Index for fiscal year 2014.

"(2) SPECIAL RULES FOR CALCULATION OF ADJUSTMENT.—In adjusting under paragraph (1) the amount of the fees established under subsection (a), and the limitations on such fees under paragraphs (2), (3), (5), (6), (8), and (9) of subsection (b), the Secretary—

"(A) shall round the amount of any increase in the Consumer Price Index to the nearest dollar; and

"(B) may ignore any such increase of less than 1 percent.

"(3) CONSUMER PRICE INDEX DEFINED.—For purposes of this subsection, the term 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.".

(b) DEPOSITS INTO CUSTOMS USER FEE ACCOUNT.—Section 13031(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking "all fees collected under subsection (a)" and inserting "the amount of fees collected under subsection (a) (determined without regard to any adjustment made under subsection (l))"; and

(2) in paragraph (3)(A), in the matter preceding clause (i)—

(A) by striking "fees collected" and inserting "amount of fees collected"; and

(B) by striking "), each appropriation" and inserting ", and determined without regard to any adjustment made under subsection (l)), each appropriation".

(c) CONFORMING AMENDMENTS.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985

(19 U.S.C. 58c), as amended by subsections (a) and (b), is further amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting "(subject to adjustment under subsection (l))" after "following fees"; and

(2) in subsection (b)—

(A) in paragraph (2), by inserting "(subject to adjustment under subsection (l))" after "in fees";

(B) in paragraph (3), by inserting "(subject to adjustment under subsection (l))" after "in fees";

(C) in paragraph (5)(A), by inserting "(subject to adjustment under subsection (l))" after "in fees";

(D) in paragraph (6), by inserting "(subject to adjustment under subsection (l))" after "in fees";

(E) in paragraph (8)(A)—

(i) in clause (i), by inserting "or (l)" after "subsection (a)(9)(B)"; and

(ii) in clause (ii), by inserting "(subject to adjustment under subsection (l))" after "$3"; and

(F) in paragraph (9)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by inserting "and subject to adjustment under subsection (l)" after "Tariff Act of 1930"; and

(II) in clause (ii)(I), by inserting "(subject to adjustment under subsection (l))" after "bill of lading"; and

(ii) in subparagraph (B)(i), by inserting "(subject to adjustment under subsection (l))" after "bill of lading".

SEC. 52203. DIVIDENDS AND SURPLUS FUNDS OF RESERVE BANKS.

Section 7(a)(1)(A) of the Federal Reserve Act (12 U.S.C. 289(a)(1)(A)) is amended by striking "6 percent" and inserting "6 percent (1.5 percent in the case of a stockholder having total consolidated assets of more than $1,000,000,000 (determined as of September 30 of the preceding fiscal year))".

SEC. 52204. STRATEGIC PETROLEUM RESERVE DRAWDOWN AND SALE.

(a) DRAWDOWN AND SALE.—

(1) IN GENERAL.—Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), except as provided in subsections (b) and (c),

the Secretary of Energy shall drawdown and sell from the Strategic Petroleum Reserve—

(A) the quantity of barrels of crude oil that the Secretary of Energy determines to be appropriate to maximize the financial return to United States taxpayers for each of fiscal years 2016 and 2017;

(B) 4,000,000 barrels of crude oil during fiscal year 2018;

(C) 5,000,000 barrels of crude oil during fiscal year 2019;

(D) 8,000,000 barrels of crude oil during fiscal year 2020;

(E) 8,000,000 barrels of crude oil during fiscal year 2021;

(F) 10,000,000 barrels of crude oil during fiscal year 2022;

(G) 16,000,000 barrels of crude oil during fiscal year 2023;

(H) 25,000,000 barrels of crude oil during fiscal year 2024; and

(I) 25,000,000 barrels of crude oil during fiscal year 2025.

(2) DEPOSIT OF AMOUNTS RECEIVED FROM SALE.—Amounts received from a sale under para-

graph (1) shall be deposited in the general fund of the Treasury during the fiscal year in which the sale occurs.

(b) EMERGENCY PROTECTION.—In any 1 fiscal year described in subsection (a)(1), the Secretary of Energy shall not drawdown and sell crude oil under this section in quantities that would result in a Strategic Petroleum Reserve that contains an inventory of petroleum products representing fewer than 90 days of emergency reserves, based on the average daily level of net imports of crude oil and petroleum products in the calendar year preceding that fiscal year.

(c) INCREASE; LIMITATION.—

(1) INCREASE.—The Secretary of Energy may increase the drawdown and sales under subparagraphs (A) through (I) of subsection (a)(1) as the Secretary of Energy determines to be appropriate to maximize the financial return to United States taxpayers.

(2) LIMITATION.—The Secretary of Energy shall not drawdown or conduct sales of crude oil under this section after the date on which a total of $9,050,000,000 has been deposited in the general fund of the Treasury from sales authorized under this section.

SEC. 52205. EXTENSION OF ENTERPRISE GUARANTEE FEE.

Section 1327(f) of the Housing and Community Development Act of 1992 (12 U.S.C. 4547(f)) is amended by striking "October 1, 2021" and inserting "October 1, 2025".

Subtitle C—Outlays

SEC. 52301. INTEREST ON OVERPAYMENT.

Section 111 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1721) is amended—

(1) by striking subsections (h) and (i);

(2) by redesignating subsections (j) through (l) as subsections (h) through (j), respectively; and

(3) in subsection (h) (as so redesignated), by striking the fourth sentence.

DIVISION F—MISCELLANEOUS

TITLE LXI—FEDERAL PERMITTING IMPROVEMENT

SEC. 61001. DEFINITIONS.

In this title:

(1) AGENCY.—The term "agency" has the meaning given the term in section 551 of title 5, United States Code.

(2) AGENCY CERPO.—The term "agency CERPO" means the chief environmental review and permitting officer of an agency, as designated by the head of the agency under section 61002(b)(2)(A)(iii)(I).

(3) AUTHORIZATION.—The term "authorization" means any license, permit, approval, finding, determination, or other administrative decision issued by an agency that is required or authorized under Federal law in order to site, construct, reconstruct, or commence operations of a covered project, whether administered by a Federal or State agency.

(4) COOPERATING AGENCY.—The term "cooperating agency" means any agency with—

(A) jurisdiction under Federal law; or

(B) special expertise as described in section 1501.6 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(5) COUNCIL.—The term "Council" means the Federal Infrastructure Permitting Improvement Steering Council established under section 61002(a).

(6) COVERED PROJECT.—

(A) IN GENERAL.—The term "covered project" means any activity in the United States that requires authorization or environmental review by a Federal agency involving construction of infrastructure for renewable or conventional energy production, electricity transmission, surface transportation, aviation, ports and water-

ways, water resource projects, broadband, pipelines, manufacturing, or any other sector as determined by a majority vote of the Council that—

(i)(I) is subject to NEPA;

(II) is likely to require a total investment of more than $200,000,000; and

(III) does not qualify for abbreviated authorization or environmental review processes under any applicable law; or

(ii) is subject to NEPA and the size and complexity of which, in the opinion of the Council, make the project likely to benefit from enhanced oversight and coordination, including a project likely to require—

(I) authorization from or environmental review involving more than 2 Federal agencies; or

(II) the preparation of an environmental impact statement under NEPA.

(B) EXCLUSION.—The term ''covered project'' does not include—

(i) any project subject to section 139 of title 23, United States Code; or

(ii) any project subject to section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348).

(7) DASHBOARD.—The term "Dashboard" means the Permitting Dashboard required under section 61003(b).

(8) ENVIRONMENTAL ASSESSMENT.—The term "environmental assessment" means a concise public document for which a Federal agency is responsible under section 1508.9 of title 40, Code of Federal Regulations (or successor regulations).

(9) ENVIRONMENTAL DOCUMENT.—

(A) IN GENERAL.—The term "environmental document" means an environmental assessment, finding of no significant impact, notice of intent, environmental impact statement, or record of decision.

(B) INCLUSIONS.—The term "environmental document" includes—

(i) any document that is a supplement to a document described in subparagraph (A); and

(ii) a document prepared pursuant to a court order.

(10) ENVIRONMENTAL IMPACT STATEMENT.—The term "environmental impact statement" means the detailed written statement required under section 102(2)(C) of NEPA.

(11) ENVIRONMENTAL REVIEW.—The term "environmental review" means the agency procedures and processes for applying a categorical exclusion or for preparing an environmental assessment, an environmental impact statement, or other document required under NEPA.

(12) EXECUTIVE DIRECTOR.—The term "Executive Director" means the Executive Director appointed by the President under section 61002(b)(1)(A).

(13) FACILITATING AGENCY.—The term "facilitating agency" means the agency that receives the initial notification from the project sponsor required under section 61003(a).

(14) INVENTORY.—The term "inventory" means the inventory of covered projects established by the Executive Director under section 61002(c)(1)(A).

(15) LEAD AGENCY.—The term "lead agency" means the agency with principal responsibility for an environmental review of a covered project under

NEPA and parts 1500 through 1508 of title 40, Code of Federal Regulations (or successor regulations).

(16) NEPA.—The term "NEPA" means the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(17) PARTICIPATING AGENCY.—The term "participating agency" means an agency participating in an environmental review or authorization for a covered project in accordance with section 61003.

(18) PROJECT SPONSOR.—The term "project sponsor" means an entity, including any private, public, or public-private entity, seeking an authorization for a covered project.

SEC. 61002. FEDERAL PERMITTING IMPROVEMENT COUNCIL.

(a) ESTABLISHMENT.—There is established the Federal Permitting Improvement Steering Council.

(b) COMPOSITION.—

(1) CHAIR.—The Executive Director shall—

(A) be appointed by the President; and

(B) serve as Chair of the Council.

(2) COUNCIL MEMBERS.—

(A) IN GENERAL.—

(i) DESIGNATION BY HEAD OF AGENCY.—Each individual listed in subpara-

graph (B) shall designate a member of the agency in which the individual serves to serve on the Council.

(ii) QUALIFICATIONS.—A councilmember described in clause (i) shall hold a position in the agency of deputy secretary (or the equivalent) or higher.

(iii) SUPPORT.—

(I) IN GENERAL.—Consistent with guidance provided by the Director of the Office of Management and Budget, each individual listed in subparagraph (B) shall designate 1 or more appropriate members of the agency in which the individual serves to serve as an agency CERPO.

(II) REPORTING.—In carrying out the duties of the agency CERPO under this title, an agency CERPO shall report directly to a deputy secretary (or the equivalent) or higher.

(B) HEADS OF AGENCIES.—The individuals that shall each designate a councilmember under this subparagraph are as follows:

(i) The Secretary of Agriculture.

(ii) The Secretary of the Army.

(iii) The Secretary of Commerce.

(iv) The Secretary of the Interior.

(v) The Secretary of Energy.

(vi) The Secretary of Transportation.

(vii) The Secretary of Defense.

(viii) The Administrator of the Environmental Protection Agency.

(ix) The Chairman of the Federal Energy Regulatory Commission.

(x) The Chairman of the Nuclear Regulatory Commission.

(xi) The Secretary of Homeland Security.

(xii) The Secretary of Housing and Urban Development.

(xiii) The Chairman of the Advisory Council on Historic Preservation.

(xiv) Any other head of a Federal agency that the Executive Director may invite to participate as a member of the Council.

(3) ADDITIONAL MEMBERS.—In addition to the members listed in paragraphs (1) and (2), the Chairman of the Council on Environmental Quality and

the Director of the Office of Management and Budget shall also be members of the Council.

(c) DUTIES.—

(1) EXECUTIVE DIRECTOR.—

(A) INVENTORY DEVELOPMENT.—The Executive Director, in consultation with the Council, shall—

(i) not later than 180 days after the date of enactment of this Act, establish an inventory of covered projects that are pending the environmental review or authorization of the head of any Federal agency;

(ii)(I) categorize the projects in the inventory as appropriate, based on sector and project type; and

(II) for each category, identify the types of environmental reviews and authorizations most commonly involved; and

(iii) add a covered project to the inventory after receiving a notice described in section 61003(a)(1).

(B) FACILITATING AGENCY DESIGNATION.—The Executive Director, in consultation with the Council, shall—

(i) designate a facilitating agency for each category of covered projects described in subparagraph (A)(ii); and

(ii) publish the list of designated facilitating agencies for each category of projects in the inventory on the Dashboard in an easily accessible format.

(C) PERFORMANCE SCHEDULES.—

(i) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Executive Director, in consultation with the Council, shall develop recommended performance schedules, including intermediate and final completion dates, for environmental reviews and authorizations most commonly required for each category of covered projects described in subparagraph (A)(ii).

(ii) REQUIREMENTS.—

(I) IN GENERAL.—The performance schedules shall reflect employment of the use of the most efficient applicable processes.

(II) LIMIT.—

(aa) IN GENERAL.—The final completion dates in any performance schedule for the completion of an environmental review or authorization under clause (i) shall not exceed the average time to complete an environmental review or authorization for a project within that category.

(bb) CALCULATION OF AVERAGE TIME.—The average time referred to in item (aa) shall be calculated on the basis of data from the preceding 2 calendar years and shall run from the period beginning on the date on which the Executive Director must make a specific entry for the project on the Dashboard under section 61003(b)(2) (except that, for projects initiated before that duty takes effect, the period beginning on the date of filing of a completed application), and ending on the date of the issuance of a

record of decision or other final agency action on the review or authorization.

(cc) COMPLETION DATE.—Each performance schedule shall specify that any decision by an agency on an environmental review or authorization must be issued not later than 180 days after the date on which all information needed to complete the review or authorization (including any hearing that an agency holds on the matter) is in the possession of the agency.

(iii) REVIEW AND REVISION.—Not later than 2 years after the date on which the performance schedules are established under this subparagraph, and not less frequently than once every 2 years thereafter, the Executive Director, in consultation with the Council, shall review and revise the performance schedules.

(D) GUIDANCE.—The Executive Director, in consultation with the Council, may recommend

to the Director of the Office of Management and Budget or to the Council on Environmental Quality, as appropriate, that guidance be issued as necessary for agencies—

(i) to carry out responsibilities under this title; and

(ii) to effectuate the adoption by agencies of the best practices and recommendations of the Council described in paragraph (2).

(2) COUNCIL.—

(A) RECOMMENDATIONS.—

(i) IN GENERAL.—The Council shall make recommendations to the Executive Director with respect to the designations under paragraph (1)(B) and the performance schedules under paragraph (1)(C).

(ii) UPDATE.—The Council may update the recommendations described in clause (i).

(B) BEST PRACTICES.—Not later than 1 year after the date of enactment of this Act, and not less frequently than annually thereafter, the Council shall issue recommendations on the best practices for—

(i) enhancing early stakeholder engagement, including fully considering and, as appropriate, incorporating recommendations provided in public comments on any proposed covered project;

(ii) ensuring timely decisions regarding environmental reviews and authorizations, including through the development of performance metrics;

(iii) improving coordination between Federal and non-Federal governmental entities, including through the development of common data standards and terminology across agencies;

(iv) increasing transparency;

(v) reducing information collection requirements and other administrative burdens on agencies, project sponsors, and other interested parties;

(vi) developing and making available to applicants appropriate geographic information systems and other tools;

(vii) creating and distributing training materials useful to Federal, State, tribal, and local permitting officials; and

(viii) addressing other aspects of infrastructure permitting, as determined by the Council.

(3) AGENCY CERPOS.—An agency CERPO shall—

(A) advise the respective agency councilmember on matters related to environmental reviews and authorizations;

(B) provide technical support, when requested to facilitate efficient and timely processes for environmental reviews and authorizations for covered projects under the jurisdictional responsibility of the agency, including supporting timely identification and resolution of potential disputes within the agency or between the agency and other Federal agencies;

(C) analyze agency environmental review and authorization processes, policies, and authorities and make recommendations to the respective agency councilmember for ways to standardize, simplify, and improve the efficiency of the processes, policies, and authorities, including by implementing guidance issued under paragraph (1)(D) and other best practices, including the use of information technology and

geographic information system tools within the agency and across agencies, to the extent consistent with existing law; and

(D) review and develop training programs for agency staff that support and conduct environmental reviews or authorizations.

(d) ADMINISTRATIVE SUPPORT.—The Director of the Office of Management and Budget shall designate a Federal agency, other than an agency that carries out or provides support for projects that are not covered projects, to provide administrative support for the Executive Director, and the designated agency shall, as reasonably necessary, provide support and staff to enable the Executive Director to fulfill the duties of the Executive Director under this title.

SEC. 61003. PERMITTING PROCESS IMPROVEMENT.

(a) PROJECT INITIATION AND DESIGNATION OF PARTICIPATING AGENCIES.—

(1) NOTICE.—

(A) IN GENERAL.—A project sponsor of a covered project shall submit to the Executive Director and the facilitating agency notice of the initiation of a proposed covered project.

(B) DEFAULT DESIGNATION.—If, at the time of submission of the notice under subparagraph (A), the Executive Director has not des-

ignated a facilitating agency under section 61002(c)(1)(B) for the categories of projects noticed, the agency that receives the notice under subparagraph (A) shall be designated as the facilitating agency.

(C) CONTENTS.—Each notice described in subparagraph (A) shall include—

(i) a statement of the purposes and objectives of the proposed project;

(ii) a concise description, including the general location of the proposed project and a summary of geospatial information, if available, illustrating the project area and the locations, if any, of environmental, cultural, and historic resources;

(iii) a statement regarding the technical and financial ability of the project sponsor to construct the proposed project;

(iv) a statement of any Federal financing, environmental reviews, and authorizations anticipated to be required to complete the proposed project; and

(v) an assessment that the proposed project meets the definition of a covered

project under section 61001 and a statement of reasons supporting the assessment.

(2) INVITATION.—

(A) IN GENERAL.—Not later than 45 days after the date on which the Executive Director must make a specific entry for the project on the Dashboard under subsection (b)(2)(A), the facilitating agency or lead agency, as applicable, shall—

(i) identify all Federal and non-Federal agencies and governmental entities likely to have financing, environmental review, authorization, or other responsibilities with respect to the proposed project; and

(ii) invite all Federal agencies identified under clause (i) to become a participating agency or a cooperating agency, as appropriate, in the environmental review and authorization management process described in section 61005.

(B) DEADLINES.—Each invitation made under subparagraph (A) shall include a deadline for a response to be submitted to the facilitating or lead agency, as applicable.

(3) PARTICIPATING AND COOPERATING AGENCIES.—

(A) IN GENERAL.—An agency invited under paragraph (2) shall be designated as a participating or cooperating agency for a covered project, unless the agency informs the facilitating or lead agency, as applicable, in writing before the deadline under paragraph (2)(B) that the agency—

(i) has no jurisdiction or authority with respect to the proposed project; or

(ii) does not intend to exercise authority related to, or submit comments on, the proposed project.

(B) CHANGED CIRCUMSTANCES.—On request and a showing of changed circumstances, the Executive Director may designate an agency that has opted out under subparagraph (A)(ii) to be a participating or cooperating agency, as appropriate.

(4) EFFECT OF DESIGNATION.—The designation described in paragraph (3) shall not—

(A) give the participating agency authority or jurisdiction over the covered project; or

(B) expand any jurisdiction or authority a cooperating agency may have over the proposed project.

(5) LEAD AGENCY DESIGNATION.—

(A) IN GENERAL.—On establishment of the lead agency, the lead agency shall assume the responsibilities of the facilitating agency under this title.

(B) REDESIGNATION OF FACILITATING AGENCY.—If the lead agency assumes the responsibilities of the facilitating agency under subparagraph (A), the facilitating agency may be designated as a cooperative or participating agency.

(6) CHANGE OF FACILITATING OR LEAD AGENCY.—

(A) IN GENERAL.—On the request of a participating agency or project sponsor, the Executive Director may designate a different agency as the facilitating or lead agency, as applicable, for a covered project, if the facilitating or lead agency or the Executive Director receives new information regarding the scope or nature of a covered project that indicates that the project should

be placed in a different category under section 61002(c)(1)(B).

(B) RESOLUTION OF DISPUTE.—The Executive Director shall resolve any dispute over designation of a facilitating or lead agency for a particular covered project.

(b) PERMITTING DASHBOARD.—

(1) REQUIREMENT TO MAINTAIN.—

(A) IN GENERAL.—The Executive Director, in coordination with the Administrator of General Services, shall maintain an online database to be known as the "Permitting Dashboard" to track the status of Federal environmental reviews and authorizations for any covered project in the inventory described in section 61002(c)(1)(A).

(B) SPECIFIC AND SEARCHABLE ENTRY.—The Dashboard shall include a specific and searchable entry for each covered project.

(2) ADDITIONS.—

(A) IN GENERAL.—

(i) EXISTING PROJECTS.—Not later than 14 days after the date on which the Executive Director adds a project to the inventory under section 61002(c)(1)(A), the Executive Director shall create a specific

entry on the Dashboard for the covered project.

(ii) NEW PROJECTS.—Not later than 14 days after the date on which the Executive Director receives a notice under subsection (a)(1), the Executive Director shall create a specific entry on the Dashboard for the covered project, unless the Executive Director, facilitating agency, or lead agency, as applicable, determines that the project is not a covered project.

(B) EXPLANATION.—If the facilitating agency or lead agency, as applicable, determines that the project is not a covered project, the project sponsor may submit a further explanation as to why the project is a covered project not later than 14 days after the date of the determination under subparagraph (A).

(C) FINAL DETERMINATION.—Not later than 14 days after receiving an explanation described in subparagraph (B), the Executive Director shall—

(i) make a final and conclusive determination as to whether the project is a covered project; and

(ii) if the Executive Director determines that the project is a covered project, create a specific entry on the Dashboard for the covered project.

(3) POSTINGS BY AGENCIES.—

(A) IN GENERAL.—For each covered project added to the Dashboard under paragraph (2), the facilitating or lead agency, as applicable, and each cooperating and participating agency shall post to the Dashboard—

(i) a hyperlink that directs to a website that contains, to the extent consistent with applicable law—

(I) the notification submitted under subsection (a)(1);

(II)(aa) where practicable, the application and supporting documents, if applicable, that have been submitted by a project sponsor for any required environmental review or authorization; or

(bb) a notice explaining how the public may obtain access to such documents;

(III) a description of any Federal agency action taken or decision made that materially affects the status of a covered project;

(IV) any significant document that supports the action or decision described in subclause (III); and

(V) a description of the status of any litigation to which the agency is a party that is directly related to the project, including, if practicable, any judicial document made available on an electronic docket maintained by a Federal, State, or local court; and

(ii) any document described in clause (i) that is not available by hyperlink on another website.

(B) DEADLINE.—The information described in subparagraph (A) shall be posted to the website made available by hyperlink on the Dashboard not later than 5 business days after the date on which the Federal agency receives the information.

(4) POSTINGS BY THE EXECUTIVE DIRECTOR.—The Executive Director shall publish to the Dashboard—

(A) the permitting timetable established under subparagraph (A) or (C) of subsection (c)(2);

(B) the status of the compliance of each agency with the permitting timetable;

(C) any modifications of the permitting timetable;

(D) an explanation of each modification described in subparagraph (C); and

(E) any memorandum of understanding established under subsection (c)(3)(B).

(c) COORDINATION AND TIMETABLES.—

(1) COORDINATED PROJECT PLAN.—

(A) IN GENERAL.—Not later than 60 days after the date on which the Executive Director must make a specific entry for the project on the Dashboard under subsection (b)(2)(A), the facilitating or lead agency, as applicable, in consultation with each coordinating and participating agency, shall establish a concise plan for coordinating public and agency participation in, and

completion of, any required Federal environmental review and authorization for the project.

(B) REQUIRED INFORMATION.—The Coordinated Project Plan shall include the following information and be updated by the facilitating or lead agency, as applicable, at least once per quarter:

(i) A list of, and roles and responsibilities for, all entities with environmental review or authorization responsibility for the project.

(ii) A permitting timetable, as described in paragraph (2), setting forth a comprehensive schedule of dates by which all environmental reviews and authorizations, and to the maximum extent practicable, State permits, reviews and approvals must be made.

(iii) A discussion of potential avoidance, minimization, and mitigation strategies, if required by applicable law and known.

(iv) Plans and a schedule for public and tribal outreach and coordination, to the extent required by applicable law.

(C) MEMORANDUM OF UNDERSTANDING.—The coordinated project plan described in subparagraph (A) may be incorporated into a memorandum of understanding.

(2) PERMITTING TIMETABLE.—

(A) ESTABLISHMENT.—

(i) IN GENERAL.—As part of the coordination project plan under paragraph (1), the facilitating or lead agency, as applicable, in consultation with each cooperating and participating agency, the project sponsor, and any State in which the project is located, shall establish a permitting timetable that includes intermediate and final completion dates for action by each participating agency on any Federal environmental review or authorization required for the project.

(ii) CONSENSUS.—In establishing a permitting timetable under clause (i), each agency shall, to the maximum extent practicable, make efforts to reach a consensus.

(B) FACTORS FOR CONSIDERATION.—In establishing the permitting timetable under subparagraph (A), the facilitating or lead agency

shall follow the performance schedules established under section 61002(c)(1)(C), but may vary the timetable based on relevant factors, including—

(i) the size and complexity of the covered project;

(ii) the resources available to each participating agency;

(iii) the regional or national economic significance of the project;

(iv) the sensitivity of the natural or historic resources that may be affected by the project;

(v) the financing plan for the project; and

(vi) the extent to which similar projects in geographic proximity to the project were recently subject to environmental review or similar procedures under State law.

(C) DISPUTE RESOLUTION.—

(i) IN GENERAL.—The Executive Director, in consultation with appropriate agency CERPOs and the project sponsor, shall, as necessary, mediate any disputes re-

garding the permitting timetable established under subparagraph (A).

(ii) DISPUTES.—If a dispute remains unresolved 30 days after the date on which the dispute was submitted to the Executive Director, the Director of the Office of Management and Budget, in consultation with the Chairman of the Council on Environmental Quality, shall facilitate a resolution of the dispute and direct the agencies party to the dispute to resolve the dispute by the end of the 60-day period beginning on the date of submission of the dispute to the Executive Director.

(iii) FINAL RESOLUTION.—Any action taken by the Director of the Office of Management and Budget in the resolution of a dispute under clause (ii) shall—

(I) be final and conclusive; and

(II) not be subject to judicial review.

(D) MODIFICATION AFTER APPROVAL.—

(i) IN GENERAL.—The facilitating or lead agency, as applicable, may modify a

permitting timetable established under subparagraph (A) only if—

(I) the facilitating or lead agency, as applicable, and the affected cooperating agencies, after consultation with the participating agencies, agree to a different completion date; and

(II) the facilitating agency or lead agency, as applicable, or the affected cooperating agency provides a written justification for the modification.

(ii) COMPLETION DATE.—A completion date in the permitting timetable may not be modified within 30 days of the completion date.

(E) CONSISTENCY WITH OTHER TIME PERIODS.—A permitting timetable established under subparagraph (A) shall be consistent with any other relevant time periods established under Federal law and shall not prevent any cooperating or participating agency from discharging any obligation under Federal law in connection with the project.

(F) CONFORMING TO PERMITTING TIMETABLES.—

(i) IN GENERAL.—Each Federal agency shall conform to the completion dates set forth in the permitting timetable established under subparagraph (A), or with any completion date modified under subparagraph (D).

(ii) FAILURE TO CONFORM.—If a Federal agency fails to conform with a completion date for agency action on a covered project or is at significant risk of failing to conform with such a completion date, the agency shall—

(I) promptly submit to the Executive Director for publication on the Dashboard an explanation of the specific reasons for failing or significantly risking failing to conform to the completion date and a proposal for an alternative completion date;

(II) in consultation with the facilitating or lead agency, as applicable, establish an alternative completion date; and

(III) each month thereafter until the agency has taken final action on

the delayed authorization or review, submit to the Executive Director for posting on the Dashboard a status report describing any agency activity related to the project.

(G) ABANDONMENT OF COVERED PROJECT.—

(i) IN GENERAL.—If the facilitating or lead agency, as applicable, has a reasonable basis to doubt the continuing technical or financial ability of the project sponsor to construct the covered project, the facilitating or lead agency may request the project sponsor provide an updated statement regarding the ability of the project sponsor to complete the project.

(ii) FAILURE TO RESPOND.—If the project sponsor fails to respond to a request described in clause (i) by the date that is 30 days after receiving the request, the lead or facilitating agency, as applicable, shall notify the Executive Director, who shall publish an appropriate notice on the Dashboard.

(iii) PUBLICATION TO DASHBOARD.—On publication of a notice under clause (ii), the completion dates in the permitting timetable shall be tolled and agencies shall be relieved of the obligation to comply with subparagraph (F) until such time as the project sponsor submits to the facilitating or lead agency, as applicable, an updated statement regarding the technical and financial ability of the project sponsor to construct the project.

(3) COOPERATING STATE, LOCAL, OR TRIBAL GOVERNMENTS.—

(A) STATE AUTHORITY.—If the Federal environmental review is being implemented within the boundaries of a State, the State, consistent with State law, may choose to participate in the environmental review and authorization process under this subsection and to make subject to the process all State agencies that—

(i) have jurisdiction over the covered project;

(ii) are required to conduct or issue a review, analysis, opinion, or statement for the covered project; or

(iii) are required to make a determination on issuing a permit, license, or other approval or decision for the covered project.

(B) COORDINATION.—To the maximum extent practicable under applicable law, the facilitating or lead agency, as applicable, shall coordinate the Federal environmental review and authorization processes under this subsection with any State, local, or tribal agency responsible for conducting any separate review or authorization of the covered project to ensure timely and efficient completion of environmental reviews and authorizations.

(C) MEMORANDUM OF UNDERSTANDING.—

(i) IN GENERAL.—Any coordination plan between the facilitating or lead agency, as applicable, and any State, local, or tribal agency shall, to the maximum extent practicable, be included in a memorandum of understanding.

(ii) SUBMISSION TO EXECUTIVE DIRECTOR.—The facilitating or lead agency, as applicable, shall submit to the Executive Director each memorandum of understanding described in clause (i).

(d) EARLY CONSULTATION.—The facilitating or lead agency, as applicable, shall provide an expeditious process for project sponsors to confer with each cooperating and participating agency involved and, not later than 60 days after the date on which the project sponsor submits a request under this subsection, to have each such agency provide to the project sponsor information concerning—

(1) the availability of information and tools, including pre-application toolkits, to facilitate early planning efforts;

(2) key issues of concern to each agency and to the public; and

(3) issues that must be addressed before an environmental review or authorization can be completed.

(e) COOPERATING AGENCY.—

(1) IN GENERAL.—A lead agency may designate a participating agency as a cooperating agency in accordance with part 1501 of title 40, Code of Federal Regulations (or successor regulations).

(2) EFFECT ON OTHER DESIGNATION.—The designation described in paragraph (1) shall not affect any designation under subsection (a)(3).

(3) LIMITATION ON DESIGNATION.—Any agency not designated as a participating agency under sub-

section (a)(3) shall not be designated as a cooperating agency under paragraph (1).

(f) REPORTING STATUS OF OTHER PROJECTS ON DASHBOARD.—

(1) IN GENERAL.—On request of the Executive Director, the Secretary and the Secretary of the Army shall use best efforts to provide information for inclusion on the Dashboard on projects subject to section 139 of title 23, United States Code, and section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348) likely to require—

(A) a total investment of more than $200,000,000; and

(B) an environmental impact statement under NEPA.

(2) EFFECT OF INCLUSION ON DASHBOARD.—Inclusion on the Dashboard of information regarding projects subject to section 139 of title 23, United States Code, or section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348) shall not subject those projects to any requirements of this title.

SEC. 61004. INTERSTATE COMPACTS.

(a) IN GENERAL.—The consent of Congress is given for 3 or more contiguous States to enter into an interstate compact establishing regional infrastructure development

agencies to facilitate authorization and review of covered projects, under State law or in the exercise of delegated permitting authority described under section 61006, that will advance infrastructure development, production, and generation within the States that are parties to the compact.

(b) REGIONAL INFRASTRUCTURE.—For the purpose of this title, a regional infrastructure development agency referred to in subsection (a) shall have the same authorities and responsibilities of a State agency.

SEC. 61005. COORDINATION OF REQUIRED REVIEWS.

(a) CONCURRENT REVIEWS.—To integrate environmental reviews and authorizations, each agency shall, to the maximum extent practicable—

(1) carry out the obligations of the agency with respect to a covered project under any other applicable law concurrently, and in conjunction with, other environmental reviews and authorizations being conducted by other cooperating or participating agencies, including environmental reviews and authorizations required under NEPA, unless the agency determines that doing so would impair the ability of the agency to carry out the statutory obligations of the agency; and

(2) formulate and implement administrative, policy, and procedural mechanisms to enable the

agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.

(b) ADOPTION, INCORPORATION BY REFERENCE, AND USE OF DOCUMENTS.—

(1) STATE ENVIRONMENTAL DOCUMENTS; SUPPLEMENTAL DOCUMENTS.—

(A) USE OF EXISTING DOCUMENTS.—

*(i) IN GENERAL.—On the request of a project sponsor, a lead agency shall consider and, as appropriate, adopt or incorporate by reference, the analysis and documentation that has been prepared for a covered project under State laws and procedures as the documentation, or part of the documentation, required to complete an environmental review for the covered project, if the analysis and documentation were, as determined by the lead agency in consultation with the Council on Environmental Quality, prepared under circumstances that allowed for opportunities for public participation and consideration of alternatives and environmental consequences that are substantially equivalent to what would have

been available had the documents and analysis been prepared by a Federal agency pursuant to NEPA.

(ii) GUIDANCE BY CEQ.—The Council on Environmental Quality may issue guidance to carry out this subsection.

(B) NEPA OBLIGATIONS.—An environmental document adopted under subparagraph (A) or a document that includes documentation incorporated under subparagraph (A) may serve as the documentation required for an environmental review or a supplemental environmental review required to be prepared by a lead agency under NEPA.

(C) SUPPLEMENTATION OF STATE DOCUMENTS.—If the lead agency adopts or incorporates analysis and documentation described in subparagraph (A), the lead agency shall prepare and publish a supplemental document if the lead agency determines that during the period after preparation of the analysis and documentation and before the adoption or incorporation—

(i) a significant change has been made to the covered project that is relevant for

purposes of environmental review of the project; or

(ii) there has been a significant circumstance or new information has emerged that is relevant to the environmental review for the covered project.

(D) COMMENTS.—If a lead agency prepares and publishes a supplemental document under subparagraph (C), the lead agency shall solicit comments from other agencies and the public on the supplemental document for a period of not more than 45 days, beginning on the date on which the supplemental document is published, unless—

(i) the lead agency, the project sponsor, and any cooperating agency agree to a longer deadline; or

(ii) the lead agency extends the deadline for good cause.

(E) NOTICE OF OUTCOME OF ENVIRONMENTAL REVIEW.—A lead agency shall issue a record of decision or finding of no significant impact, as appropriate, based on the document adopted under subparagraph (A) and any sup-

plemental document prepared under subparagraph (C).

(c) ALTERNATIVES ANALYSIS.—

(1) PARTICIPATION.—As early as practicable during the environmental review, but not later than the commencement of scoping for a project requiring the preparation of an environmental impact statement, the lead agency, in consultation with each cooperating agency, shall determine the range of reasonable alternatives to be considered for a covered project.

(2) RANGE OF ALTERNATIVES.—

(A) IN GENERAL.—Following participation under paragraph (1) and subject to subparagraph (B), the lead agency shall determine the range of reasonable alternatives for consideration in any document that the lead agency is responsible for preparing for the covered project.

(B) ALTERNATIVES REQUIRED BY LAW.—In determining the range of alternatives under subparagraph (A), the lead agency shall include all alternatives required to be considered by law.

(3) METHODOLOGIES.—

(A) IN GENERAL.—The lead agency shall determine, in collaboration with each cooperating agency at appropriate times during the en-

vironmental review, the methodologies to be used and the level of detail required in the analysis of each alternative for a covered project.

(B) ENVIRONMENTAL REVIEW.—A cooperating agency shall use the methodologies referred to in subparagraph (A) when conducting any required environmental review, to the extent consistent with existing law.

(4) PREFERRED ALTERNATIVE.—With the concurrence of the cooperating agencies with jurisdiction under Federal law and at the discretion of the lead agency, the preferred alternative for a project, after being identified, may be developed to a higher level of detail than other alternatives to facilitate the development of mitigation measures or concurrent compliance with other applicable laws if the lead agency determines that the development of the higher level of detail will not prevent—

(A) the lead agency from making an impartial decision as to whether to accept another alternative that is being considered in the environmental review; and

(B) the public from commenting on the preferred and other alternatives.

(d) ENVIRONMENTAL REVIEW COMMENTS.—

(1) COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT.—For comments by an agency or the public on a draft environmental impact statement, the lead agency shall establish a comment period of not less than 45 days and not more than 60 days after the date on which a notice announcing availability of the environmental impact statement is published in the Federal Register, unless—

(A) the lead agency, the project sponsor, and any cooperating agency agree to a longer deadline; or

(B) the lead agency, in consultation with each cooperating agency, extends the deadline for good cause.

(2) OTHER REVIEW AND COMMENT PERIODS.—For all other review or comment periods in the environmental review process described in parts 1500 through 1508 of title 40, Code of Federal Regulations (or successor regulations), the lead agency shall establish a comment period of not more than 45 days after the date on which the materials on which comment is requested are made available, unless—

(A) the lead agency, the project sponsor, and any cooperating agency agree to a longer deadline; or

(B) the lead agency extends the deadline for good cause.

(e) ISSUE IDENTIFICATION AND RESOLUTION.—

(1) COOPERATION.—The lead agency and each cooperating and participating agency shall work cooperatively in accordance with this section to identify and resolve issues that could delay completion of an environmental review or an authorization required for the project under applicable law or result in the denial of any approval under applicable law.

(2) LEAD AGENCY RESPONSIBILITIES.—

(A) IN GENERAL.—The lead agency shall make information available to each cooperating and participating agency and project sponsor as early as practicable in the environmental review regarding the environmental, historic, and socioeconomic resources located within the project area and the general locations of the alternatives under consideration.

(B) SOURCES OF INFORMATION.—The information described in subparagraph (A) may be based on existing data sources, including geographic information systems mapping.

(3) COOPERATING AND PARTICIPATING AGENCY RESPONSIBILITIES.—Each cooperating and participating agency shall—

(A) identify, as early as practicable, any issues of concern regarding any potential environmental impacts of the covered project, including any issues that could substantially delay or prevent an agency from completing any environmental review or authorization required for the project; and

(B) communicate any issues described in subparagraph (A) to the project sponsor.

(f) CATEGORIES OF PROJECTS.—The authorities granted under this section may be exercised for an individual covered project or a category of covered projects.

SEC. 61006. DELEGATED STATE PERMITTING PROGRAMS.

(a) IN GENERAL.—If a Federal statute permits a Federal agency to delegate to or otherwise authorize a State to issue or otherwise administer a permit program in lieu of the Federal agency, the Federal agency with authority to carry out the statute shall—

(1) on publication by the Council of best practices under section 61002(c)(2)(B), initiate a national process, with public participation, to determine whether and the extent to which any of the best prac-

tices are generally applicable on a delegation- or authorization-wide basis to permitting under the statute; and

(2) not later than 2 years after the date of enactment of this Act, make model recommendations for State modifications of the applicable permit program to reflect the best practices described in section 61002(c)(2)(B), as appropriate.

(b) BEST PRACTICES.—Lead and cooperating agencies may share with State, tribal, and local authorities best practices involved in review of covered projects and invite input from State, tribal, and local authorities regarding best practices.

SEC. 61007. LITIGATION, JUDICIAL REVIEW, AND SAVINGS PROVISION.

(a) LIMITATIONS ON CLAIMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of any authorization issued by a Federal agency for a covered project shall be barred unless—

(A) the action is filed not later than 2 years after the date of publication in the Federal Register of the final record of decision or approval or denial of a permit, unless a shorter time is

specified in the Federal law under which judicial review is allowed; and

(B) in the case of an action pertaining to an environmental review conducted under NEPA—

(i) the action is filed by a party that submitted a comment during the environmental review or a party that lacked a reasonable opportunity to submit a comment; and

(ii) a party filed a sufficiently detailed comment so as to put the lead agency on notice of the issue on which the party seeks judicial review.

(2) NEW INFORMATION.—

(A) IN GENERAL.—The head of a lead agency or participating agency shall consider new information received after the close of a comment period if the information satisfies the requirements under regulations implementing NEPA.

(B) SEPARATE ACTION.—If Federal law requires the preparation of a supplemental environmental impact statement or other supplemental environmental document, the preparation of such document shall be considered a separate

final agency action and the deadline for filing a claim for judicial review of the agency action shall be 2 years after the date on which a notice announcing the final agency action is published in the Federal Register, unless a shorter time is specified in the Federal law under which judicial review is allowed.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection creates a right to judicial review or places any limit on filing a claim that a person has violated the terms of an authorization.

(b) PRELIMINARY INJUNCTIVE RELIEF.—In addition to considering any other applicable equitable factors, in any action seeking a temporary restraining order or preliminary injunction against an agency or a project sponsor in connection with review or authorization of a covered project, the court shall—

(1) consider the effects on public health, safety, and the environment, the potential for significant job losses, and other economic harm resulting from an order or injunction; and

(2) not presume that the harms described in paragraph (1) are reparable.

(c) JUDICIAL REVIEW.—Except as provided in subsection (a), nothing in this title affects the reviewability of

any final Federal agency action in a court of competent jurisdiction.

(d) SAVINGS CLAUSE.—Nothing in this title—

(1) supersedes, amends, or modifies any Federal statute or affects the responsibility of any Federal officer to comply with or enforce any statute; or

(2) creates a presumption that a covered project will be approved or favorably reviewed by any agency.

(e) LIMITATIONS.—Nothing in this section preempts, limits, or interferes with—

(1) any practice of seeking, considering, or responding to public comment; or

(2) any power, jurisdiction, responsibility, or authority that a Federal, State, or local governmental agency, metropolitan planning organization, Indian tribe, or project sponsor has with respect to carrying out a project or any other provisions of law applicable to any project, plan, or program.

SEC. 61008. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than April 15 of each year for 10 years beginning on the date of enactment of this Act, the Executive Director shall submit to Congress a report detailing the progress accomplished under this title during the previous fiscal year.

(b) CONTENTS.—The report described in subsection (a) shall assess the performance of each participating agency and lead agency based on the best practices described in section 61002(c)(2)(B).

(c) OPPORTUNITY TO INCLUDE COMMENTS.—Each councilmember, with input from the respective agency CERPO, shall have the opportunity to include comments concerning the performance of the agency in the report described in subsection (a).

SEC. 61009. FUNDING FOR GOVERNANCE, OVERSIGHT, AND PROCESSING OF ENVIRONMENTAL REVIEWS AND PERMITS.

(a) IN GENERAL.—The heads of agencies listed in section 61002(b)(2)(B), with the guidance of the Director of the Office of Management and Budget and in consultation with the Executive Director, may, after public notice and opportunity for comment, issue regulations establishing a fee structure for project proponents to reimburse the United States for reasonable costs incurred in conducting environmental reviews and authorizations for covered projects.

(b) REASONABLE COSTS.—As used in this section, the term "reasonable costs" shall include costs to implement the requirements and authorities required under sections 61002 and 61003, including the costs to agencies and the costs of operating the Council.

(c) FEE STRUCTURE.—The fee structure established under subsection (a) shall—

(1) be developed in consultation with affected project proponents, industries, and other stakeholders;

(2) exclude parties for which the fee would impose an undue financial burden or is otherwise determined to be inappropriate; and

(3) be established in a manner that ensures that the aggregate amount of fees collected for a fiscal year is estimated not to exceed 20 percent of the total estimated costs for the fiscal year for the resources allocated for the conduct of the environmental reviews and authorizations covered by this title, as determined by the Director of the Office of Management and Budget.

(d) ENVIRONMENTAL REVIEW AND PERMITTING IMPROVEMENT FUND.—

(1) IN GENERAL.—All amounts collected pursuant to this section shall be deposited into a separate fund in the Treasury of the United States to be known as the "Environmental Review Improvement Fund" (referred to in this section as the "Fund").

(2) AVAILABILITY.—Amounts in the Fund shall be available to the Executive Director, without appropriation or fiscal year limitation, solely for the pur-

poses of administering, implementing, and enforcing this title, including the expenses of the Council.

(3) TRANSFER.—The Executive Director, with the approval of the Director of the Office of Management and Budget, may transfer amounts in the Fund to other agencies to facilitate timely and efficient environmental reviews and authorizations for proposed covered projects.

(e) EFFECT ON PERMITTING.—The regulations adopted pursuant to subsection (a) shall ensure that the use of funds accepted under subsection (d) will not impact impartial decision-making with respect to environmental reviews or authorizations, either substantively or procedurally.

(f) TRANSFER OF APPROPRIATED FUNDS.—

(1) IN GENERAL.—The heads of agencies listed in section 61002(b)(2)(B) shall have the authority to transfer, in accordance with section 1535 of title 31, United States Code, funds appropriated to those agencies and not otherwise obligated to other affected Federal agencies for the purpose of implementing the provisions of this title.

(2) LIMITATION.—Appropriations under title 23, United States Code and appropriations for the civil works program of the Army Corps of Engineers shall not be available for transfer under paragraph (1).

SEC. 61010. APPLICATION.

This title applies to any covered project for which—

(1) a notice is filed under section 61003(a)(1); or

(2) an application or other request for a Federal authorization is pending before a Federal agency 90 days after the date of enactment of this Act.

SEC. 61011. GAO REPORT.

Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that includes an analysis of whether the provisions of this title could be adapted to streamline the Federal permitting process for smaller projects that are not covered projects.

TITLE LXII—ADDITIONAL PROVISIONS

SEC. 62001. HIRE MORE HEROES.

(a) SHORT TITLE.—This section may be cited as the "Hire More Heroes Act of 2015".

(b) EMPLOYEES WITH HEALTH COVERAGE UNDER TRICARE OR THE VETERANS ADMINISTRATION NOT TAKEN INTO ACCOUNT IN DETERMINING EMPLOYERS TO WHICH THE EMPLOYER MANDATE APPLIES UNDER PATIENT PROTECTION AND AFFORDABLE CARE ACT.—Section 4980H(c)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(F) EXEMPTION FOR HEALTH COVERAGE UNDER TRICARE OR THE VETERANS ADMINISTRATION.—Solely for purposes of determining whether an employer is an applicable large employer under this paragraph for any month, an individual shall not be taken into account as an employee for such month if such individual has medical coverage for such month under—

"(i) chapter 55 of title 10, United States Code, including coverage under the TRICARE program, or

"(ii) under a health care program under chapter 17 or 18 of title 38, United States Code, as determined by the Secretary of Veterans Affairs, in coordination with the Secretary of Health and Human Services and the Secretary.".

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall apply to months beginning after December 31, 2013.

DIVISION G—SURFACE TRANSPORTATION EXTENSION

SEC. 70001. SHORT TITLE.

This division may cited as the "Surface Transportation Extension Act of 2015".

TITLE LXXI—EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS

SEC. 71001. EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS.

(a) IN GENERAL.—Section 1001 of the Highway and Transportation Funding Act of 2014 (Public Law 113–159; 128 Stat. 1840; 129 Stat. 219) is amended—

(1) in subsection (a), by striking "July 31, 2015" and inserting "September 30, 2015";

(2) in subsection (b)(1)—

(A) by striking "July 31, 2015" and inserting "September 30, 2015"; and

(B) by striking "304/365" and inserting "365/365"; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "July 31, 2015" and inserting "September 30, 2015"; and

(ii) by striking "304/365" and inserting "365/365"; and

(B) in paragraph (2)(B), by striking "by this subsection".

(b) OBLIGATION CEILING.—Section 1102 of MAP–21 (23 U.S.C. 104 note; Public Law 112–141) is amended—

(1) in subsection (a)(3)—

(A) by striking "$33,528,284,932" and inserting "$40,256,000,000"; and

(B) by striking "July 31, 2015" and inserting "September 30, 2015";

(2) in subsection (b)(12)—

(A) by striking "July 31, 2015" and inserting "September 30, 2015"; and

(B) by striking "304/365" and inserting "365/365";

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "July 31, 2015" and inserting "September 30, 2015"; and

(B) in paragraph (2)—

(i) by striking "July 31, 2015" and inserting "September 30, 2015"; and

(ii) by striking "304/365" and inserting "365/365"; and

(4) in subsection (f)(1), in the matter preceding subparagraph (A), by striking "July 31, 2015" and inserting "September 30, 2015".

(c) TRIBAL HIGH PRIORITY PROJECTS PROGRAM.—Section 1123(h)(1) of MAP–21 (23 U.S.C. 202 note; Public Law 112–141) is amended—

(1) by striking "$24,986,301" and inserting "$30,000,000"; and

(2) by striking "July 31, 2015" and inserting "September 30, 2015".

SEC. 71002. ADMINISTRATIVE EXPENSES.

(a) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1002(a) of the Highway and Transportation Funding Act of 2014 (Public Law 113–159; 128 Stat. 1842; 129 Stat. 220) is amended—

(1) by striking "$366,465,753" and inserting "$440,000,000"; and

(2) by striking "July 31, 2015" and inserting "September 30, 2015".

(b) CONTRACT AUTHORITY.—Section 1002(b)(2) of the Highway and Transportation Funding Act of 2014 (Public Law 113–159; 128 Stat. 1842; 129 Stat. 220) is amended by striking "July 31, 2015" and inserting "September 30, 2015".

TITLE LXXII—TEMPORARY EXTENSION OF PUBLIC TRANSPORTATION PROGRAMS

SEC. 72001. FORMULA GRANTS FOR RURAL AREAS.

Section 5311(c)(1) of title 49, United States Code, is amended—

(1) in subparagraph (A), by striking "ending before" and all that follows through "July 31, 2015,"; and

(2) in subparagraph (B), by striking "ending before" and all that follows through "July 31, 2015,".

SEC. 72002. APPORTIONMENT OF APPROPRIATIONS FOR FORMULA GRANTS.

Section 5336(h)(1) of title 49, United States Code, is amended by striking "before October 1, 2014" and all that follows through "July 31, 2015," and inserting "before October 1, 2015".

SEC. 72003. AUTHORIZATIONS FOR PUBLIC TRANSPORTATION.

(a) FORMULA GRANTS.—Section 5338(a) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking "for fiscal year 2014" and all that follows and inserting "for fiscal year 2014, and $8,595,000,000 for fiscal year 2015.";

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "$107,274,521 for the period beginning on October 1, 2014, and ending on July 31, 2015," and inserting "$128,800,000 for fiscal year 2015";

(B) in subparagraph (B), by striking "2013 and 2014 and $8,328,767 for the period begin-

ning on October 1, 2014, and ending on July 31, 2015," and inserting "2013, 2014, and 2015";

(C) in subparagraph (C), by striking "$3,713,505,753 for the period beginning on October 1, 2014, and ending on July 31, 2015," and inserting "$4,458,650,000 for fiscal year 2015";

(D) in subparagraph (D), by striking "$215,132,055 for the period beginning on October 1, 2014, and ending on July 31, 2015," and inserting "$258,300,000 for fiscal year 2015";

(E) in subparagraph (E)—

(i) by striking "$506,222,466 for the period beginning on October 1, 2014, and ending on July 31, 2015," and inserting "$607,800,000 for fiscal year 2015";

(ii) by striking "$24,986,301 for the period beginning on October 1, 2014, and ending on July 31, 2015," and inserting "$30,000,000 for fiscal year 2015"; and

(iii) by striking "$16,657,534 for the period beginning on October 1, 2014, and ending on July 31, 2015," and inserting "$20,000,000 for fiscal year 2015";

(F) in subparagraph (F), by striking "2013 and 2014 and $2,498,630 for the period beginning on October 1, 2014, and ending on July 31, 2015," and inserting "2013, 2014, and 2015";

(G) in subparagraph (G), by striking "2013 and 2014 and $4,164,384 for the period beginning on October 1, 2014, and ending on July 31, 2015," and inserting "2013, 2014, and 2015";

(H) in subparagraph (H), by striking "2013 and 2014 and $3,206,575 for the period beginning on October 1, 2014, and ending on July 31, 2015," and inserting "2013, 2014, and 2015";

(I) in subparagraph (I), by striking "$1,803,927,671 for the period beginning on October 1, 2014, and ending on July 31, 2015," and inserting "$2,165,900,000 for fiscal year 2015";

(J) in subparagraph (J), by striking "$356,304,658 for the period beginning on October 1, 2014, and ending on July 31, 2015," and inserting "$427,800,000 for fiscal year 2015"; and

(K) in subparagraph (K), by striking "$438,009,863 for the period beginning on Octo-

ber 1, 2014, and ending on July 31, 2015," and inserting "$525,900,000 for fiscal year 2015".

(b) RESEARCH, DEVELOPMENT DEMONSTRATION AND DEPLOYMENT PROJECTS.—Section 5338(b) of title 49, United States Code, is amended by striking "$58,301,370 for the period beginning on October 1, 2014, and ending on July 31, 2015" and inserting "$70,000,000 for fiscal year 2015".

(c) TRANSIT COOPERATIVE RESEARCH PROGRAM.—Section 5338(c) of title 49, United States Code, is amended by striking "$5,830,137 for the period beginning on October 1, 2014, and ending on July 31, 2015" and inserting "$7,000,000 for fiscal year 2015".

(d) TECHNICAL ASSISTANCE AND STANDARDS DEVELOPMENT.—Section 5338(d) of title 49, United States Code, is amended by striking "$5,830,137 for the period beginning on October 1, 2014, and ending on July 31, 2015" and inserting "$7,000,000 for fiscal year 2015".

(e) HUMAN RESOURCES AND TRAINING.—Section 5338(e) of title 49, United States Code, is amended by striking "$4,164,384 for the period beginning on October 1, 2014, and ending on July 31, 2015" and inserting "$5,000,000 for fiscal year 2015".

(f) CAPITAL INVESTMENT GRANTS.—Section 5338(g) of title 49, United States Code, is amended by striking

"$1,558,295,890 for the period beginning on October 1, 2014, and ending on July 31, 2015" and inserting "$1,907,000,000 for fiscal year 2015".

(g) ADMINISTRATION.—Section 5338(h) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking "$86,619,178 for the period beginning on October 1, 2014, and ending on July 31, 2015" and inserting "$104,000,000 for fiscal year 2015";

(2) in paragraph (2), by striking "2013 and 2014 and not less than $4,164,384 for the period beginning on October 1, 2014, and ending on July 31, 2015," and inserting "2013, 2014, and 2015"; and

(3) in paragraph (3), by striking "2013 and 2014 and not less than $832,877 for the period beginning on October 1, 2014, and ending on July 31, 2015," and inserting "2013, 2014, and 2015".

SEC. 72004. BUS AND BUS FACILITIES FORMULA GRANTS.

Section 5339(d)(1) of title 49, United States Code, is amended—

(1) by striking "2013 and 2014 and $54,553,425 for the period beginning on October 1, 2014, and ending on July 31, 2015," and inserting "2013, 2014, and 2015";

(2) by striking "and $1,041,096 for such period";

and

(3) by striking "and $416,438 for such period".

TITLE LXXIII—EXTENSION OF HIGHWAY SAFETY PROGRAMS

Subtitle A—Extension of Highway Safety Programs

SEC. 73101. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.

(a) EXTENSION OF PROGRAMS.—

(1) HIGHWAY SAFETY PROGRAMS.—Section 31101(a)(1)(C) of MAP–21 (126 Stat. 733) is amended to read as follows:

"(C) $235,000,000 for fiscal year 2015.".

(2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 31101(a)(2)(C) of MAP–21 (126 Stat. 733) is amended to read as follows:

"(C) $113,500,000 for fiscal year 2015.".

(3) NATIONAL PRIORITY SAFETY PROGRAMS.—Section 31101(a)(3)(C) of MAP–21 (126 Stat. 733) is amended to read as follows:

"(C) $272,000,000 for fiscal year 2015.".

(4) NATIONAL DRIVER REGISTER.—Section 31101(a)(4)(C) of MAP–21 (126 Stat. 733) is amended to read as follows:

"(C) $5,000,000 for fiscal year 2015.".

(5) HIGH VISIBILITY ENFORCEMENT PROGRAM.—

(A) AUTHORIZATION OF APPROPRIATIONS.—Section 31101(a)(5)(C) of MAP–21 (126 Stat. 733) is amended to read as follows:

"(C) $29,000,000 for fiscal year 2015.".

(B) LAW ENFORCEMENT CAMPAIGNS.—Section 2009(a) of SAFETEA–LU (23 U.S.C. 402 note) is amended—

(i) in the first sentence, by striking "and 2014 and in the period beginning on October 1, 2014, and ending on July 31, 2015" and inserting "through 2015"; and

(ii) in the second sentence, by striking "and 2014 and in the period beginning on October 1, 2014, and ending on July 31, 2015," and inserting "through 2015".

(6) ADMINISTRATIVE EXPENSES.—Section 31101(a)(6)(C) of MAP–21 (126 Stat. 733) is amended to read as follows:

"(C) $25,500,000 for fiscal year 2015.".

(b) COOPERATIVE RESEARCH AND EVALUATION.—Section 403(f)(1) of title 23, United States Code, is amended by striking "under subsection 402(c) in each fiscal year ending before October 1, 2014, and $2,082,192 of the total amount available for apportionment to the States for highway safety programs under section 402(c) in the period beginning on October 1, 2014, and ending on July 31, 2015," and inserting "under section 402(c) in each fiscal year ending before October 1, 2015,".

(c) APPLICABILITY OF TITLE 23.—Section 31101(c) of MAP–21 (126 Stat. 733) is amended by striking "fiscal years 2013 and 2014 and for the period beginning on October 1, 2014, and ending on July 31, 2015," and inserting "each of fiscal years 2013 through 2015".

SEC. 73102. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAMS.

(a) MOTOR CARRIER SAFETY GRANTS.—Section 31104(a)(10) of title 49, United States Code, is amended to read as follows:

"(10) $218,000,000 for fiscal year 2015.".

(b) ADMINISTRATIVE EXPENSES.—Section 31104(i)(1)(J) of title 49, United States Code, is amended to read as follows:

"(J) $259,000,000 for fiscal year 2015.".

(c) GRANT PROGRAMS.—

(1) COMMERCIAL DRIVER'S LICENSE PROGRAM IMPROVEMENT GRANTS.—Section 4101(c)(1) of SAFETEA–LU (119 Stat. 1715) is amended by striking "each of fiscal years 2013 and 2014 and $24,986,301 for the period beginning on October 1, 2014, and ending on July 31, 2015" and inserting "each of fiscal years 2013 through 2015".

(2) BORDER ENFORCEMENT GRANTS.—Section 4101(c)(2) of SAFETEA–LU (119 Stat. 1715) is amended by striking "each of fiscal years 2013 and 2014 and $26,652,055 for the period beginning on October 1, 2014, and ending on July 31, 2015" and inserting "each of fiscal years 2013 through 2015".

(3) PERFORMANCE AND REGISTRATION INFORMATION SYSTEM MANAGEMENT GRANT PROGRAM.—Section 4101(c)(3) of SAFETEA–LU (119 Stat. 1715) is amended by striking "each of fiscal years 2013 and 2014 and $4,164,384 for the period beginning on October 1, 2014, and ending on July 31, 2015" and inserting "each of fiscal years 2013 through 2015".

(4) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT PROGRAM.—Section 4101(c)(4) of SAFETEA–LU (119 Stat. 1715) is amended by striking "each of fiscal years 2013 and 2014 and $20,821,918 for the period beginning on Oc-

tober 1, 2014, and ending on July 31, 2015" and inserting "each of fiscal years 2013 through 2015".

(5) SAFETY DATA IMPROVEMENT GRANTS.—Section 4101(c)(5) of SAFETEA–LU (119 Stat. 1715) is amended by striking "each of fiscal years 2013 and 2014 and $2,498,630 for the period beginning on October 1, 2014, and ending on July 31, 2015" and inserting "each of fiscal years 2013 through 2015".

(d) HIGH-PRIORITY ACTIVITIES.—Section 31104(k)(2) of title 49, United States Code, is amended by striking "each of fiscal years 2006 through 2014 and up to $12,493,151 for the period beginning on October 1, 2014, and ending on July 31, 2015," and inserting "each of fiscal years 2006 through 2015".

(e) NEW ENTRANT AUDITS.—Section 31144(g)(5)(B) of title 49, United States Code, is amended by striking "per fiscal year and up to $26,652,055 for the period beginning on October 1, 2014, and ending on July 31, 2015," and inserting "per fiscal year".

(f) OUTREACH AND EDUCATION.—Section 4127(e) of SAFETEA–LU (119 Stat. 1741) is amended by striking "each of fiscal years 2013 and 2014 and $3,331,507 to the Federal Motor Carrier Safety Administration for the period beginning on October 1, 2014, and ending on July 31,

2015," and inserting "each of fiscal years 2013 through 2015".

(g) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134(c) of SAFETEA–LU (49 U.S.C. 31301 note) is amended by striking "each of fiscal years 2005 through 2014 and $832,877 for the period beginning on October 1, 2014, and ending on July 31, 2015" and inserting "each of fiscal years 2005 through 2015".

SEC. 73103. DINGELL-JOHNSON SPORT FISH RESTORATION ACT.

Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a), in the matter preceding paragraph (1) by striking "each fiscal year through 2014 and for the period beginning on October 1, 2014, and ending on July 31, 2015," and inserting "each fiscal year through 2015"; and

(2) in subsection (b)(1)(A) by striking "for each fiscal year ending before October 1, 2014, and for the period beginning on October 1, 2014, and ending on July 31, 2015," and inserting "for each fiscal year ending before October 1, 2015".

Subtitle B—Hazardous Materials

SEC. 73201. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 5128(a)(3) of title 49, United States Code, is amended to read as follows:

"(3) $42,762,000 for fiscal year 2015.".

(b) HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.—Section 5128(b)(2) of title 49, United States Code, is amended to read as follows:

"(2) FISCAL YEAR 2015.—From the Hazardous Materials Emergency Preparedness Fund established under section 5116(i), the Secretary may expend during fiscal year 2015—

"(A) $188,000 to carry out section 5115;

"(B) $21,800,000 to carry out subsections (a) and (b) of section 5116, of which not less than $13,650,000 shall be available to carry out section 5116(b);

"(C) $150,000 to carry out section 5116(f);

"(D) $625,000 to publish and distribute the Emergency Response Guidebook under section 5116(i)(3); and

"(E) $1,000,000 to carry out section 5116(j).".

(c) HAZARDOUS MATERIALS TRAINING GRANTS.—Section 5128(c) of title 49, United States Code, is amended

by striking "each of fiscal years 2013 and 2014 and $3,331,507 for the period beginning on October 1, 2014, and ending on July 31, 2015," and inserting "each of fiscal years 2013 through 2015".

TITLE LXXIV—REVENUE PROVISIONS

SEC. 74001. EXTENSION OF TRUST FUND EXPENDITURE AUTHORITY.

(a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(1) by striking "August 1, 2015" in subsections (b)(6)(B), (c)(1), and (e)(3) and inserting "October 1, 2015", and

(2) by striking "Highway and Transportation Funding Act of 2015" in subsections (c)(1) and (e)(3) and inserting "Surface Transportation Extension Act of 2015".

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—Section 9504 of the Internal Revenue Code of 1986 is amended—

(1) by striking "Highway and Transportation Funding Act of 2015" each place it appears in subsection (b)(2) and inserting "Surface Transportation Extension Act of 2015", and

(2) by striking "August 1, 2015" in subsection (d)(2) and inserting "October 1, 2015".

(c) LEAKING UNDERGROUND STORAGE TANK TRUST FUND.—Paragraph (2) of section 9508(e) of the Internal Revenue Code of 1986 is amended by striking "August 1, 2015" and inserting "October 1, 2015".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 1, 2015.

DIVISION H—BUDGETARY EFFECTS

SEC. 80001. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 80002. MAINTENANCE OF HIGHWAY TRUST FUND CASH BALANCE.

(a) DEFINITIONS.—In this section:

(1) HIGHWAY ACCOUNT.—The term "Highway Account" has the meaning given the term in section 9503(e)(5)(B) of the Internal Revenue Code of 1986.

(2) HIGHWAY TRUST FUND.—The term "Highway Trust Fund" means the Highway Trust Fund established by section 9503(a) of the Internal Revenue Code of 1986.

(3) MASS TRANSIT ACCOUNT.—The term "Mass Transit Account" means the Mass Transit Account established by section 9503(e)(1) of the Internal Revenue Code of 1986.

(b) RESTRICTION ON OBLIGATIONS.—If the Secretary, in consultation with the Secretary of the Treasury, determines under the test or reevaluation described under subsection (c) or (d) that the projected cash balances of either the Highway Account or the Mass Transit Account of the Highway Trust Fund will fall below the levels described in subparagraph (A) or (B) of subsection (c)(2) at any time during the fiscal year for which that determination applies, the Secretary shall not approve any obligation of funds authorized out of the Highway Account or the Mass Transit Account of the Highway Trust Fund during that fiscal year.

(c) CASH BALANCE TEST.—On July 15 prior to the beginning of each of fiscal years 2019 through 2021, the Secretary, in consultation with the Secretary of the Treasury, shall—

(1) based on data available for the midsession review described under section 1106 of title 31, United States Code, estimate the projected cash balances of the Highway Account and the Mass Transit Account of the Highway Trust Fund for the upcoming fiscal year; and

(2) determine if those cash balances—

(A) are projected to fall below the amount of $4,000,000,000 at any time during that upcoming fiscal year in the Highway Account of the Highway Trust Fund; or

(B) are projected to fall below the amount of $1,000,000,000 at any time during that upcoming fiscal year in the Mass Transit Account of the Highway Trust Fund.

(d) REEVALUATION.—The Secretary shall conduct the test described under subsection (c) again during a respective fiscal year—

(1) if a law is enacted that provides additional revenues, deposits, or transfers to the Highway Trust Fund; or

(2) when the President submits to Congress under section 1105(a) of title 31, United States Code, updated outlay estimates or revenue projections related to the Highway Trust Fund.

(e) NOTIFICATION.—Not later than 15 days after a determination is made under subsection (c) or (d), the Secretary shall provide notification of the determination to—

(1) the Committee on Environment and Public Works of the Senate;

(2) the Committee on Transportation and Infrastructure of the House of Representatives;

(3) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(4) the Committee on Commerce, Science, and Transportation of the Senate; and

(5) State transportation departments and designated recipients.

(f) EXCEPTIONS.—Notwithstanding subsection (b), the Secretary shall approve obligations in every fiscal year for—

(1) administrative expenses of the Federal Highway Administration, including any administrative expenses funded under—

(A) section 104(a) of title 23, United States Code;

(B) the tribal transportation program under section 202(a)(6), of title 23, United States Code;

(C) the Federal lands transportation program under section 203 of title 23, United States Code; and

(D) chapter 6 of title 23, United States Code;

(2) funds for the national highway performance program under section 119 of title 23, United States Code, that are exempt from the limitation on obligations;

(3) the emergency relief program under section 125 of title 23, United States Code;

(4) the administrative expenses of the National Highway Traffic Safety Administration in carrying out chapter 4 of title 23, United States Code;

(5) the highway safety programs under section 402 of title 23, United States Code, and national priority safety programs under section 405 of title 23, United States Code;

(6) the high visibility enforcement program under section 2009 of SAFETEA–LU (23 U.S.C. 402 note; Public Law 109–59);

(7) the highway safety research and development program under section 403 of title 23, United States Code;

(8) the national driver register under chapter 303 of title 49, United States Code;

(9) the motor carrier safety assistance program under section 31102 of title 49, United States Code;

(10) the administrative expenses of the Federal Motor Carrier Safety Administration under section 31110 of title 49, United States Code; and

(11) the administrative expenses of the Federal Transit Administration funded under section 5338(h) of title 49, United States Code, to carry out section 5329 of title 49, United States Code.

SEC. 80003. PROHIBITION ON RESCISSIONS OF CERTAIN CONTRACT AUTHORITY.

For purposes of the enforcement of a point of order established under the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.), the determination of levels under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) or the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 931 et seq.), and the enforcement of a point of order established under or the determination of levels under a concurrent resolution on the budget, the rescission of contract authority that is provided under this Act or an amendment made by this Act for fiscal year 2019, 2020, or 2021 shall not be counted.

DIVISION I—EXPORT-IMPORT BANK OF THE UNITED STATES

SEC. 90001. SHORT TITLE.

This division may be cited as the "Export-Import Bank Reform and Reauthorization Act of 2015".

TITLE XCI—TAXPAYER PROTECTION PROVISIONS AND INCREASED ACCOUNTABILITY

SEC. 91001. REDUCTION IN AUTHORIZED AMOUNT OF OUTSTANDING LOANS, GUARANTEES, AND INSURANCE.

Section 6(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

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

"(2) APPLICABLE AMOUNT DEFINED.—In this subsection, the term 'applicable amount', for each of fiscal years 2015 through 2019, means $135,000,000,000.

"(3) FREEZING OF LENDING CAP IF DEFAULT RATE IS 2 PERCENT OR MORE.—If the rate calculated under section 8(g)(1) is 2 percent or more for a quarter, the Bank may not exceed the amount of loans,

guarantees, and insurance outstanding on the last day of that quarter until the rate calculated under section 8(g)(1) is less than 2 percent.".

SEC. 91002. INCREASE IN LOSS RESERVES.

(a) IN GENERAL.—Section 6 of the Export-Import Bank Act of 1945 (12 U.S.C. 635e) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b) RESERVE REQUIREMENT.—The Bank shall build to and hold in reserve, to protect against future losses, an amount that is not less than 5 percent of the aggregate amount of disbursed and outstanding loans, guarantees, and insurance of the Bank.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 91003. REVIEW OF FRAUD CONTROLS.

Section 17(b) of the Export-Import Bank Reauthorization Act of 2012 (12 U.S.C. 635a–6(b)) is amended to read as follows:

"(b) REVIEW OF FRAUD CONTROLS.—Not later than 4 years after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, and every

4 years thereafter, the Comptroller General of the United States shall—

"(1) review the adequacy of the design and effectiveness of the controls used by the Export-Import Bank of the United States to prevent, detect, and investigate fraudulent applications for loans and guarantees and the compliance by the Bank with the controls, including by auditing a sample of Bank transactions; and

"(2) submit a written report regarding the findings of the review and providing such recommendations with respect to the controls described in paragraph (1) as the Comptroller General deems appropriate to—

"(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate; and

"(B) the Committee on Financial Services and the Committee on Appropriations of the House of Representatives.".

SEC. 91004. OFFICE OF ETHICS.

Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a) is amended by adding at the end the following:

"(k) OFFICE OF ETHICS.—

"(1) ESTABLISHMENT.—There is established an Office of Ethics within the Bank, which shall oversee all ethics issues within the Bank.

"(2) HEAD OF OFFICE.—

"(A) IN GENERAL.—The head of the Office of Ethics shall be the Chief Ethics Officer, who shall report to the Board of Directors.

"(B) APPOINTMENT.—Not later than 180 days after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, the Chief Ethics Officer shall be—

"(i) appointed by the President of the Bank from among persons—

"(I) with a background in law who have experience in the fields of law and ethics; and

"(II) who are not serving in a position requiring appointment by the President of the United States before being appointed to be Chief Ethics Officer; and

"(ii) approved by the Board.

"(C) DESIGNATED AGENCY ETHICS OFFICIAL.—The Chief Ethics Officer shall serve as the designated agency ethics official for the Bank

pursuant to the Ethics in Government Act of 1978 (5 U.S.C. App. 101 et seq.).

"(3) DUTIES.—The Office of Ethics has jurisdiction over all employees of, and ethics matters relating to, the Bank. With respect to employees of the Bank, the Office of Ethics shall—

"(A) recommend administrative actions to establish or enforce standards of official conduct;

"(B) refer to the Office of the Inspector General of the Bank alleged violations of—

"(i) the standards of ethical conduct applicable to employees of the Bank under parts 2635 and 6201 of title 5, Code of Federal Regulations;

"(ii) the standards of ethical conduct established by the Chief Ethics Officer; and

"(iii) any other laws, rules, or regulations governing the performance of official duties or the discharge of official responsibilities that are applicable to employees of the Bank;

"(C) report to appropriate Federal or State authorities substantial evidence of a violation of any law applicable to the performance of official

duties that may have been disclosed to the Office of Ethics; and

"(D) render advisory opinions regarding the propriety of any current or proposed conduct of an employee or contractor of the Bank, and issue general guidance on such matters as necessary.".

SEC. 91005. CHIEF RISK OFFICER.

Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a), as amended by section 91004, is further amended by adding at the end the following:

"(l) CHIEF RISK OFFICER.—

"(1) IN GENERAL.—There shall be a Chief Risk Officer of the Bank, who shall—

"(A) oversee all issues relating to risk within the Bank; and

"(B) report to the President of the Bank.

"(2) APPOINTMENT.—Not later than 180 days after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, the Chief Risk Officer shall be—

"(A) appointed by the President of the Bank from among persons—

"(i) with a demonstrated ability in the general management of, and knowledge of

and extensive practical experience in, financial risk evaluation practices in large governmental or business entities; and

"(ii) who are not serving in a position requiring appointment by the President of the United States before being appointed to be Chief Risk Officer; and

"(B) approved by the Board.

"(3) DUTIES.—The duties of the Chief Risk Officer are—

"(A) to be responsible for all matters related to managing and mitigating all risk to which the Bank is exposed, including the programs and operations of the Bank;

"(B) to establish policies and processes for risk oversight, the monitoring of management compliance with risk limits, and the management of risk exposures and risk controls across the Bank;

"(C) to be responsible for the planning and execution of all Bank risk management activities, including policies, reporting, and systems to achieve strategic risk objectives;

"(D) to develop an integrated risk management program that includes identifying,

prioritizing, measuring, monitoring, and managing internal control and operating risks and other identified risks;

"(E) to ensure that the process for risk assessment and underwriting for individual transactions considers how each such transaction considers the effect of the transaction on the concentration of exposure in the overall portfolio of the Bank, taking into account fees, collateralization, and historic default rates; and

"(F) to review the adequacy of the use by the Bank of qualitative metrics to assess the risk of default under various scenarios.".

SEC. 91006. RISK MANAGEMENT COMMITTEE.

(a) IN GENERAL.—Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a), as amended by sections 91004 and 91005, is further amended by adding at the end the following:

"(m) RISK MANAGEMENT COMMITTEE.—

"(1) ESTABLISHMENT.—There is established a management committee to be known as the 'Risk Management Committee'.

"(2) MEMBERSHIP.—The membership of the Risk Management Committee shall be the members of the

Board of Directors, with the President and First Vice President of the Bank serving as ex officio members.

"(3) DUTIES.—The duties of the Risk Management Committee shall be—

"(A) to oversee, in conjunction with the Office of the Chief Financial Officer of the Bank—

"(i) periodic stress testing on the entire Bank portfolio, reflecting different market, industry, and macroeconomic scenarios, and consistent with common practices of commercial and multilateral development banks; and

"(ii) the monitoring of industry, geographic, and obligor exposure levels; and

"(B) to review all required reports on the default rate of the Bank before submission to Congress under section 8(g).".

(b) TERMINATION OF AUDIT COMMITTEE.—Not later than 180 days after the date of the enactment of this Act, the Board of Directors of the Export-Import Bank of the United States shall revise the bylaws of the Bank to terminate the Audit Committee established by section 7 of the bylaws.

SEC. 91007. INDEPENDENT AUDIT OF BANK PORTFOLIO.

(a) AUDIT.—The Inspector General of the Export-Import Bank of the United States shall conduct an audit or evaluation of the portfolio risk management procedures of the Bank, including a review of the implementation by the Bank of the duties assigned to the Chief Risk Officer under section 3(l) of the Export-Import Bank Act of 1945, as amended by section 91005.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, and not less frequently than every 3 years thereafter, the Inspector General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a written report containing all findings and determinations made in carrying out subsection (a).

SEC. 91008. PILOT PROGRAM FOR REINSURANCE.

(a) IN GENERAL.—Notwithstanding any provision of the Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.), the Export-Import Bank of the United States (in this section referred to as the "Bank") may establish a pilot program under which the Bank may enter into contracts and other arrangements to share risks associated with the provision of guarantees, insurance, or credit, or the participation in the extension of credit, by the Bank under that Act.

(b) LIMITATIONS ON AMOUNT OF RISK-SHARING.—

(1) PER CONTRACT OR OTHER ARRANGEMENT.—The aggregate amount of liability the Bank may transfer through risk-sharing pursuant to a contract or other arrangement entered into under subsection (a) may not exceed $1,000,000,000.

(2) PER YEAR.—The aggregate amount of liability the Bank may transfer through risk-sharing during a fiscal year pursuant to contracts or other arrangements entered into under subsection (a) during that fiscal year may not exceed $10,000,000,000.

(c) ANNUAL REPORTS.—Not later than one year after the date of the enactment of this Act, and annually thereafter through 2019, the Bank shall submit to Congress a written report that contains a detailed analysis of the use of the pilot program carried out under subsection (a) during the year preceding the submission of the report.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect, impede, or revoke any authority of the Bank.

(e) TERMINATION.—The pilot program carried out under subsection (a) shall terminate on September 30, 2019.

TITLE XCII—PROMOTION OF SMALL BUSINESS EXPORTS

SEC. 92001. INCREASE IN SMALL BUSINESS LENDING REQUIREMENTS.

(a) IN GENERAL.—Section 2(b)(1)(E)(v) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)(v)) is amended by striking "20 percent" and inserting "25 percent".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal year 2016 and each fiscal year thereafter.

SEC. 92002. REPORT ON PROGRAMS FOR SMALL AND MEDIUM-SIZED BUSINESSES.

(a) IN GENERAL.—Section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635g) is amended by adding at the end the following:

"(k) REPORT ON PROGRAMS FOR SMALL AND MEDIUM-SIZED BUSINESSES.—The Bank shall include in its annual report to Congress under subsection (a) a report on the programs of the Bank for United States businesses with less than $250,000,000 in annual sales.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to the report of the Export-Import Bank of the United States submitted to Congress under section 8 of the Export-Import Bank Act of

1945 (12 U.S.C. 635g) for the first year that begins after the date of the enactment of this Act.

TITLE XCIII—MODERNIZATION OF OPERATIONS

SEC. 93001. ELECTRONIC PAYMENTS AND DOCUMENTS.

Section 2(b)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)) is amended by adding at the end the following:

"(M) Not later than 2 years after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, the Bank shall implement policies—

"(i) to accept electronic documents with respect to transactions whenever possible, including copies of bills of lading, certifications, and compliance documents, in such manner so as not to undermine any potential civil or criminal enforcement related to the transactions; and

"(ii) to accept electronic payments in all of its programs.".

SEC. 93002. REAUTHORIZATION OF INFORMATION TECHNOLOGY UPDATING.

Section 3(j) of the Export-Import Act of 1945 (12 U.S.C. 635a(j)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking "2012, 2013, and 2014" and inserting "2015 through 2019";

(2) in paragraph (2)(B), by striking "(I) the funds" and inserting "(i) the funds"; and

(3) in paragraph (3), by striking "2012, 2013, and 2014" and inserting "2015 through 2019".

TITLE XCIV—GENERAL PROVISIONS

SEC. 94001. EXTENSION OF AUTHORITY.

(a) IN GENERAL.—Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking "2014" and inserting "2019".

(b) DUAL-USE EXPORTS.—Section 1(c) of Public Law 103–428 (12 U.S.C. 635 note) is amended by striking "September 30, 2014" and inserting "the date on which the authority of the Export-Import Bank of the United States expires under section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f)".

(c) SUB-SAHARAN AFRICA ADVISORY COMMITTEE.—Section 2(b)(9)(B)(iii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(B)(iii)) is amended by striking "September 30, 2014" and inserting "the date on which the authority of the Bank expires under section 7".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of the date of the enactment of this Act or June 30, 2015.

SEC. 94002. CERTAIN UPDATED LOAN TERMS AND AMOUNTS.

(a) LOAN TERMS FOR MEDIUM-TERM FINANCING.—Section 2(a)(2)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(a)(2)(A)) is amended—

(1) in clause (i), by striking "; and" and inserting a semicolon; and

(2) by adding at the end the following:

"(iii) with principal amounts of not more than $25,000,000; and".

(b) COMPETITIVE OPPORTUNITIES RELATING TO INSURANCE.—Section 2(d)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(d)(2)) is amended by striking "$10,000,000" and inserting "$25,000,000".

(c) EXPORT AMOUNTS FOR SMALL BUSINESS LOANS.—Section 3(g)(3) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(g)(3)) is amended by striking "$10,000,000" and inserting "$25,000,000".

(d) CONSIDERATION OF ENVIRONMENTAL EFFECTS.—Section 11(a)(1)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–5(a)(1)(A)) is amended by striking "$10,000,000 or more" and inserting the following:

"$25,000,000 (or, if less than $25,000,000, the threshold established pursuant to international agreements, including the Common Approaches for Officially Supported Export Credits and Environmental and Social Due Diligence, as adopted by the Organisation for Economic Co-operation and Development Council on June 28, 2012, and the risk-management framework adopted by financial institutions for determining, assessing, and managing environmental and social risk in projects (commonly referred to as the 'Equator Principles')) or more".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2016 and each fiscal year thereafter.

TITLE XCV—OTHER MATTERS

SEC. 95001. PROHIBITION ON DISCRIMINATION BASED ON INDUSTRY.

Section 2 of the Export-Import Bank Act of 1945 (6 U.S.C. 635 et seq.) is amended by adding at the end the following:

"(k) PROHIBITION ON DISCRIMINATION BASED ON INDUSTRY.—

"(1) IN GENERAL.—Except as provided in this Act, the Bank may not—

"(A) deny an application for financing based solely on the industry, sector, or business that the application concerns; or

"(B) promulgate or implement policies that discriminate against an application based solely on the industry, sector, or business that the application concerns.

"(2) APPLICABILITY.—The prohibitions under paragraph (1) apply only to applications for financing by the Bank for projects concerning the exploration, development, production, or export of energy sources and the generation or transmission of electrical power, or combined heat and power, regardless of the energy source involved.".

SEC. 95002. NEGOTIATIONS TO END EXPORT CREDIT FINANCING.

(a) IN GENERAL.—Section 11 of the Export-Import Bank Reauthorization Act of 2012 (12 U.S.C. 635a–5) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "Secretary of the Treasury (in this section referred to as the 'Secretary')" and inserting "President"; and

(B) in paragraph (1)—

(i) by striking "(OECD)" and inserting "(in this section referred to as the 'OECD')"; and

(ii) by striking "ultimate goal of eliminating" and inserting "possible goal of eliminating, before the date that is 10 years after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015,";

(2) in subsection (b), by striking "Secretary" each place it appears and inserting "President"; and

(3) by adding at the end the following:

"(c) REPORT ON STRATEGY.—Not later than 180 days after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, the President shall submit to Congress a proposal, and a strategy for achieving the proposal, that the United States Government will pursue with other major exporting countries, including OECD members and non-OECD members, to eliminate over a period of not more than 10 years subsidized export-financing programs, tied aid, export credits, and all other forms of government-supported export subsidies.

"(d) NEGOTIATIONS WITH NON-OECD MEMBERS.—The President shall initiate and pursue negotiations with countries that are not OECD members to bring those coun-

tries into a multilateral agreement establishing rules and limitations on officially supported export credits.

''(e) ANNUAL REPORTS ON PROGRESS OF NEGOTIATIONS.—Not later than 180 days after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, and annually thereafter through calendar year 2019, the President shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the progress of any negotiations described in subsection (d).''.

(b) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) of subsection (a) shall apply with respect to reports required to be submitted under section 11(b) of the Export-Import Bank Reauthorization Act of 2012 (12 U.S.C. 635a–5(b)) after the date of the enactment of this Act.

SEC. 95003. STUDY OF FINANCING FOR INFORMATION AND COMMUNICATIONS TECHNOLOGY SYSTEMS.

(a) ANALYSIS OF INFORMATION AND COMMUNICATIONS TECHNOLOGY INDUSTRY USE OF BANK PRODUCTS.—The Export-Import Bank of the United States (in this section referred to as the ''Bank'') shall conduct a study of the extent to which the products offered by the Bank are available

and used by companies that export information and communications technology services and related goods.

(b) ELEMENTS.—In conducting the study required by subsection (a), the Bank shall examine the following:

(1) The number of jobs in the United States that are supported by the export of information and communications technology services and related goods, and the degree to which access to financing will increase exports of such services and related goods.

(2) The reduction in the financing by the Bank of exports of information and communications technology services from 2003 through 2014.

(3) The activities of foreign export credit agencies to facilitate the export of information and communications technology services and related goods.

(4) Specific proposals for how the Bank could provide additional financing for the exportation of information and communications technology services and related goods through risk-sharing with other export credit agencies and other third parties.

(5) Proposals for new products the Bank could offer to provide financing for exports of information and communications technology services and related goods, including—

(A) the extent to which the Bank is authorized to offer new products;

(B) the extent to which the Bank would need additional authority to offer new products to meet the needs of the information and communications technology industry;

(C) specific proposals for changes in law that would enable the Bank to provide increased financing for exports of information and communications technology services and related goods in compliance with the credit and risk standards of the Bank;

(D) specific proposals that would enable the Bank to provide increased outreach to the information and communications technology industry about the products the Bank offers; and

(E) specific proposals for changes in law that would enable the Bank to provide the financing to build information and communications technology infrastructure, in compliance with the credit and risk standards of the Bank, to allow for market access opportunities for United States information and communications technology companies to provide services on the infrastructure being financed by the Bank.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Bank shall submit to Congress a report that contains the results of the study required by subsection (a).

Amend the title so as to read: ''An Act to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.''.

Attest:

Secretary.

114TH CONGRESS
1ST SESSION

H.R. 22

AMENDMENTS