December 1, 2015

CONGRESSIONAL RECORD — HOUSE

H8679

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:
Mr. ROGERS of Alabama. Mr. Speaker, on rollcall No. 648 I was off the floor meeting with an Air Force General when this vote was called. By the time I reached the floor to vote, the table.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2016

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4127) to authorize appropriations for fiscal year 2016 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, on which a recorded vote has been ordered.

The Clerk read the title of the bill.

Mr. CONyers changed his vote from “aye” to “no.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Conference report and statement on the bill (H.R. 22) to authorize

Mr. SHUSTER submitted the following conference report and statement on the bill (H.R. 22) to authorize
funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes:

CONFERENCE REPORT (TO ACCOMPANY H.R. 22)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the committee of the House to the amendment of the Senate to the bill (H.R. 22), to authorize funds for Federal-aid highways, highway safety programs, and transmit programs, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Fixing America’s Surface Transportation Act" or the "FAST Act".

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

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December 1, 2015

CONGRESSIONAL RECORD—HOUSE
(1) DEPARTMENT.—The term “Department” means the Department of Transportation.

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

SEC. 1002. RECONCILIATION OF FUNDS.

The Secretary shall reduce the amount apportioned or allocated for a program, project, or activity under titles I through VI of this Act in fiscal year 2016 by amounts apportioned or allocated pursuant to section 213 of the Act, including the amendments made by that extension Act, during the period beginning on October 1, 2015, and ending on the date of enactment of this Act. For purposes of making such reductions, funds set aside pursuant to section 133(h) of title 23, United States Code, as amended by this Act, shall be reduced by the amount set aside pursuant to section 213 of that title, as in effect on the date before the date of enactment of this Act.

SEC. 1003. EFFECTIVE DATE.

Except as otherwise provided, this division, including the amendments made by this division, takes effect on October 1, 2015.

SEC. 1004. REFERENCES.

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

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

SEC. 1001. AUTHORIZATION OF APPROPRIATIONS.

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

(i) $335,000,000 for fiscal year 2016;
(ii) $345,000,000 for fiscal year 2017;
(iii) $355,000,000 for fiscal year 2018;
(iv) $365,000,000 for fiscal year 2019; and
(v) $375,000,000 for fiscal year 2020.

(b) FINDINGS.—Congress finds that:

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

(aa) $268,000,000 for fiscal year 2016;
(bb) $276,000,000 for fiscal year 2017;
(cc) $284,000,000 for fiscal year 2018;
(dd) $292,000,000 for fiscal year 2019; and
(EE) $300,000,000 for fiscal year 2020.

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

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

(aa) $15,000,000 for fiscal year 2016;
(bb) $16,000,000 for fiscal year 2017;
(cc) $17,000,000 for fiscal year 2018; and
(dd) $18,000,000 for fiscal year 2019; and

(Ee) $19,000,000 for fiscal year 2020.

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

(i) $230,000,000 for fiscal year 2016;
(ii) $250,000,000 for fiscal year 2017;
(iii) $270,000,000 for fiscal year 2018; and
(iv) $275,000,000 for fiscal year 2019.

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

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

(A) $800,000,000 for fiscal year 2016;
(B) $850,000,000 for fiscal year 2017;
(C) $900,000,000 for fiscal year 2018;
(D) $950,000,000 for fiscal year 2019; and
(E) $1,000,000,000 for fiscal year 2020.

(f) 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 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 submitted to the Congressional Budget Office, reports of discrimination by and against 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) demonstrates 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 that 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 economically disadvantaged individual or individuals that have average annual gross receipts

(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 that 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 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 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 amount made available for any program under titles I, II, III, and VI 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.

(A) 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 (3) in the State, including the location of the small business concerns and any other information the Secretary may require; 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.

(B) Uniform certification.—(A) In general.—The Secretary shall establish uniform criteria for use by State governments in certifying whether a concern qualifies as a small business concern for the purpose of this section.

(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) surveys of stock ownership;

(v) listings of equipment;

(vi) analyses of bonding capacity;

(vii) listing 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.

(C) The amount credited to the program shall be determined by the Secretary after 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) 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 section limits the eligibility of an individual or entity to receive funds made available under titles I, II, III, and VI of this Act and section 403 of title 23, United States Code, if the eligibility or person is prevented, in whole or in part, from complying with paragraph (3) because a Federal court issues a final order in which the court finds that a requirement or the implementation of paragraph (3) is unconstitutional.

(8) Sense of Congress on prompt payment of due subcontractors.—It is the sense of Congress—

(A) the Secretary should take additional steps to ensure that recipients comply with section 26.29 of title 49, Code of Federal Regulations (the ‘‘Federal-aid highway and highway safety construction programs prompt payment rule’’), or any corresponding regulation, in awarding federally funded transportation contracts under laws and regulations administered by the Secretary; and

(B) such additional steps should include increasing the Department’s ability to track and keep records of all obligations to make that information publicly available.

SEC. 1102. OBLIGATION CEILING.

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

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

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

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

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

(5) $46,349,530,000 for fiscal year 2020.

(b) Exception.—The obligations authorized 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); and

(4) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1992 (96 Stat. 2119);

(5) subsections (b) and (j) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 158);

(6) sections 120 through 128 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2072);

(7) section 157 of title 23, United States Code (as in effect on June 8, 1996);

(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) Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century (112 Stat. 165); or

(10) section 5 of title I, Rural Surface Transportation Efficiency Act—LU (23 U.S.C. 118 note; 119 Stat. 1248), to the extent that funds obligated in accordance with that section were subject to a limitation on obligations at the time at which the obligations were initially made available for obligation;

(11) 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

(c) Distribution of obligation authority.—For each of fiscal years 2016 through 2020, 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; and

(B) 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;

(3) keep records of complaints and to make that information publicly available.

(4) Reporting.—The Secretary shall establish minimum uniform criteria for use by State governments in certifying whether a concern qualifies as an eligible entity for purposes of section 1102 of this Act and title 23, United States Code, or apportioned by the Secretary under sections 202 or 204 of that title, by multiple—

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

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

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

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

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

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(B) the total of the amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, or to each State for the fiscal year;
(f) DISTRIBUTION 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 2020, 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 are authorized to be appropriated for the fiscal year for Federal-aid highway programs; and
(2) 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 and expenditure beyond the fiscal year by any person or entity.

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

(2) TOTAL AMOUNT.—The total amount set aside for the national highway freight program for all States shall be—
(i) $1,150,000,000 for fiscal year 2016;
(ii) $1,100,000,000 for fiscal year 2017;
(iii) $1,200,000,000 for fiscal year 2018;
(iv) $1,350,000,000 for fiscal year 2019; and
(v) $1,500,000,000 for fiscal year 2020.

(3) STATE SHARE.—For each fiscal year, the Secretary shall distribute among the States the total set-aside amount for the national highway freight program under subparagraph (B) so that each State receives the amount equal to the proportion that—
(i) the total base apportionment determined for the State under subsection (c);
(ii) the total base apportionments for all States under subsection (c);
(iii) the total amount of funds apportioned to the State to carry out section 134 for fiscal year 2009; and
(iv) the total amount of funds apportioned to the State for that fiscal year for the programs referred to in section 136(b) for which the Secretary reserved $500,000,000 for 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. 465); and
(v) in paragraph (6) (as so redesignated), in the matter preceding subparagraph (A), by striking the amount determined for the State under subsection (c);

(c) METROPOLITAN PLANNING.—Of the amount set aside under this paragraph for a State, the Secretary shall use to carry out section 134 an amount that is equal to the proportion of the set-aside amount by the following:
(i) the amount apportioned to the State to carry out section 134 for fiscal year 2009; and
(ii) the total amount of funds apportioned to the State for that fiscal year for the programs referred to in section 136(b) for which the Secretary reserved $500,000,000 for 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. 465); and

(d) IN GENERAL.—The term ‘National Highway Freight Network’ means the National Highway Freight Network established under section 167.

SEC. 1104. APPORTIONMENT.

(a) ADMINISTRATIVE EXPENSE.—Section 104(a)(1) of title 23, United States Code, is amended—
(1) by striking paragraph (29);
(2) by redesigning paragraphs (15) through (28) of paragraphs (16) through (29), respectively; and
(3) by inserting after paragraph (14) the following:
‘‘(15) NATIONAL HIGHWAY FREIGHT NETWORK.—The term ‘National Highway Freight Network’ means the National Highway Freight Network established under section 167.’’.

(b) DIVISION AMONG PROGRAMS OF STATE’S SHARE OF BASE APPORTIONMENT.—The Secretary shall distribute the amount of the base apportionment apportioned to a State for a fiscal year under subsection (c) among the national highway performance program, the surface transportation block grant program, the highway safety improvement program, the congestion mitigation and air quality improvement program, and to carry out section 134 as follows:

(1) the share for the State, which shall be equal to the proportion that—
(i) the amount apportioned to the State received for fiscal year 2015; and
(ii) the amount of apportionments received by all States for that fiscal year;

(2) the share for each State, which shall be equal to the proportion that—
(i) the amount apportioned that the State received for fiscal year 2016; and
(ii) the amount of apportionments received by all States for that fiscal year;

(3) the share of the aggregate apportionment equal to at least 50 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.

(c) BONUS AWARD.—The Secretary shall distribute to the Secretary shall award bonus funds for the surface transportation block grant 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 highway freight program under section 167, and to carry out section 134 in accordance with paragraph (1).

(1) BONUS FUND.—Section 104 of title 23, United States Code, is amended by adding at the end the following:
‘‘(B) BONUS FUND.—Funds reserved under subparagraph (A) and apportioned to a State under subsection (c) shall be treated as if apportioned under subsection (b)(1), and shall be in addition to amounts apportioned under that subsection.’’.

(2) SUPPLEMENTAL FUNDS.—For fiscal year 2017, the Secretary may reserve $75,640,000 for any purpose described in section 133(b) of title 23, United States Code.

SEC. 1103. DEFINITIONS.

Section 112–141; 126 Stat. 405).’’; and

(b) DIVISION AMONG PROGRAMS OF STATE’S SHARE OF BASE APPORTIONMENT.—The Secretary shall distribute the amount of the base apportionment apportioned to a State for a fiscal year under subsection (c) among the national highway performance program, the surface transportation block grant program, the highway safety improvement program, the congestion mitigation and air quality improvement program, and to carry out section 134 as follows:

(1) the combined amount authorized for appropriation for the national highway performance program under section 119, the surface transportation block grant 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 highway freight program under section 167, and to carry out section 134; minus

(2) supplement funds reserved under subsection (b)(5) of section 133 for the national highway performance program and the surface transportation block grant program.

(1) the amount apportioned that the State received for fiscal year 2015; and
(ii) the amount of apportionments received by all States for that fiscal year;

(2) the share for each State, which shall be equal to the proportion that—
(i) the amount apportioned to the State received for fiscal year 2016; and
(ii) the amount of apportionments received by all States for that fiscal year;

(3) the share of the aggregate apportionment equal to at least 50 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.

(4) the amount apportioned that the State received for fiscal year 2016; and
(ii) the amount of apportionments received by all States for that fiscal year;

(1) the amount apportioned to the State to carry out section 134 for fiscal year 2009; and
(ii) the total amount of funds apportioned to the State for that fiscal year for the programs referred to in section 136(b) for which the Secretary reserved $500,000,000 for 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. 465); and

(2) by redesigning paragraphs (15) through (28) of paragraphs (16) through (29), respectively; and
(3) by inserting after paragraph (14) the following:
‘‘(15) NATIONAL HIGHWAY FREIGHT NETWORK.—The term ‘National Highway Freight Network’ means the National Highway Freight Network established under section 167.’’.

(b) DIVISION AMONG PROGRAMS OF STATE’S SHARE OF BASE APPORTIONMENT.—The Secretary shall distribute the amount of the base apportionment apportioned to a State for a fiscal year under subsection (c) among the national highway performance program, the surface transportation block grant program, the highway safety improvement program, the congestion mitigation and air quality improvement program, and to carry out section 134 as follows:

(1) the base apportionment;
(ii) the share for each State, which shall be equal to the proportion that—
(i) the amount apportioned to the State received for fiscal year 2015;

(2) the share for each State, which shall be equal to the proportion that—
(i) the amount apportioned to the State received for fiscal year 2016;

(3) the share of the aggregate apportionment equal to at least 50 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.

(4) the amount apportioned that the State received for fiscal year 2016; and
(ii) the amount of apportionments received by all States for that fiscal year;

(2) the share for each State, which shall be equal to the proportion that—
(i) the amount apportioned to the State received for fiscal year 2016; and
(ii) the amount of apportionments received by all States for that fiscal year; minus

(3) the share of the aggregate apportionment equal to at least 50 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.
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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 (6) of section 104(b)”.
(6) Section 505(a)(1) of title 23, United States Code, is amended in the matter preceding para-

graph (a) (1) by striking “through (4)” and insert-

ing “through (5)”.
SEC. 110. NATIONALLY SIGNIFICANT FREIGHT AND HIGHWAY PROJECTS.
(a) In General.—Title 23, United States Code, is amended by inserting after section 116 the fol-

lowing:
§ 117. Nationally significant freight and highway projects.
(“a) ESTABLISHMENT.—
(1) IN GENERAL.—There is established a na-
tionally significant freight and highway projects program to provide financial assistance for projects of national or regional significance.
(2) GOALS.—The goals of the program shall be to—
(A) improve the safety, efficiency, and reliability of the movement of freight and people;
(B) generate national or regional economic benefits and an increase in the global economic competitiveness of the United States;
(C) reduce highway congestion and bottlenecks;
(D) improve connectivity between modes of freight transportation;
(E) enhance the resiliency of critical highway infrastructure and help protect the environ-

ment;
(F) improve roadways vital to national en-
ergy security; and
(G) address the impact of population growth on the movement of people and freight.
(b) GRANT AUTHORITY.—
(1) IN GENERAL.—In carrying out the pro-

gram established in subsection (a), the Secretary may make grants, to a competitive basis, in ac-

cordance with this section.
(2) GRANT AMOUNT.—Except as otherwise

provided, each grant made under this section shall be in an amount that is at least $25,000,000.
(c) ELIGIBLE APPLICANTS.—
(1) IN GENERAL.—The Secretary may make a grant under this section to the following:
(A) A State or a group of States.
(B) A metropolitan planning organization that serves an urbanized area (as defined by the Bureau of the Census) with a population of more than 200,000 individuals.
(C) A unit of local government or a group of local governments.
(D) A political subdivision of a State or local government.
(E) A special purpose district or public au-

thority with a transportation function, includ-

ing a port authority.
(F) A Federal land management agency that applies jointly with a State or group of States.
(G) A tribal government or a consortium of tribal governments.
(H) A multistate or multijurisdictional group of entities described in this paragraph.
(2) ELIGIBILITY.—To be eligible for a grant under this section, an entity specified in para-

graph (1) shall submit to the Secretary an applic-

ation in such form, at such time, and con-

taining such information as the Secretary deter-

mines is appropriate.
(d) ELIGIBLE PROJECTS.—
(1) IN GENERAL.—As provided in sub-

section (c), the Secretary may make a grant under this section only for a project that—
(A) is—
(i) a highway freight project carried out on the National Highway Freight Network estab-

lished under section 167;
(ii) a highway or bridge project carried out on the Interstate System;
(iii) a project to add capacity to the Interstate System to improve mobility; or
(iv) a project in a national scenic area; or
(v) a freight project that is—
(A) a freight intermodal or freight rail project;
(B) within the boundaries of a public or pri-

vate freight rail, water (including ports), or intermodal facility and that is a surface trans-

portation infrastructure project necessary to fa-

cilitate direct intermodal interchange, transfer,
or access into or out of the facility; or

(C) a railway-highway grade crossing or grade separation project; and

(ii) has eligible project costs that are reason-

ably anticipated to equal or exceed the lesser of—

(1) $100,000,000; or

(2) in the case of a project—

(A) located in 1 State, 30 percent of the amount apportioned under this chapter to the par-
ticipating State in the most recently completed fiscal year; or

(B) located in more than 1 State, 50 percent of the amount apportioned under this chapter to the participating State with the largest apportion-

ment under this chapter in the most recently completed fiscal year.
(2) LIMITATION.—Not more than $500,000,000 of the amounts made available for grants under this section for fiscal years 2016 through 2020, in the aggregate, may be made to make grants under paragraph (1) (A)(i); and such a project may only receive a grant under this section if—

(i) the project will make a significant im-

provement to freight movements on the National Highway Freight Network; and

(ii) the Federal share of the project funds only elements of the project that provide public

benefits.
(3) EXCLUSIONS.—The limitation under sub-

paragraph (A) shall not apply to a railway-highway

grade crossing or grade separation project; and

(ii) with respect to a multimodal project, shall apply only to the non-highway portion or por-

tions of the project.
(e) SMALL PROJECTS.—
(1) IN GENERAL.—The Secretary shall reserve

10 percent of the amounts made available for grants under this section each fiscal year to make grants for projects described in subsection (d)(1)(A) that do not satisfy the minimum threshold under subsection (d)(1)(B).
(2) GRANT AMOUNT.—Each grant made under this subsection shall be in an amount that is at least $5,000,000.
(3) PROJECT SELECTION CONSIDERATIONS.—In adding, each grant made under this subsection shall—

(A) take into account the performance of the proposed project;

(B) the effect of the proposed project on mo-

bility in the State and region in which the project is located and its impacts on the environment,

including environmental review, preliminary engi-

neering and design work, and other preconstruction activities; and

(C) the Federal share of the project funds only elements of the project that provide public

benefits.
(f) ELIGIBLE PROJECT COSTS.—Grant

amounts received for a project under this section may be used for—

(1) development phase activities, including planning, feasibility analysis, revenue fore-

casting, environmental review, preliminary engi-

neering and design work, and other preconstruction activities; and

(2) construction, reconstruction, rehabilita-

tion, acquisition of real property (including land related to the project and improvements to

the land), environmental mitigation, construc-

tion contingencies, acquisition of equipment, and operational improvements directly related to improving system performance.
(g) PROJECT REQUIREMENTS.—The Secretary may select a project described under this section (other than subsection (c) for funding under this section only if the Secretary determines that—

(1) the project will generate national or re-

gional economic, mobility, or safety benefits; or

(2) the project will be cost effective;

(3) the project will contribute to the accom-

plishment of 1 or more of the national goals de-

scribed under section 150 of this title;

(4) the project is located on the results of pre-

liminary engineering;

(5) with respect to related non-Federal fi-

nancial commitments, there are stable and dependable sources of funding and financing are available to con-

struct, maintain, and operate the project; and

(6) contingency and administrative costs are avail-

able to cover unanticipated cost increases;

(7) the project cannot be easily and effi-

ciently completed without other Federal funding or financial assistance available to the project sponsor;

(8) the project is reasonably expected to begin construction not later than 18 months after the date of obligation of funds for the project.
(h) ADDITIONAL CONSIDERATIONS.—In making a grant under this section, the Secretary shall consider—

(1) utilization of nontraditional financing, innovative design and construction techniques, or innovative technologies;

(2) utilization of non-Federal contributions; and

(3) contributions to geographic diversity among grant recipients, including the need for a balance between the needs of rural and urban communities.
(i) RURAL AREAS.—
(1) IN GENERAL.—The Secretary shall reserve not less than 25 percent of the amounts made available for grants under this section, including the amounts made available under subsection (c), each fiscal year to make grants for projects located in rural areas.
(2) EXCESS FUNDING.—In any fiscal year in which qualified applications for grants under this section are made for more than the total Federal amounts re-

served under paragraph (1) to be fully utilized, the Secretary shall use the unutilized amounts to make other grants under this section.
(j) RURAL AREA DEFINED.—In this sub-

section, the term ‘rural area’ means an area that is outside an urbanized area with a popula-

tion of over 200,000.
(k) FEDERAL SHARE.—
(1) IN GENERAL.—The Federal share of the cost of a project assisted with a grant under this section may not exceed 60 percent.
(l) MAXIMUM FEDERAL INVOLVEMENT.—Fed-

eral assistance other than a grant under this section may be used to satisfy the non-Federal share of the cost of a project for which a grant is made, except that the total Federal as-

sistance provided for a project receiving a grant under this section may not exceed 80 percent of the total project cost.
(m) FEDERAL LAND MANAGEMENT AGENCIES.—
Notwithstanding any other provision of law, any Federal funds other than those made avail-

able under this title may be used to make the non-Federal share of the cost of a project carried out under this section by a Federal land management agency, as described under subsection (c)(1)(F).
(n) TREATMENT OF FREIGHT PROJECTS.—Not-

withstanding any other provision of law, a freight project carried out under this section shall be treated as if the project is located on a Federal-aid highway.
(o) TIFIA PROGRAM.—At the request of an eli-

gible applicant under this section, the Secretary 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.
(p) CONGRESSIONAL NOTIFICATION.—
(1) IN GENERAL.—At least 60 days before making a grant for a project under this section, the Secretary shall notify, in writing, the Com-

mittee on Transportation and Infrastructure of
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) CONSIDERATION.—The asset management plan of a State may include consideration of critical infrastructure 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 critical infrastructure in the State.

SEC. 1107. EMERGENCY RELIEF FOR FEDERALLY OWNED ROADS.

(a) Eligibility.—Section 117 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 ";"; and

(3) by adding at the end 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) Authorization of Appropriations.—The Secretary may make available on the Web site of the Department of Transportation 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.

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

SEC. 1108. RAILWAY-HIGHWAY GRADE CROSSINGS.

Section 130(e)(1) of title 23, United States Code, is amended by inserting after the item relating to section 116 the following:

"117. Nationally significant freight and high-speed railroads.

(o) Additional Funding Eligibility for Certain Bridges.—

(1) IN GENERAL.—

"(A) SET ASIDE.—Before making an apportionment under section 104(b)(3) for a fiscal year to a State, the Secretary, from amounts made available to carry out the highway safety improvement program under section 149 for such fiscal year, for the elimination of grade crossings of other public roads, shall make available to the State the following:

"(i) $225,000,000 for fiscal year 2016;

"(ii) $230,000,000 for fiscal year 2017;

"(iii) $235,000,000 for fiscal year 2018;

"(iv) $240,000,000 for fiscal year 2019; and

"(v) $245,000,000 for fiscal year 2020.

"(B) INSTALLATION OF PROTECTIVE DEVICES.—At least 2% of the funds set aside each fiscal year under subparagraph (A) shall be available for the installation of protective devices at railway-highway crossings.

"(C) OBSTRUCTION AVAILABILITY.—Sums set aside each fiscal year under subparagraph (A) shall be available for obligation in the same manner as funds apportioned under section 104(a)(1)

SEC. 1109. SURFACE TRANSPORTATION BLOCK GRANT PROGRAM.

(a) Findings.—Congress finds that—

(1) the high or moderate planned level of direct federal transportation block grant program accrue principally to the residents of each State and municipality where the funds are obligated;

(2) decisions on how funds should be obligated are best determined by the States and municipalities to respond to unique local circumstances and implement the most efficient solutions; and

(3) reforms of the program to promote flexibility will enhance State and local control over transportation decisions.

(b) Surface Transportation Block Grant Program.—Section 133 of title 23, United States Code, is amended—

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

"(a) Establishment.—The Secretary shall establis...
chapter 6, subsidy and administrative costs necessary to provide an eligible entity Federal credit assistance under chapter 6 with respect to a project eligible for assistance under this section.

“(1) A fiscal year.

“(2) A period of 12 months ending after the date of enactment of the FAST Act.

“(A) Obligate an amount of funds reserved under this section equal to the amount of funds apportioned to the State under section 104(b)(1) for fiscal year 2019.

“(B) Obligate an amount of funds reserved under this section equal to the amount of funds apportioned to the State under section 104(b)(2) for fiscal year 2019.

“(C) Obligate an amount of funds reserved under this section equal to the amount of funds apportioned to the State under section 104(b)(3) for fiscal year 2019.

“(D) Obligate an amount of funds reserved under this section equal to the amount of funds apportioned to the State under section 104(b)(4) for fiscal year 2019.

“(E) Obligate an amount of funds reserved under this section equal to the amount of funds apportioned to the State under section 104(b)(5) for fiscal year 2019.

“(F) Obligate an amount of funds reserved under this section equal to the amount of funds apportioned to the State under section 104(b)(6) for fiscal year 2019.

“(G) Obligate an amount of funds reserved under this section equal to the amount of funds apportioned to the State under section 104(b)(7) for fiscal year 2019.

“(H) Obligate an amount of funds reserved under this section equal to the amount of funds apportioned to the State under section 104(b)(8) for fiscal year 2019.

“(I) Obligate an amount of funds reserved under this section equal to the amount of funds apportioned to the State under section 104(b)(9) for fiscal year 2019.

“(J) Obligate an amount of funds reserved under this section equal to the amount of funds apportioned to the State under section 104(b)(10) for fiscal year 2019.

“(K) Obligate an amount of funds reserved under this section equal to the amount of funds apportioned to the State under section 104(b)(11) for fiscal year 2019.

“(L) Obligate an amount of funds reserved under this section equal to the amount of funds apportioned to the State under section 104(b)(12) for fiscal year 2019.

“(M) Obligate an amount of funds reserved under this section equal to the amount of funds apportioned to the State under section 104(b)(13) for fiscal year 2019.

“(N) Obligate an amount of funds reserved under this section equal to the amount of funds apportioned to the State under section 104(b)(14) for fiscal year 2019.

“(O) Obligate an amount of funds reserved under this section equal to the amount of funds apportioned to the State under section 104(b)(15) for fiscal year 2019.

“(P) Obligate an amount of funds reserved under this section equal to the amount of funds apportioned to the State under section 104(b)(16) for fiscal year 2019.

“(Q) Obligate an amount of funds reserved under this section equal to the amount of funds apportioned to the State under section 104(b)(17) for fiscal year 2019.

“(R) Obligate an amount of funds reserved under this section equal to the amount of funds apportioned to the State under section 104(b)(18) for fiscal year 2019.

“(S) Obligate an amount of funds reserved under this section equal to the amount of funds apportioned to the State under section 104(b)(19) for fiscal year 2019.

“(T) Obligate an amount of funds reserved under this section equal to the amount of funds apportioned to the State under section 104(b)(20) for fiscal year 2019.

“(U) Obligate an amount of funds reserved under this section equal to the amount of funds apportioned to the State under section 104(b)(21) for fiscal year 2019.

“(V) Obligate an amount of funds reserved under this section equal to the amount of funds apportioned to the State under section 104(b)(22) for fiscal year 2019.

“(W) Obligate an amount of funds reserved under this section equal to the amount of funds apportioned to the State under section 104(b)(23) for fiscal year 2019.

“(X) Obligate an amount of funds reserved under this section equal to the amount of funds apportioned to the State under section 104(b)(24) for fiscal year 2019.

“(Y) Obligate an amount of funds reserved under this section equal to the amount of funds apportioned to the State under section 104(b)(25) for fiscal year 2019.

“(Z) Obligate an amount of funds reserved under this section equal to the amount of funds apportioned to the State under section 104(b)(26) for fiscal year 2019.

“(a) 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—

“(i) the number of project applications received for each fiscal year;

“(ii) the aggregate cost of the projects for which applications are received; and

“(iii) the types of projects to be carried out, expressed as percentages of the total amount of funds apportioned to the State under this subsection; and

“(b) Technical and conforming amendments.

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

“(A) by striking ‘‘section 213’’ and inserting ‘‘section 133(h)’’; and

“(B) by striking ‘‘section 213(c)(1)(B)’’ and inserting ‘‘section 133(b)’’.

“(2) Section 211.—Section 211 of title 23, United States Code, is repealed.

“(3) Section 322.—Section 322(h)(1)(C) of title 23, United States Code, is amended by striking ‘‘surface transportation program’’ and inserting ‘‘surface transportation block grant program’’.

“(4) Section 504.—Section 504(a)(5) of title 23, United States Code, is amended—

“(A) by striking ‘‘104(b)(3)’’ and inserting ‘‘104(b)(2)’’; and

“(B) by striking ‘‘surface transportation program’’ and inserting ‘‘surface transportation block grant program’’.

“(5) Chapter 5.—Chapter 5 of title 23, United States Code, is amended by striking ‘‘surface transportation program’’ each place it appears and inserting ‘‘surface transportation block grant program’’.

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

"133. Surface transportation block grant program."

(B) CHAPTER 2.—The item relating to section 213 in the analysis for chapter 2 of title 23, United States Code, is amended by inserting the following:

(7) OTHER REFERENCES.—Any reference in any other law, regulation, document, paper, or other record of the United States to the surface transportation program under section 133 of this title, United States Code, shall be deemed to be a reference to the surface transportation block grant program under such section.

SEC. 1110. HIGHWAY USE TAX EVASION PROJECTS.

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

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

"(A) IN GENERAL.—From administrative funds made available under section 104(a), this Secretary may deduct such sums as are necessary, not to exceed $4,000,000 for each of fiscal years 2016 through 2020, to carry out this section."

(2) in paragraph (8) by inserting "[block grant]" after "surface transportation";

(3) in paragraph (9) by inserting ":", the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate, respectively.

SEC. 1111. 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 (i);

(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) ELIGIBILITY.—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 or a statewide transportation improvement program under section 139(a), as applicable;

"(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.

"(f) ITEMIZATION.—Notwithstanding any other provision of law (including regulations), a bundling of bridge projects under this subsection may be listed as—

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

"(2) a single project.

"(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.

"(6) ENGINEERING COST REIMBURSEMENT.—The provisions of section 102(b)(2) do not apply to projects carried out under this subsection.

(4) in subsection (k)(2), as redesignated by paragraph (3) of this section, by striking "104(b)(7)" and inserting "104(b)(4)".

SEC. 1112. 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), in the subsection heading, by striking "IN GENERAL." and inserting "PROGRAM."; and

(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 accordance with the following:

"(A) 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;

"(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 ferry passengers, 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 UNOB芷ERATIONED AMOUNTS.—

"(1) withdraw amounts allocated to an eligible entity under subsection (c) that remain unexpended 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 amounts 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 requirements 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 based on the most recent data available, as collected and imputed in accordance with the national ferry database established under subsection 1801(e) of SAFETEA-LU (23 U.S.C. 129) note for at least 1 ferry service withing the State.

"(B) ELIGIBILITY FOR FUNDING.—To be eligible to receive funds under subsection (c), a State with an eligible entity that meets the requirements of this section shall have 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) for at least 1 ferry service withing the State.

"(C) ADJUSTMENTS.—On review of the data submitted under paragraph (1)(B), the Secretary may make adjustments to the data as the Secretary deems 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 2020.

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

"(j) APPROPRIABILITY.—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 this section, except as determined by the Secretary to be inconsistent with this section.

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

"(A) IN GENERAL.—A State may elect not to collect or to cease collecting data for the purposes of violation of title 23, United States Code, is amended—

"(B) by striking paragraph (4)(B)—

"(5) by inserting "and" at the end of (1), and inserting "for each" after "Federal";

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

"(A) make available, from the amounts made available for each fiscal year to carry out chapter 62 of title 49, not more than $500,000 to maintain the database.

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

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

"(2) in paragraph (3)—

"(A) by striking "(5) Such ferry" and inserting "(3) The ferry"; and

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

"(A) 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:

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

"(B) No ferry boat or ferry terminal with Federal participation under this title may be leased, or otherwise disposed of, except in accordance with part 202 of title 2, Code of Federal Regulations.

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

SEC. 1113. HIGHWAY SAFETY IMPROVEMENT PROGRAM.

(a) IN GENERAL.—Section 108 of title 23, United States Code, is amended—

(1) in subsection (a) by striking "(B)—

"(2) by striking paragraph (10); and

"(3) by redesignating paragraphs (11) through (13) as paragraphs (10) through (12), respectively.

(b) NATIONAL FERRY DATABASE.—Section 1801(e)(4) of SAFETEA-LU (23 U.S.C. 129 note) 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 62 of title 49, not more than $500,000 to maintain the database."
(b) COMMERCIAL MOTOR VEHICLE SAFETY
BEST PRACTICES.—

(1) REVIEW.—The Secretary shall conduct a review of best practices with respect to the implementation of commercial motor vehicle safety infrastructure improvements that—

(A) are cost effective; and

(B) reduce the number or severity of accidents involving commercial motor vehicles.

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

(3) 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 a report describing the results of the review conducted under paragraph (1).

SEC. 1114. 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)(ii) by inserting “in the designated nonattainment area” after “air quality standard”;

(B) in paragraph (2) by inserting “or maintenance” after “likely to contribute to the attainment”;

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

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

(E) in paragraph (8)—

(i) in subparagraph (A)(ii)—

(I) in the matter preceding subclause (I) by inserting “or port-related freight operations” after “construction projects”;

(II) in subclause (I) by inserting “or chapter 53 of title 49” after “this title”;

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

(ii) in paragraph (3) by inserting “or maintaining” after “the infrastructure”; and

(F) by adding at the end the following:

“(B) is eligible under the surface transportation block grant program under section 133;”;

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

(3) in subsection (d)—

(A) by striking paragraph (1)(B) and inserting the following:

“(B) is eligible under the surface transportation block grant program under section 133;”;

(B) in paragraph (A)—

(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 nonattainment or maintenance area” after “may use for any project that”;

(ii) in clause (i) by striking “or” and inserting “and”; and

(ii) in subparagraph (B)(i) by striking “MAP–21” and inserting “MAP–21”;

(C) in paragraph (2) by inserting “in a manner consistent with an approach that was in effect on the day before the date of enactment of MAP–21,” after “the Secretary shall modify”;

(D) in paragraph (4) by striking “not later that” and inserting “not later than”;

(4) in paragraph (7) by striking “not later that” and inserting “not later than”;

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

“(I) the nonattainment or maintenance area does not have projects that are part of the emis-
“(A) is a rural principal arterial roadway and
has a minimum of 25 percent of the annual aver-
geage daily traffic of the road measured in pas-
senger vehicle equivalent units from trucks,
(Federal Highway Administration vehicle class 8 to 13); 
“(B) provides access to energy exploration, de-
velopment, installation, or production areas;
“(C) as a part of the National Highway Freight
system, a roadway described in subparagraph
(A) or (B), or the Interstate System to facilities
that handle more than—
(i) 50,000 20-foot equivalent units per year;
or
(ii) 500,000 tons per year of bulk commodities;
“(D) provides access to—
(i) a federal or state park;
or
(ii) an agricultural facility;
or
(iii) a mining facility;
or
(iv) a forestry facility;
or
(v) an intermodal facility;
“(E) connects to an international port of entry;
“(F) provides access to significant air, rail,
water, or other freight facilities in the State;
or
“(G) is, in the determination of the State,
utilizing the efficient movement of freight of
importance to the economy of the State.
“(2) LIMITATION.—A State may designate as
critical urban freight corridors a total of—
(i) a maximum of 150 miles of highway or 20 percent of the primary
highway freight system mileage in the State,
whichever is greater.
“(I) CRITICAL URBAN FREIGHT CORRIDORS.—
(1) URBANIZED AREA WITH POPULATION OF
500,000 OR MORE.—In an urbanized area with
a population of 500,000 or more individuals, the
representative metropolitan planning organiza-
tion, in consultation with the State, may des-
ignate a public road within the borders of that
area of the State as a critical urban freight cor-
dor.
“(2) URBANIZED AREA WITH 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 des-
ignate a public road within the borders of that
area of the State as a critical urban freight cor-
dor.
“(3) REQUIREMENTS FOR DESIGNATION.—A des-
ignation may be made under paragraph (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) a primary highway freight system;
(II) the Interstate System; or
(III) an intermodal freight facility;
“(ii) is a corridor of a route on the
primary highway freight system and pro-
vides an alternative highway option important
to goods movement;
“(iii) serves a major freight generator, logistic
center, or manufacturing and warehouse indus-
trial land; or
“(iv) is important to the movement of freight
within the region, as determined by the met-
ropolitan planning organization or the State.
“(4) LIMITATION.—For each State, a maximum of
15 miles of highway or 10 percent of the pri-
mary highway system mileage in the State,
whichever is greater, may be designated as a
critical urban freight corridor under para-
graphs (1) and (2).
“(5) DESIGNATION AND CERTIFICATION.—
“(1) DESIGNATION.—States and metropolitan
planning organizations may designate corridors under
this subsection (i) and inform the designated
corridors to the Administrator on a rolling basis.
“(2) CERTIFICATION.—Each State or metropoli-
itan planning organization that designates a
 corridor under subsection (e) or (f) shall certify to
the Administrator that the designated cor-
dor meets the requirements of the applicable subsection.
“(f) HIGHWAY FREIGHT TRANSPORTATION
CONDITIONS AND PERFORMANCE REPORTS.—Not later
than 2 years after the date of enactment of the
FAST Act, and biennially thereafter, the Ad-
ministrator shall prepare and submit to Con-
gress a report that describes the conditions and
performance of the National Highway Freight
Network in the United States.
“(g) USE OF APPOINTED FUNDS.—
“(1) IN GENERAL.—A State shall obligate funds ap-
pointed under section 104(b)(5) to improve the movement of freight on
the National Highway Freight Network.
“(2) FORMULAS.—The Administrator shall cal-
culate for each State the proportion that—
“(A) the total mileage in the State designated
as part of the primary highway freight system;
be 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 2 percent, the State may obligate funds ap-
nointed 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 section 104(b)(5) is less than 2 per-
cent, the State may obligate funds ap-
nointed 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 FAST Act, a State may not obligate funds ap-
nointed to the State under section 104(b)(5) unless the
State has developed a freight plan in accord-
ance with section 70202 of title 49, except that
the transportation project 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 fund-
ing under this section the project shall—
“(i) contribute to the efficient movement of
freight on the National Highway Freight Net-
work; and
“(ii) be identified in a freight investment plan
included in a freight plan of the State that is in
effect.
“(B) OTHER PROJECTS.—For each fiscal year,
a State may obligate not more than 10 percent of
the total apportionment of the State under sec-
tion 104(b)(5) for projects involving
roadway or bridge projects, including projects—
“(i) an inventory of freight bottlenecks within
the State.
“(3) ELIGIBLE PROJECTS.—Funds apportioned
by section 104(b)(5) to a State under paragraph (2) is less than 2 per-
cent is the necessary costs of—
“(A) carrying out diesel retrofit or alternative
fuel projects under section 149 under class 8 vehi-
es; and
“(B) the necessary costs of—
“(i) conducting analyses and data collection
related to the national highway freight pro-
grains;
“(ii) developing and updating performance
targets to carry out this section; and
“(iii) reporting to the Administrator to comply
with the freight performance targets under sec-
tion 134.
“(T) APPLICABILITY OF PLANNING RE-
QUIREMENTS.—Programming and expenditure of funds
for projects under this section shall be consis-
tent with the requirements of sections 134 and
135.
“(5) 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 move-
ment of the State established under section
134(b)(5) by the date that is 2 years after the
date of the establishment of the performance targets,
the State shall include in the next report sub-
mitted under section 134(c)(1) a description of
the actions the State will undertake to achieve
the targets, including
“(1) an identification of significant freight
system trends, needs, and issues within the
State; and
“(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 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) INTELLIGENT FREIGHT TRANSPORTATION SYSTEM—

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

“(A) innovative or intelligent technological transportation systems, infrastructure, or facilities, including—

“(i) in proximity to, or within, an existing right of way on a Federal-aid highway; or

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

“(B) communications or information processing systems that improve the efficiency, security, or performance of transportation on the Federal-aid highway system, including to improve the conveyance of freight on dedicated intelligent freight lanes.

“(2) OPERATING STANDARDS.—The Administrator shall determine whether there is a need for establishing operating standards for intelligent freight transportation systems.

“(I) 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.

“(J) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting the following:

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

SEC. 1117. FEDERAL LANDS AND TRIBAL TRANSPORTATION PROGRAMS.

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

‘‘(I) TRIBAL DATA COLLECTION.—In addition to the data collected under subparagraph (A), not later than 90 days after the last day of each fiscal year, any entity carrying out a project under the tribal transportation program under section 202 shall submit to the Secretary of the Interior, the Secretary of Transportation, and the Secretary of the Treasury, based on obligations and expenditures under the tribal transportation program during the preceding fiscal year, the following—

‘‘(i) the names of projects and activities carried out by the entity under the tribal transportation program during the preceding fiscal year,

‘‘(ii) the activity data collected under subparagraph (A),

‘‘(iii) the current status of the projects and activities identified under clause (i),

‘‘(iv) the number of jobs created and the number of jobs retained by the projects and activities identified under clause (i),

(b) REPORT ON TRIBAL GOVERNMENT TRANSPORTATION SAFETY DATA.—

‘‘1118. Tribal transportation program amendment

‘‘SEC. 1118. TRIBAL TRANSPORTATION PROGRAM AMENDMENT. Section 202 of title 23, United States Code, is amended—

‘‘(l) in subsection (a)(6) by striking ‘‘6 percent’’ and inserting ‘‘5 percent’’; and

‘‘(m) FUNDING.—

‘‘(A) IN GENERAL.—To carry out the activities described in this subsection, the Secretary shall provide to Federal-aid 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 use not greater than 5 percent 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 any Federal land management agencies eligible for funding under this chapter.

‘‘SEC. 1121. TRIBAL TRANSPORTATION SELF-GOVERNANCE PROGRAM.

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

‘‘§ 207. Tribal transportation self-governance program

‘‘(a) ESTABLISHMENT.—Subject to the requirements of this section, the Secretary shall establish and carry out a program to be known as the tribal transportation self-governance program. The Secretary may delegate responsibilities for administration of the program as the Secretary determines appropriate.

‘‘(b) ELIGIBILITY.—
“(1) IN GENERAL.—Subject to paragraphs (2) and (3), an Indian tribe shall be eligible to participate in the program if the Indian tribe requests participation in the program by resolution of the Tribal Council that is subject to the action by the governing body of the Indian tribe, and demonstrates, for the preceding 3 fiscal years, financial stability and financial management capability, and transportation program management capability.

“(2) CRITERIA FOR DETERMINING FINANCIAL STABILITY AND FINANCIAL MANAGEMENT CAPABILITY.—For the purposes of paragraph (1), evidence that, during the preceding 3 fiscal years, an Indian tribe had no uncorrected significant and material audit exceptions in the required annual audit of the Indian tribe’s self-determined program audits, agreements with any Federal agency shall be conclusive evidence of the required financial stability and financial management capability.

“(3) CRITERIA FOR DETERMINING TRANSPORTATION PROGRAM MANAGEMENT CAPABILITY.—The Secretary shall require an Indian tribe to demonstrate transportation program management capability, including the capability to manage and complete projects eligible under this title and projects eligible under chapter 53 of title 49 of the United States Code for the purpose of providing for the participation of the Indian tribe in the program.

“(a) FUNDING AGREEMENTS.—

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

“(2) CONTENTS.—A compact entered into under paragraph (1) shall set forth the general terms of the government-to-government relationship between the Department and the United States under the program and other terms that will continue to apply in future fiscal years.

“(3) AMENDMENTS.—A compact entered into with an eligible Indian tribe may be amended only by mutual agreement of the Indian tribe and the Secretary.

“(b) FUNDING AGREEMENT.—A funding agreement entered into with an Indian tribe shall authorize the Indian tribe, as determined by the Indian tribe, to plan, construct and maintain a project carried out using the funds and for administering and supervising the project and funds in accordance with this section during the applicable statute of limitations period related to the construction of the project.

“(c) COMPACTS.—

“(1) COMPACT REQUIRED.—Upon the request of an eligible Indian tribe, and subject to the requirements of this section, the Secretary shall negotiate and enter into a written compact with the Indian tribe for the purpose of providing for the participation of the Indian tribe in the program.

“(2) CONTENTS.—A compact entered into under paragraph (1) shall set forth the general terms of the government-to-government relationship between the Department and the United States under the program and other terms that will continue to apply in future fiscal years.

“(A) IN GENERAL.—

“(i) FORMULA FUNDING AND DISCRETIONARY GRANTS.—A funding agreement entered into with an Indian tribe shall include provisions pertaining to flexible and innovative financing if agreed upon by the parties.

“(ii) TRANSFERS OF STATE FUNDS.—

“(I) AUTHORITY TO ISSUE REGULATIONS.—The Secretary may establish the terms and conditions relating to the flexible and innovative financing provisions referred to in clause (i).

“(II) TERMS AND CONDITIONS IN ABSENCE OF REGULATIONS.—If the Secretary does not issue regulations under subsection (I), the terms and conditions relating to the flexible and innovative financing provisions referred to in clause (i) shall be consistent with—

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

“(AA) section 202(b)(1); and

“(BB) section 202(d)(5), as in effect before the date of enactment of MAP–21 (Public Law 112–141); or

“(bb) regulations of the Department of the Interior relating to flexible financing contained in part 170 of title 25, Code of Federal Regulations, as in effect on the date of enactment of the FAST Act.

“(B) TERMS.—A funding agreement shall set forth—

“(i) terms that generally identify the programs, services, functions, and activities (or portions thereof) to be performed or administered by the Indian tribe; and

“(ii) for items identified in subparagraph (A)—

“(I) the general budget category assigned; and

“(II) the funds to be provided, including those funds to be provided on a recurring basis.

“(iii) the time and method of transfer of the funds.

“(iv) the responsibilities of the Secretary and the Indian tribe; and

“(B) any other provision agreed to by the Indian tribe and the Secretary.

“(d) SUBSEQUENT FUNDING AGREEMENTS.—

“(B) EFFECTIVE DATE OF SUBSEQUENT AGREEMENT.—A funding agreement shall be retroactive to the end of the term of the preceding funding agreement.

“(e) PROVISIONS RELATING TO SECRETARY.—

“(A) IN GENERAL.—An Indian tribe may retrocede (fully or partially) to the Secretary programs, services, functions, or activities (or portions thereof) included in the applicable compact or funding agreement.

“(B) EFFECTIVE DATE OF SUBSEQUENT AGREEMENT.—

“(A) IN GENERAL.—

“(1) DECISIONMAKER.—A decision that relates to a compact or funding agreement under this section shall be made either—

“(II) the earlier of—

“(I) 1 year after the date of submission of the request; or

“(II) the date on which the funding agreement expires; or

“(I) such date as may be mutually agreed upon by the parties and, with respect to Department of Interior programs, services, functions, and activities (or portions thereof), the Secretary of the Interior; and

“(I) PROVISIONS RELATING TO SECRETARY.—

“(1) DECISIONMAKER.—A decision that relates to a compact or funding agreement under this section shall be made either—

“(A) by an official of the Department who holds a position at a higher organizational level than the Departmental official responsible for the program or function to which the compact or funding agreement relates, or

“(B) by the Secretary; and

“(C) by the Secretary, upon the request of the Indian tribe, in a manner that ensures the best interest of the Indian community being served, may—

“(i) redesign or consolidate programs, services, functions, and activities (or portions thereof) included in a funding agreement; and

“(ii) reallocate or redirect funds for such programs, services, functions, and activities (or portions thereof), if the funds are—

“(I) expended on projects identified in a transportation improvement program approved by the Secretary; and

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

“(aa) appropriations Acts; or

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

“(cc) any other applicable law.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), if, pursuant to subsection (d), an Indian tribe transfers an discretionary or competitive grant from the Secretary or receives State appropriated funds, the Indian tribe shall use the funds for the purpose for which the funds were originally authorized.

“(2) RETROCESSION.—

“(A) IN GENERAL.—

“(1) AUTHORITY OF INDIAN TRIBES.—An Indian tribe may retrocede (fully or partially) to the Secretary programs, services, functions, or activities (or portions thereof) included in the applicable compact or funding agreement.

“(2) OUT OF SUCH REMAINING FUNDS.—Following a retrocession described in clause (i), the Secretary may—

“(I) assume the remaining funding associated with the retroceded programs, services, functions, and activities (or portions thereof) included in the applicable compact or funding agreement;

“(II) out of such remaining funds, transfer funds associated with Department of Interior programs, services, functions, or activities (or portions thereof) to the Secretary of the Interior to carry out transportation services provided by the Secretary of the Interior; and

“(III) distribute funds not transferred under subclause (II) in accordance with applicable law.

“(3) CORRECTION OF PROGRAMS.—If the Secretary makes a finding under subsection (f)(2)(B) and no funds are available under subsection (f)(2)(A)(ii), the Secretary shall not be required to provide additional funds to complete or correct any programs, services, functions, or activities (or portions thereof).

“(4) EFFECTIVE DATE.—Unless the Indian tribe rescinds a request for retrocession, the retrocession shall become effective within the time frame specified by the parties in the compact or funding agreement. In the absence of such a specification, the retrocession shall become effective on—

“(I) the earlier of—

“(A) 1 year after the date of submission of the request; or

“(B) the date on which the funding agreement expires; or

“(C) such date as may be mutually agreed upon by the parties and, with respect to Department of Interior programs, services, functions, and activities (or portions thereof), the Secretary of the Interior; and

“(II) PROVISIONS RELATING TO SECRETARY.—

“(A) IN GENERAL.—
"(B) by an administrative judge.

"(2) TERMINATION OF COMPACT OR FUNDING AGREEMENT.—

"(A) AUTHORITY TO TERMINATE.—

"(1) PROVISION TO BE INCLUDED IN COMPACT OR FUNDING AGREEMENT.—A compact or funding agreement shall include a provision authorizing the Secretary, if the Secretary makes a finding described in subparagraph (B), to terminate the compact or funding agreement (or a portion thereof); and

"(2) APPLICABILITY OF INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.—Except to the extent in conflict with this section (as determined by the Secretary), the following provisions of the Indian Self-Determination and Education Assistance Act shall apply to compact and funding agreements (except that any reference to the Secretary of the Interior or the Department of Health and Human Services shall be construed to refer to the Secretary of Transportation):

"(i) APPlicability of Provisions relating to the Secre- tary.—Sections (a)(1), (g), and (h) of section 506 of such Act (25 U.S.C. 458aaa–5), relating to general provisions.

"(ii) Subsections (b) through (e) and (g) of sec- tion 527 of such Act (25 U.S.C. 458aaa–11), relating to provisions relating to the Secretary of Health and Human Services.

"(iii) Sections (a), (b), (d), (e), (g), (h), (i), and (j) of section 598 of such Act (25 U.S.C. 458aaa–7), relating to transfer of funds.

"(iv) Section 510 of such Act (25 U.S.C. 458aaa–9), relating to Federal procurement laws and regulations.

"(v) Section 511 of such Act (25 U.S.C. 458aaa–10), relating to civil actions.

"(vi) Subsections (a)(1), (a)(2), and (c) through (j) of section 512 of such Act (25 U.S.C. 458aaa–11), relating to facilitation, except that subsection (a)(1) of that section shall be construed by substituting 'transportation facilities and other facilities' for 'school buildings, hospitals, and other facilities'.

"(vii) Subsections (a) and (b) of section 515 of such Act (25 U.S.C. 458aaa–14), relating to disclaimers.

"(viii) Subsections (a) and (b) of section 516 of such Act (25 U.S.C. 458aaa–15), relating to application of title I provisions.

"(ix) Section 517 of such Act (25 U.S.C. 458aaa–17), relating to application of title I provisions.

"(x) DEFINITIONS.—

"(I) IN GENERAL.—In this section, the following terms shall apply (except as otherwise expressly provided):

"(A) COMPACT.—The term 'compact' means a compact between the Secretary and an Indian tribe entered into under subsection (b).

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

"(C) ELIGIBLE INDIAN TRIBE.—The term 'eligible Indian tribe' means an Indian tribe that is eligible to participate in the program, as determined under subsection (b).

"(D) FUNDING AGREEMENT.—The term 'funding agreement' means a funding agreement between the Secretary and an Indian tribe entered into under subsection (b).

"(E) INDIAN TRIBE.—The term 'Indian tribe' means any Indian or Native American tribe, band, nation, pueblo, village, or community that is recognized as eligible to participate in programs and services provided by the United States to Indians because of their status as Indians, in any case in which an Indian tribe has authorized another Indian tribe, an intertribal consortium, or a tribal organization to plan for or carry out programs, services, functions, or activities (or portions thereof) on its behalf or under its direction, the authorized Indian tribe, intertribal consortium, or tribal organization shall have the rights and responsibilities of the authorizing tribe (as provided in the authorizing resolution or in this title), in such event, the term 'Indian tribe' as used in this section shall include such other authorized Indian tribe, intertribal consortium, or tribal organization.

"(F) PROGRAM.—The term 'program' means the tribal transportation self-governance program established under section 504.

"(G) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.
and Education Assistance Act (25 U.S.C. 450b; 458a(aa)) apply, except as otherwise expressly provided in this section.

(ii) REQUIREMENTS.—(A) PROMULGATION.—Not later than 90 days after the date of enactment of the FAST Act, the Secretary shall promulgate rules and procedures under subchapter III of chapter 5 of title 5 to negotiate and promulgate such regulations as are necessary to carry out this section.

(b) REQUIREMENTS OF PROPOSED REGULATIONS.—Proposed regulations to implement this section shall be published in the Federal Register by the Secretary not later than 21 months after the date of enactment.

(c) EXPIRATION OF AUTHORITY.—The authority to promulgate rules and regulations under subparagraphs (A) and (B) shall expire 30 months after such date of enactment.

(3) EXTENSION OF DEADLINES.—A deadline set forth in subparagraph (B) or (C) may be extended by the Secretary, by rule, for a period not to exceed 180 days if the Secretary determines that such extension is reasonable and appropriate.

(b) ELIGIBILITY.—(1) NATIONAL HIGHWAY SYSTEM MODIFICATIONS.—Section 103(b)(3)(A) of title 23, United States Code, is amended by inserting “the national or regional transportation management plan of the State” before “and formulate.”

(c) NATIONAL HIGHWAY SYSTEM MODIFICATION CRITERIA.—(1) IN GENERAL.—Subject to paragraph (2), an eligible project under this section is one that meets the following:

(A) is consistent with the needs and priorities of the National Highway System;

(B) if applicable, is consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), except as has been demonstrated through—

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

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

(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 $50,000,000.

(d) ELIGIBLE ACTIVITIES.—(1) IN GENERAL.—Except as provided in paragraph (2), an eligible applicant receiving funds under the program may use such funds for construction, reconstruction, and rehabilitation activities. An eligible applicant may not use funds received under the program for activities related 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—

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

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

(3) needs construction, reconstruction, or rehabilitation;

(4) has costs matched by funds that are not provided under this section, with projects with a greater percentage of other sources of matching funds ranked ahead of lesser matches;

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

(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.—(1) IN GENERAL.—The Federal share of the cost of a project shall be up to 90 percent.

(2) NON-FEDERAL SHARE.—Notwithstanding any other provision of law, any Federal funds other than those made available under title 23 or title 49, United States Code, may be used to cover a share of the cost of a project carried out under this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000,000 for each of fiscal years 2016 through 2020. Such sums shall remain available for a period of 3 fiscal years following the fiscal year for which the amounts are appropriated.

Subtitle B—Planning and Performance Management

Section 1201. METROPOLITAN TRANSPORTATION PLANNING.

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“(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 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), and (C) as so redesignated by striking paragraph (5) and inserting paragraph (6).

(3) in subsection (e)(4)(B) by striking “subsection (d)(5)” and inserting “subsection (d)(6)”;

(5) in subsection (g)(3)(A) by inserting “tourism, natural disaster risk reduction,” after “economic development,”;

(6) in subsection (h)—

(A) in paragraph (1)—

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

(ii) in subparagraph (H) by striking the period at the end and inserting a semicolon;

(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 (1)—

(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 the vulnerability of the existing transportation infrastructure to natural disasters” before the period at the end; and

(iii) in subparagraph (H) by inserting “including constructing or expanding 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; and

(B) in paragraph (6)(A)—

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

(ii) by inserting “(including intercity bus operators, employer-based commuting programs, such as a carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program)” after “private providers of transportation”; and

(C) in paragraph (7), in the matter preceding subparagraph (A), by striking “and” and inserting “or”.

(8) in subsection (j)—

(A) in paragraph (1)—

(i) in subparagraph (A) by inserting “and provide”; and

(ii) by inserting “(including intercity bus operators, employer-based commuting programs, such as a carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program)” after “private providers of transportation”;

(B) in paragraph (2)—

(i) by striking “paragraph (1)” and inserting “subsection (a)”;

(ii) by inserting “public ports,” before “freight shippers”;

and

(B) by inserting “(including including intercity bus operators)” after “private providers of transportation”;

Subtitle C—Acceleration of Project Delivery

SEC. 1301. 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. 4321 et seq.) and section 106 of title 49, including implementing regulations; and

“(B) not later than 50 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. 4321 et seq.), the Secretary determines that there is no feasible or prudent alternative to avoid use of a 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; and

“(II) the Council, if the Council is participating in the consultation process under section 36610 of title 54; and

“(III) the Secretary of the Interior; and

“(III) request from the applicable preservation officer of the Council, and the Secretary of the Interior a concurrence that the determination is sufficient to satisfy 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)(f) shall be required.

(C) PUBLICATION.—A notice of a determination, together with each relevant concurrence to that determination, under subparagraph (A) shall—

(i) be included in the record of decision or finding of no significant impact of the Secretary; and

(ii) be 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 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 to prepare a finding of no significant impact under section 30610 of title 54.

(B) SATISFACTION OF CONDITIONS.—To satisfy 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 30610 of title 54.

SEC. 1302. CLARIFICATION OF TRANSPORTATION ENVIRONMENTAL AUTHORITIES.

(a) TITLE 23 AMENDMENT.—Section 138 of title 23, United States Code, as amended by section 1301, is amended by adding at the end the following:

(6) REFERENCES TO PAST TRANSPORTATION ENVIRONMENTAL AUTHORITIES.—

(1) SECTION 4(F) REQUIREMENTS.—The requirements of section 4(f) of the Department of Transportation Act (Public Law 89-570; 80 Stat. 934) as in effect before the repeal of that section.

(2) SECTION 106 REQUIREMENTS.—The requirements of section 30610 of title 54 are commonly referred to as section 106 requirements (see section 106 of the National Historic Preservation Act of 1966 (Public Law 92-641; 80 Stat. 937) as in effect before the repeal of that section).

(b) TITLE 49 AMENDMENT.—Section 303 of title 49, United States Code, as amended by section 1301, is amended by adding at the end the following:

(1) REFERENCES TO PAST TRANSPORTATION ENVIRONMENTAL AUTHORITIES.—

(1) SECTION 4(F) REQUIREMENTS.—The requirements of this section are commonly referred to as section 4(f) requirements (see section 4(f) of the Department of Transportation Act (Public Law 89-570; 80 Stat. 934) as in effect before the repeal of that section).

(2) SECTION 106 REQUIREMENTS.—The requirements of section 30610 of title 54 are commonly referred to as section 106 requirements (see section 106 of the National Historic Preservation Act of 1966 (Public Law 92-641; 80 Stat. 937) as in effect before the repeal of that section).

(c) FEDERAL LEAD AGENCY.—Section 139 of title 23, United States Code, is amended—

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

(5) MULTIModal PROJECT.—The term 'multimodal project' means a project that requires approval of the Department of Transportation operating administration or secretarial office.; and

(2) in 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 of Transportation.

(B) CONSIDERATIONS.—In determining whether a project is a project under subparagraph (A), the Secretary shall take into account, if known, any sources of Federal funding or financing identified by the project sponsor, including any discretionary grant, loan, and loan guarantee programs administered by the Department of Transportation.

(d) APPLICABILITY.—Section 139(b)(2) of title 23, United States Code, is amended—

(1) in subparagraph (A) by striking (i) by striking "initiate a rulemaking"; and

(2) by striking subparagraph (B) and inserting the following:

(B) REQUIREMENTS.—In carrying out out subparagraph (A), the Secretary shall ensure that programmatic reviews—

(i) promote transparency, including the transparency of—

(I) the analyses and data used in the environmental reviews; and

(II) the treatment of any deferred issues raised by agencies or the public; and

(III) the temporal and spatial scales to be used to analyze issues under subclauses (I) and (II).

(ii) use accurate and timely information, including through establishment of—

(I) criteria for determining the general duration of the usefulness of the review; and

(II) a timeline for updating an out-of-date review;

(iii) describe—

(I) the relationship between any programmatic analysis and future tiered analysis; and

(II) the role of the public in the creation of future tiered analysis;

(iv) are available to other relevant Federal and State agencies, Indian tribes, and the public;

(v) provide notice and public comment opportunities consistent with applicable requirements;

(vi) FEDERAL LEAD AGENCY.—Section 139(c) of title 23, United States Code, is amended—

(1) in paragraph (1)(A) by inserting 'project', and

(2) in paragraph (2)—

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

(5) MULTIModal PROJECT.—The term 'multimodal project' means a project that requires approval of the Department of Transportation operating administration or secretarial office.; and

(B) in subparagraph (B) by striking the period at the end and inserting 'project'.
to the submission not later than 45 days after the date of receipt.

(5) ENVIRONMENTAL CHECKLIST.—

(A) DEVELOPMENT.—The lead agency for a project, inclusive of any participating agencies, shall develop, as appropriate, a checklist to help project sponsors identify potential natural, cultural, and historic resources in the area of potential impacts. Such checklist shall be intended to assist the lead agency and participating agencies in identifying agencies and organizations that can provide information about natural, cultural, and historic resources;

(ii) to develop the information needed to determine the potential need for an environmental assessment under section 139(h)(5) and the applicable national environmental policy Act of 1969.

(B) PURPOSE.—The purposes of the checklist are—

(i) to identify agencies and organizations that can provide information about natural, cultural, and historic resources;

(ii) to improve interagency collaboration to help expedite the permitting process for the lead agency and participating agencies.

(IV) the applicable metropolitan planning process or State environmental review process, including guidance on the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other Federal law necessary for approval of the project;

(V) the applicable metropolitan planning organization or State or local transportation agency rejected the alternative after considering public comments;

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

(VII) the Federal lead agency participated in the environmental review process.

(6)".

(2) SINGLE NEPA DOCUMENT.—Section 139(d) of title 23, United States Code, is amended—

(A) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively, and

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

"(8) REQUIREMENTS.—The requirements under clause (1) shall—

(I) approve the request;

(II) be satisfied with an explanation of the reasons for the denial; or

(III) require the submission of additional information;

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

(IV) the lead alternative was considered in a metropolitan planning process or a State environmental review process by a metropolitan planning organization or a State or local transportation agency, as applicable, for any permit or approval under any other Federal law.

(2) in paragraph (4)—

(A) in subparagraph (A) by inserting “(I) the applicable metropolitan planning organization or State or local transportation agency rejected the alternative after considering public comments;”;

(B) in subparagraph (B)(i) by inserting “(aa) in consultation with Federal participating or cooperating agencies, that the alternative to be eliminated from consideration is not necessary for any permit or approval under any other Federal law.”;

(C) by striking paragraph (5) and inserting the following:

"(5) APPROVAL OF ALTERNATIVE.—Not later than 90 days after the date of receipt of the decision under paragraph (4), the lead agency may eliminate from detailed consideration any alternative that can provide information about natural, cultural, and historic resources in the area of potential impacts. Such determination may be made without regard to any Federal or State law.

(D) in paragraph (6)—

(A) by striking “the lead agency” and inserting “Not later than 90 days after the date of publication of a notice of intent to prepare an environmental impact statement or the initiation of an environmental assessment, the lead agency”; and

(B) by inserting at the end of paragraph (6) the following:

"(F) IN GENERAL.—For purposes of this subparagraph, the term ‘public comment’ means a written or oral communication that sets forth at least one reason why the project sponsor should not be required to consider the alternative under paragraph (5) and is made in writing or electronic format.”;

(3) ISSUE RESOLUTION.—Section 139(h)(7)(B) of title 23, United States Code, is amended—

(A) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively, and

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

"(8) ISSUE RESOLUTION.—Any issue resolved by the lead agency with the concurrence of participating agencies may not be reconsidered unless significant new information or circumstances arise.

(2) FAILURE TO ASSURE.—Section 139(h)(5)(C) of title 23, United States Code, is amended in the matter preceding subparagraph (A) by inserting “and publish on the Internet” after “House of Representatives”. 

(h) IDENTIFICATION RESOLUTION.—

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

(A) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively, and

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

"(8) ISSUE RESOLUTION.—Any issue resolved by the lead agency with the concurrence of participating agencies may not be reconsidered unless significant new information or circumstances arise.

(2) FAILURE TO ASSURE.—Section 139(h)(5)(C) of title 23, United States Code, is amended in the matter preceding subparagraph (A) by inserting “and publish on the Internet” after “House of Representatives”. 

(h) IDENTIFICATION RESOLUTION.—

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

(A) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively, and

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

"(8) ISSUE RESOLUTION.—Any issue resolved by the lead agency with the concurrence of participating agencies may not be reconsidered unless significant new information or circumstances arise.

(2) FAILURE TO ASSURE.—Section 139(h)(5)(C) of title 23, United States Code, is amended in the matter preceding subparagraph (A) by inserting “and publish on the Internet” after “House of Representatives”. 

(h) IDENTIFICATION RESOLUTION.—

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

(A) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively, and

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

"(8) ISSUE RESOLUTION.—Any issue resolved by the lead agency with the concurrence of participating agencies may not be reconsidered unless significant new information or circumstances arise.

(2) FAILURE TO ASSURE.—Section 139(h)(5)(C) of title 23, United States Code, is amended in the matter preceding subparagraph (A) by inserting “and publish on the Internet” after “House of Representatives”. 

(h) IDENTIFICATION RESOLUTION.—

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

(A) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively, and

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

"(8) ISSUE RESOLUTION.—Any issue resolved by the lead agency with the concurrence of participating agencies may not be reconsidered unless significant new information or circumstances arise.

(2) FAILURE TO ASSURE.—Section 139(h)(5)(C) of title 23, United States Code, is amended in the matter preceding subparagraph (A) by inserting “and publish on the Internet” after “House of Representatives”. 

(h) IDENTIFICATION RESOLUTION.—

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

(A) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively, and

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

"(8) ISSUE RESOLUTION.—Any issue resolved by the lead agency with the concurrence of participating agencies may not be reconsidered unless significant new information or circumstances arise.

(2) FAILURE TO ASSURE.—Section 139(h)(5)(C) of title 23, United States Code, is amended in the matter preceding subparagraph (A) by inserting “and publish on the Internet” after “House of Representatives”. 

(h) IDENTIFICATION RESOLUTION.—

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

(A) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively, and

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

"(8) ISSUE RESOLUTION.—Any issue resolved by the lead agency with the concurrence of participating agencies may not be reconsidered unless significant new information or circumstances arise.

(2) FAILURE TO ASSURE.—Section 139(h)(5)(C) of title 23, United States Code, is amended in the matter preceding subparagraph (A) by inserting “and publish on the Internet” after “House of Representatives”. 

(h) IDENTIFICATION RESOLUTION.—

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

(A) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively, and

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

"(8) ISSUE RESOLUTION.—Any issue resolved by the lead agency with the concurrence of participating agencies may not be reconsidered unless significant new information or circumstances arise.

(2) FAILURE TO ASSURE.—Section 139(h)(5)(C) of title 23, United States Code, is amended in the matter preceding subparagraph (A) by inserting “and publish on the Internet” after “House of Representatives”. 

(h) IDENTIFICATION RESOLUTION.—

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

(A) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively, and

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

"(8) ISSUE RESOLUTION.—Any issue resolved by the lead agency with the concurrence of participating agencies may not be reconsidered unless significant new information or circumstances arise.

(2) FAILURE TO ASSURE.—Section 139(h)(5)(C) of title 23, United States Code, is amended in the matter preceding subparagraph (A) by inserting “and publish on the Internet” after “House of Representatives”. 

(h) IDENTIFICATION RESOLUTION.—
schedule established pursuant to subsection (g)(1)(B).

"(1) if no schedule exists, the later of —

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

(bb) the date that is 180 days after the date on which the Federal 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 in accordance with subsection (g)(1)(D)."

"(1) AFFECTED STATE AND FEDERAL AGENCIES.—

(1) IN GENERAL.—Section 139(J) of title 23, United States Code, is amended by striking paragraph (1) and inserting the following:

"(D) AFFECTED STATE AND FEDERAL AGENCIES.—The Secretary shall encourage State and local agencies participating in the environmental review process for a project to:

(A) cite the sources, authorities, and reasons for the decision made under paragraph (1) for adoption or incorporation by reference and use a planning product that is relevant to environmental or safety concerns.

(B) ensure that the project is consistent with applicable regulations established under subsection (b)(1)."
(i) measures to avoid, minimize, and mitigate impacts at a national or regional scale of proposed transportation investments on environmental resources, including regional ecosystem and habitat requirements;

(ii) potential mitigation activities, locations, and investments.

(2) PLANNING ANALYSES.—The relevant agency and Federal authorities under any other provision of law or restriction of the initiation of the environmental review process document or other environmental law before the period at the end.

(1) IN GENERAL.—This section does not make 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 a sub-

(2) 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 a sub-

SEC. 1306. DEVELOPMENT OF PROGRAMMATIC MULTIMODEL CONSULTATION.

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

(1) by striking "may use" and inserting "shall use"; and

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

(1) (A) made the planning documents available for public review and comment by members of the general public and Federal, State, local, and tribal governments that may have an interest in the proposed project;

(2) (A) the Secretary determines that the State is not adequately carrying out the responsibilities assigned to the State;

(3) (A) by inserting after paragraph (1) the following:

(2) (B) the Secretary provides to the State—

(1) (ii) on request of the Governor of the State, a description of the responsibilities in non-adjacency identified under subparagraph (A); and

(3) when the determination or period provided under subparagraph (B), fails to take satisfactory corrective action, as determined by the Secretary, and

(4) the planning process included public not-

ice that the planning documents included public notification of the determination of the determination of noncompliance;

(5) (a) a notification of the determination of noncompliance;

(6) (a) a notification of the determination of noncompliance;

(7) (1) to assist States in developing the capacity to participate in the assignment program under this section; and

(8) (1) (i) exercise such authority on behalf of the local government for a locally administered project; or

(9) (2) provide guidance and training on consoli-
dating and minimizing the documentation and environmental analyses necessary for sponsors of a locally administered project to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any comparable requirements under State laws.

SEC. 1309. PROGRAM FOR ELIMINATING DuplicaTion OF ENVIRONMENTAL REVIEWS.

(a) PURPOSE.—The provision is to eliminate duplication of environmental reviews and approvals under State laws and the
§ 330. Program for eliminating duplication of environmental reviews

(a) Establishment.—

(1) In general.—The Secretary shall establish a program to authorize States that have assumed responsibilities of the Secretary under section 327 and are approved to participate in the program under this section to conduct environmental reviews and make approvals for projects under State environmental laws and regulations instead of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), consistent with the requirements of this section.

(2) Participating States.—The Secretary may select not more than 5 States to participate in the program.

(b) Alternative environmental review and approval procedures defined.—In this section, the term ‘alternative environmental review and approval procedures’ means—

(A) substitution of 1 or more State environmental laws for—

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

(ii) any provisions of section 129 establishing procedures for the implementation of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that are under the authority of the Secretary, as the Secretary, in consultation with the State, considers appropriate; and

(iii) related regulations and Executive orders;

(B) substitution of 1 or more State environmental regulations for—

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

(ii) any provisions of section 129 establishing procedures for the implementation of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that are under the authority of the Secretary, as the Secretary, in consultation with the State, considers appropriate; and

(iii) related regulations and Executive orders.

(c) Application.—To be eligible to participate in the program, a State shall submit to the Secretary an application containing such information as the Secretary may require, including—

(1) a full and complete description of the proposed environmental review and approval procedures of the State, including—

(A) the procedures the State uses to engage the public and consider alternatives to the proposed action (such as air, water, or species);

(B) the extent to which the State considers environmental consequences or impacts on resources potentially impacted by the proposed action (such as air, water, or species); and

(C) each Federal requirement described in subsection (a)(3) that the State is seeking to substitute;

(2) each State law or regulation that the State intends to substitute for such Federal requirement;

(3) an explanation of the basis for concluding that the State law or regulation is at least as stringent as the Federal requirement described in subsection (a)(3);

(4) a description of the projects or classes of projects the State anticipates exercising the authority that may be granted under the program;

(5) verification that the State has the financial resources necessary to carry out the authority that may be granted under the program;

(6) evidence of having sought, received, and addressed comments on the proposed application from the Secretary; and

(7) any such additional information as the Secretary, or, with respect to section (d)(1)(A), the Secretary in consultation with the Chair, may require.

(d) Review of application.—In accordance with subsection (d), the Secretary shall—

(1) require and accept public comments on an application submitted under subsection (b); and

(2) approve or disapprove the application not later than 120 days after the date of receipt of an application that the Secretary determines is complete; and

(3) transmit to the State notice of the approval or disapproval, together with a statement of the reasons for the approval or disapproval.

(e) Approval of application.—

(1) In general.—The Secretary shall approve an application submitted under subsection (b) only if—

(A) the Secretary, with the concurrence of the Chair and after considering any public comments received pursuant to subsection (c), determines that the laws and regulations of the State described in the application are at least as stringent as the Federal requirements described in subsection (a)(3); and

(B) the Secretary, after considering any public comments received pursuant to subsection (c), determines that the State has the capacity, including financial and personnel, to assume the responsibility;

(C) the State has executed an agreement with the Secretary in accordance with section 327; and

(D) the State has executed an agreement with the Secretary under this section that—

(i) has been executed by the Governor or the top-ranking transportation official in the State who is charged with responsibility for highway construction;

(ii) is in such form as the Secretary may prescribe;

(iii) provides that the State—

(I) agrees to assume the responsibilities, as identified by the Secretary, under this section;

(II) expressly consents, on behalf of the State, to accept the jurisdiction of the Federal courts under subsection (e)(1) for the compliance, discharge, and enforcement of any responsibility under this section;

(III) certifies that State laws (including regulations) are in effect that—

(aa) authorize the State to take the actions necessary to carry out the responsibilities being assumed; and

(bb) are comparable to section 522 of title 5, including provisions ensuring regarding the public availability of a document under those State laws is renewable by a court of competent jurisdiction; and

(iv) agrees to maintain the financial resources necessary to carry out the responsibilities being assumed;

(iv) requires the State to provide to the Secretary any information the Secretary reasonably considers necessary to ensure that the State is adequately carrying out the responsibilities assigned to the State;

(v) has a term of not less than 5 years; and

(vi) is renewable.

(2) Exclusion.—The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to a program under this section.

(f) Judicial review.—

(1) In general.—The United States district courts shall have exclusive jurisdiction over any civil action against a State relating to the failure of the Secretary under this section to—

(A) meet the requirements of this section; or

(B) follow the alternative environmental review and approval procedures approved pursuant to this section.

(2) Limitation on review.—

(A) In general.—Notwithstanding any other provision of law, the Secretary shall not be responsible for ensuring that any environmental review, consultation, or other action required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the Secretary, or both, meets the requirements of such Act or program.

(g) Relationship to locally administered projects.—

(1) In general.—A State with an approved program under this section, at the request of a local government, may exercise authority under the program on behalf of up to 25 local governments for locally administered projects.

(2) Scope.—For up to 25 local governments selected by a State with an approved program under this section, the Secretary shall be responsible for ensuring that any environmental review, consultation, or other action required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the Secretary, or both, meets the requirements of such Act or program.

(h) Relationship to other environmental laws.—

(1) In general.—A State with an approved program under this section shall, to the extent practicable and consistent with Federal law, other Federal agencies with authority over a project subject to this program, and, to the extent practicable, incorporate by reference documents produced by a participating State under this section to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(i) Relationship to State administrative law.—

(1) In general.—The Secretary shall publish the notice of final action in the Federal Register not later than 30 days after the date of receipt of the notice under subsection (f)(1)(E) for such action.

(2) Exclusion.—A State participating in the programs under this section and section 327, at the discretion of the State, may elect to apply the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) instead of the alternative environmental review and approval procedures of the State.

(j) Adoption or incorporation by reference of documents.—To the maximum extent practicable and consistent with Federal law, other Federal agencies with authority over a project subject to this program, and, to the extent practicable, incorporate by reference documents produced by a participating State under this section to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(k) Relationship to locally administered projects.—

(1) In general.—A State with an approved program under this section, at the request of a local government, may exercise authority under the program on behalf of up to 25 local governments for locally administered projects.

(2) Scope.—For up to 25 local governments selected by a State with an approved program under this section, the Secretary shall be responsible for ensuring that any environmental review, consultation, or other action required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the Secretary, or both, meets the requirements of such Act or program.

(l) Relationship to other environmental laws.—

(1) In general.—A State with an approved program under this section shall, to the extent practicable and consistent with Federal law, other Federal agencies with authority over a project subject to this program, and, to the extent practicable, incorporate by reference documents produced by a participating State under this section to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(m) Relationship to State administrative law.—

(1) In general.—The Secretary shall publish the notice of final action in the Federal Register not later than 30 days after the date of receipt of the notice under subsection (f)(1)(E) for such action.

(2) Exclusion.—A State participating in the programs under this section and section 327, at the discretion of the State, may elect to apply the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) instead of the alternative environmental review and approval procedures of the State.

(n) Adoption or incorporation by reference of documents.—To the maximum extent practicable and consistent with Federal law, other Federal agencies with authority over a project subject to this program, and, to the extent practicable, incorporate by reference documents produced by a participating State under this section to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(o) Relationship to locally administered projects.—

(1) In general.—A State with an approved program under this section, at the request of a local government, may exercise authority under the program on behalf of up to 25 local governments for locally administered projects.
"(4) WITHDRAWAL OF APPROVAL.—If the Secretary, in consultation with the Chair, determines at any time that a State is not administering a State program approved under this section in a manner consistent with the requirements of section 330 of title 23, United States Code, as added by this section, the Secretary shall advise the State, and if appropriate corrective action is not taken within a reasonable time, not to exceed 90 days, the Secretary shall withdraw approval of the State program.

(5) EXTENSIONS AND TERMINATIONS.—At the conclusion of the review process under paragraph (4), or at the expiration of the requirements of this section, the Secretary shall notify the State and, if appropriate, terminate the authority of a State under this section to substitute the States and regulations of the State for the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)

(6) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this section, and annually thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and to the Committee on Environment and Public Works of the Senate a report that describes the administration of the program, including—

(1) the number of States participating in the program;

(2) the number and types of projects for which each State participating in the program has used alternative environmental review and approval procedures;

(3) a description and assessment of whether implementation of the program has resulted in more efficient review of projects; and

(4) any recommendations for modifications to the program.

(7) SUNSET.—The program shall terminate 12 years after the date of enactment of this section.

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

(1) CHAIR.—The term 'Chair' means the Chair of the Council on Environmental Quality.

(2) MULTIMODAL PROJECT.—The term 'multimodal project' has the meaning given that term in title 23, United States Code.

(3) PROGRAM.—The term 'program' means the pilot program established under this section.

(4) PROJECT.—The term 'project' means—

(A) a project requiring approval under this title, chapter 3 of subtitle III of title 49, or subchapter V of title 49; and

(B) a multimodal project.

(5) RULEMAKING.—

(I) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Secretary, in consultation with the Chair of the Council on Environmental Quality, shall promulgate regulations to implement the requirements of section 330 of title 23, United States Code, as added by this section.

(II) DETERMINATION OF STRINGENCY.—As part of the rulemaking required under this subsection, the Chair shall—

(A) establish the criteria necessary to determine that a State law or regulation is at least as stringent as a Federal requirement described in section 330(a)(3) of title 23, United States Code; and

(B) ensure that the criteria, at a minimum—

(i) provide for protection of the environment; and

(ii) provide for public participation by permitting and efficient decisions, the operating administration of the Department of Transportation shall promulgate regulations of the cooperating authority for a multimodal project, a lead authority may apply categorical exclusions designated under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in implementing regulations or procedures of a cooperating authority for a proposed multimodal project, subject to the conditions that—

(A) the lead authority determines that—

(I) the project requires approval under this title, chapter 3 of subtitle III of title 49, or subchapter V of title 49; and

(ii) the project satisfies the conditions for a categorical exclusion under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to a program.

(III) the lead authority determines that—

(A) the proposed multimodal project does not individually or cumulatively have a significant impact on the environment;

(B) extraordinary circumstances do not exist that merit additional analysis and documentation in an environmental impact statement or environmental assessment required under that Act; and

(C) the incorporated material does not include proprietary data that is not available for review and comment; and

and efficient decisions, the operating administration shall promulgate regulations of the cooperating authority for a multimodal project, subject to the conditions that—

(A) the lead authority follows the implementing regulations of the cooperating authority for a proposed multimodal project, subject to the conditions that—

(i) provide for protection of the environment; and

(ii) ensure a consistent review of projects that individually or cumulatively have a significant impact on the environment; and

(G) 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.) in implementing regulations or procedures of a cooperating authority for a proposed multimodal project, subject to the conditions that—

(A) the lead authority determines that—

(I) the project requires approval under this title, chapter 3 of subtitle III of title 49, or subchapter V of title 49; and

(ii) the project satisfies the conditions for a categorical exclusion under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to a program.

(B) the lead authority follows the implementing regulations of the cooperating authority for a proposed multimodal project, subject to the conditions that—

(A) the lead authority determines that—

(I) the project requires approval under this title, chapter 3 of subtitle III of title 49, or subchapter V of title 49; and

(ii) the project satisfies the conditions for a categorical exclusion under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to a program.

(II) DETERMINATION OF STRINGENCY.—As part of the rulemaking required under this subsection, the Chair shall—

(A) establish the criteria necessary to determine that a State law or regulation is at least as stringent as a Federal requirement described in section 330(a)(3) of title 23, United States Code; and

(B) ensure that the criteria, at a minimum—

(i) provide for protection of the environment; and

(ii) provide for public participation by permitting and efficient decisions, the operating administration of the Department of Transportation shall promulgate regulations of the cooperating authority for a multimodal project, subject to the conditions that—

(A) the lead authority determines that—

(i) provide for protection of the environment; and

(ii) ensure a consistent review of projects that individually or cumulatively have a significant impact on the environment; and

(G) 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.) in implementing regulations or procedures of a cooperating authority for a proposed multimodal project, subject to the conditions that—

(A) the lead authority determines that—

(i) provide for protection of the environment; and

(ii) ensure a consistent review of projects that individually or cumulatively have a significant impact on the environment; and

"§304a. 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 do not significantly contribute to factual corrections or explanations of 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—

(I) cite the sources, authorities, and reasons that are the basis for the modification; and

(II) if applicable, indicate the circumstances that would trigger agency reappraisal or further response.

(2) SINGLE DOCUMENT.—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 that—

(I) the final environmental impact statement makes substantial changes to the proposed ac-
“(b) ACTIVITIES ELIGIBLE FOR FUNDING.—Activities for which funds may be provided under subsection (a) include transportation planning activities that precede the initiation of the environ- mental review process, activities related to the environmental review process, dedicated staffing, training of agency personnel, information gathering and mapping, and development of transportation programmatic agreements.

“(c) AMOUNTS.—A request under subsection (a) may be approved only for the additional amounts that the Secretary determines are necessary. The Secretary may, upon request of any Indian tribe participating in the environ- mental review process to timely conduct the re- view.

“(d) AGREEMENTS.—Prior to providing funds approved by the Secretary for dedicated staffing at an affected Federal agency under subsection (a), the affected Federal agency and the re- questing public entity shall enter into an agree- ment that establishes a process to identify projects or priorities to be addressed by the use of the funds.

“(e) GUIDANCE.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall issue guidance to implement this section.

“(2) FACTORS.—As part of the guidance issued under paragraph (1), the Secretary shall en- sure—

“(A) to the maximum extent practicable, that expediting and improving the process of envi- ronmental review and permitting through the use of funds provided under this section does not adversely affect the timeline for review and permitting by Federal agencies, State agencies, or Indian tribes of other entities that have not contributed funds under this sec- tion;

“(B) that the use of funds accepted under this section will not impact impartial decisionmaking with respect to the environmental reviews and permits, either substantively or procedurally; and

“(C) that the Secretary maintains, and makes publicly available, including on the Internet, a list of projects or programs for which such re- view or permits have been carried out using funds authorized under this title.

“(f) AUTHORITY.—Nothing in this section may be construed to conflict with section 139(i) of title 23.

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 49, United States Code, is amended by inserting after the last paragraph of section 1318 of MAP–21 (23 U.S.C. 4321 et seq.) (in this section referred to as ‘NEPA’).

“SEC. 1313. ALIGNING FEDERAL ENVIRONMENTAL REVIEWS.

(a) IN GENERAL.—Title 49, United States Code, is amended by inserting after section 309 the fol- lowing:

“§310. Aligning Federal environmental re- views

“(a) COORDINATED AND CONCURRENT ENVI- ronmental reviews.—Not later than 180 days after the date of enactment of this section, the Department of Transportation, in coordination with the heads of Federal agencies likely to have responsibilities under this section, shall develop a coordinated and concurrent environmental review and permitting process for transportation projects when initiating an environmental impact state- ment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (in this section referred to as ‘NEPA’).

“(b) COORDINATION.—The coordinated and concur- rent environmental review and permitting proc- ess developed under subsection (a) shall—

“(1) ensure that the Department of Transpor- tation and the agencies of jurisdiction possess suffi- cient information early in the review process to determine a statement of a transportation project’s purpose and need and range of alter- natives for analysis that the lead agency and agencies of jurisdiction will rely on for concur- rent environmental reviews and permitting deci- sions required under this section; and

“(2) achieve early concurrence or issue resolu- tion during the NEPA scoping process on the Department of Transportation’s statement of a proposed project or action and during develop- ment of the environmental impact statement on the range of alternatives for analysis, that the lead agency and agencies of jurisdiction will rely on for concur- rent environmental reviews and permitting decisions required for the pro- posed project absent circumstances that require reconsideration in order to meet an agency of jurisdi- ction’s obligations under a statute or Execu- tive order; 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 juris- diction’s obligations under a statute or Execu- tive order.

“(c) ENVIRONMENTAL CHECKLIST.—

“(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secre- tary of Transportation and Federal agencies of jurisdiction likely to have substantive review and permitting responsibilities for transportation projects shall jointly develop a checklist to help project sponsors identify potential natural, cultural, and historic resources in the area of a proposed project.

“(2) PURPOSE.—The purpose of the checklist shall be to—

“(A) identify agencies of jurisdiction and co- operating agencies;

“(B) develop the information needed for the purpose and need and alternatives for analysis; and

“(C) improve interagency collaboration to help expedite the permitting process for the lead agency and agencies of jurisdiction.

“(d) INTERAGENCY COLLABORATION.—

“(1) IN GENERAL.—Consistent with Federal en- vironmental statutes, the Secretary of Transpor- tation shall facilitate annual interagency col- laboration sessions at the appropriate jurisdictional level to coordinate business plans and fa- cilitate coordination of workload planning and workforce management.

“(2) PURPOSE OF COLLABORATION SESSIONS.— The interagency collaboration sessions shall en- sure that agency staff is—

“(A) fully engaged;

“(B) utilizing the flexibility of existing regula- tions, policies, and guidelines; and

“(C) identifying additional actions to facil- itate high quality, efficient, and targeted envi- ronmental reviews and permitting decisions.

“(3) FOCUS OF COLLABORATION SESSIONS.—The interagency collaboration sessions shall en- sure that agency staff is—

“(A) work with State and local transportation entities to improve project planning, siting, and application quality; and

“(B) consult and coordinate with relevant stakeholders and Federal, tribal, State, and local representatives early in permitting proc- esses.

“(4) CONSULTATION.—The interagency col- laboration sessions shall include a consultation with groups or individuals representing State, tribal, and local governments that are engaged in the infrastructure permitting process.

“(e) PERFORMANCE MEASUREMENT.—Not later than 1 year after the date of enactment of this section, the Secretary shall establish a program to measure and report on progress toward aligning Federal reviews and reducing permitting and project delivery time as outlined in this section.

“(f) REPORTS.—

“(1) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this section and biennially thereafter, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the Senate and the Committee on Transportation and Infrastructure of the House of Representa- tives a report that describes—

“(A) progress in aligning Federal environmental reviews under this section; and

“(B) the impact this section has had on accel- erating the environmental review and permitting process.

“(2) INSPECTOR GENERAL REPORT.—Not later than 3 years after the date of enactment of this section, the Inspector General of the Depart- ment of Transportation shall submit to the Com- mittee on Commerce, Science, and Transpor- tation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

“(A) progress in aligning Federal environmental reviews under this section; and

“(B) the impact this section has had on accel- erating the environmental review and permitting process.

“(g) SAVINGS PROVISION.—This section shall not apply to any project subject to section 139 of title 23.

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 49, United States Code, is amended by inserting the following:

“SEC. 1314. CATEGORICAL EXCLUSION FOR PROJECTS OF LIMITED FEDERAL AS- SISTANCE.

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

“(1) in paragraph (1)(A) by inserting ‘‘(as ad- justed annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor) after ‘$5,000,000’;’’;

“(2) in paragraph (1)(B) by inserting ‘‘(as ad- justed annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor) after ‘$30,000,000’;’’;

“(3) reflect the increase in the Consumer Price Index since July 1, 2012.

(b) RETROACTIVE APPLICATION.—The first ad- justment made pursuant to the amendments made by subsection (a) shall—

“(1) be carried out not later than 60 days after the date of enactment of this subsection;

“(2) reflect the increase in the Consumer Price Index since July 1, 2012.

“SEC. 1315. PROGRAMMATIC AGREEMENT TEM- PLATE.

(a) IN GENERAL.—Section 1318 of MAP–21 (23 U.S.C. 4321 et seq.) (in this section referred to as ‘‘NEPA’’) is amended—

“(1) by striking ‘‘(1)’’ and inserting ‘‘(1) this section; and

“(2) in paragraph (1)(B) by inserting ‘‘(as ad- justed annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor) after ‘$30,000,000’;’’;

“(3) reflect the increase in the Consumer Price Index since July 1, 2012.

(b) RETROACTIVE APPLICATION.—The first ad- justment made pursuant to the amendments made by subsection (a) shall—

“(1) be carried out not later than 60 days after the date of enactment of this subsection;

“(2) reflect the increase in the Consumer Price Index since July 1, 2012.

“(c) PROGRAMMATIC AGREEMENT TEMPLATE.—

“(1) IN GENERAL.—The Secretary shall develop a template programmatic agreement described in subsection (d) that provides for efficient and affordable methods to—

“(A) progress in aligning Federal environmental reviews under this section; and

“(B) the impact this section has had on accel- erating the environmental review and permitting process.

“(2) USE OF TEMPLATE.—The Secretary—

“(A) on receipt of a request from a State, shall use the template programmatic agreement develop- ed 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 Federal 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.

“(3) CATEGORICAL EXCLUSION DETERMINA- TIONS.—Not later than 30 days after the date of
enactment of this Act, the Secretary shall revise section 717.117(g) of title 23, Code of Federal Regulations, to allow a programmatic agreement under this section to include responsibility for making environmental determinations—
(1) for actions described in subsections (c) and (d) of section 717.117 of title 23, Code of Federal Regulations; and
(2) for any other 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. 1316. ASSUMPTION OF AUTHORITIES.
(a) IN GENERAL.—The Secretary shall use the authority under section 106(c) of title 23, United States Code, and the Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the National Environmental Policy Act of 1992 (16 U.S.C. 1393 et seq.), the Clean Air Act, the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and other applicable Federal laws; (5) what impact actions by the Council on Environmental Quality have had on accelerating Federal-aid highway and highway safety construction projects and public transportation capital projects; (6) the number and percentage of projects that proceeded under categorical exclusions; (7) the extent to which the environmental review and permitting process remains a significant source of project delay and the sources of delays; and (8) the costs of conducting environmental reviews and issuing permits or licenses for a project, including the cost of contractors and dedicated agency staff.

(b) RECOMMENDATIONS.—The assessment required under subsection (a) shall include recommendations with respect to—
(1) additional opportunities for streamlining the environmental review process, including regulatory or statutory changes to accelerate the processes of Federal agencies (other than the Department) with responsibility for reviewing environmental impact statements and environmental reviews and permitting process for permitting under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 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) strategies for improving the cooperation among Federal agencies to present analyses in a concise format; and
(4) any other improvements that can be made to modernize process implementation.
(c) REPORT TO CONGRESS.—The Comptroller General of the United States shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the results of the review carried out under subsection (a).

Subtitle D—Miscellaneous
SEC. 1401. PROHIBITION ON THE USE OF FUNDS APPORTIONED AND ALLOCATED TO AUTOMATED TRAFFIC ENFORCEMENT.
(a) PROHIBITION.—Except as provided in subsection (b), for fiscal years 2016 through 2020, funds apportioned to a State under section 104(b)(3) of title 23, United States Code, may not be used to purchase, operate, or maintain an automated traffic enforcement system.
(b) EXCEPTION.—Subsection (a) does not apply to an automated traffic enforcement system located in a school zone.

SEC. 1402. HIGHWAY TRUST FUND TRANSPARENCY AND ACCOUNTABILITY.
(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:
(1) HIGHWAY TRUST FUND TRANSPARENCY AND ACCOUNTABILITY REPORTS.—(A) COMPILATION OF DATA.—Not later than 180 days after the date of enactment of the FAST Act, the Secretary shall compile data in accordance with this subsection on the use of Federal-aid highway funds made available under this title.
(b) REQUIREMENTS.—The Secretary shall ensure that the reports required under this subsection are published in a user-friendly manner on the public Internet website of the Department of Transportation and can be searched and downloaded by users of the website.
(c) APPOINTMENT AND ALLOCATED PROGRAMS.—On a semianual basis, the Secretary shall make available a report on funding apportioned and allocated to the States under this title that describes—
(i) the amount of funding obligated by each State, year-to-date, for the current fiscal year;
(ii) the amount of funds remaining available for obligation by each State;
(iii) changes in the obligated, unexpended balance for each State, year-to-date, during the current fiscal year, including the obligated, unexpended balance at the end of the preceding fiscal year and current fiscal year expenditures;
(iv) the amount and program of unobligated funding, year-to-date, available for expenditure at the discretion of the Secretary;
(v) the rates of obligation of the National Highway System, year-to-date, for the current fiscal year of funds apportioned, allocated, or set aside under this section, according to—
(I) program;
(II) funding category or subcategory;
(III) type of improvement;
(IV) State; and
(V) sub-State geographical area, including urbanized and rural areas, on the basis of the population of each such area; and
(vi) the amount of funds transferred by each State, year-to-date, for the current fiscal year between programs under section 126.
SEC. 1403. ADDITIONAL DEPOSITS INTO HIGHWAY TRUST FUND.
(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 104 the following:
"§105. Additional deposits into Highway Trust Fund
"(a) IN GENERAL.—If monies are deposited into the Highway Account or Mass Transit Account pursuant to a law enacted subsequent to the date of enactment of the FAST Act, the Secretary shall make available additional amounts of contract authority under subsections (b) and (c) of this section.
(b) AMOUNT OF ADJUSTMENT.—If monies are deposited into the Highway Account or the
Mass Transit Account as described in subsection (a), on October 1 of the fiscal year following the deposit of such monies, the Secretary shall—

"(i) make available for programs authorized from such account for such fiscal year a total amount equal to—

"(A) the amount otherwise authorized to be appropriated for such programs for such fiscal year; plus

"(B) an amount equal to such monies deposited into such account during the previous fiscal year for the program; and

"(c) DISTRIBUTION OF AMOUNTS PROGRAMS—

"(1) IN GENERAL.—In making an adjustment for programs authorized to be appropriated from the Highway Account or the Mass Transit Account for a fiscal year under subsection (b), the Secretary shall—

"(A) determine the ratio that—

"(i) the amount authorized to be appropriated for a program from the account for the fiscal year; plus

"(ii) the total amount authorized to be appropriated for such fiscal year for all programs under such account;

"(B) multiply the ratio determined under subparagraph (A) by the amount of the adjustment determined under subsection (b)(1)(B); and

"(C) adjust the amount that the Secretary would otherwise have allocated for the program for such fiscal year by the amount calculated under subparagraph (B).

"(2) FORMULA PROGRAMS.—For a program for which funds are distributed by formula, the Secretary shall add the adjustment to the amount authorized for the program but for this section and make available the adjusted program amount for such program in accordance with such formula.

"(d) EXCLUSION OF EMERGENCY RELIEF PROGRAM AND COVERED ADMINISTRATIVE EXPENSES.—The Secretary shall exclude the emergency relief program under section 125 and covered administrative expenses from an adjustment of funding under subsection (c)(1).

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the appropriate account or accounts of the Highway Trust Fund an amount equal to the amount of an adjustment determined under subsection (b) for fiscal years 2017 through 2020.

"(f) REVISION TO OBLIGATION LIMITATIONS.—

"(1) IN GENERAL.—If the Secretary makes an adjustment under subsection (b) for a fiscal year to an amount subject to a limitation on obligations imposed by section 102 or 3018 of the FAST Act, the Secretary shall adjust such limitation on obligations for such fiscal year shall be revised by an amount equal to such adjustment; and

"(2) EXCLUSION OF COVERED ADMINISTRATIVE EXPENSES.—The Secretary shall exclude covered administrative expenses from—

"(A) any calculation relating to a revision of a limitation on obligations under paragraph (1)(A); and

"(B) any distribution of a revised limitation on obligations under paragraph (1)(B).

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

"(1) COVERED ADMINISTRATIVE EXPENSES.—The term ‘covered administrative expenses’ means administrative expenses of—

"(A) the Federal Highway Administration, as authorized under section 104(a); and

"(B) the Federal Motor Carrier Safety Administration, as authorized under section 4001(a)(6) of the FAST Act; and

"(C) the Federal Motor Carrier Safety Administration, as authorized under section 31110 of title 49.

"(2) HIGHWAY ACCOUNT.—The term ‘Highway Account’ means the portion of the Highway Trust Fund that is not the Mass Transit Account.


"(4) BEREAVEMENT AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 104 the following:—

"105. Additional deposits into Highway Trust Fund.

SEC. 1404. DESIGN STANDARDS.

(a) IN GENERAL.—Section 109 of title 23, United States Code, is amended—

"(1) in subsection (c)(A) of paragraph (1), by striking “may take into account” and inserting “shall consider”;

"(2) in subparagraph (B) by striking “and” at the end;

"(3) by redesignating subparagraph (C) as subparagraph (D); and

"(4) by inserting after subparagraph (B) the following:

"(C) cost savings by utilizing flexibility that exists in current design guidance and regulations; and;

"(D) in paragraph (2) in subparagraph (C) by striking “and” at the end;

"(E) by redesignating subparagraph (D) as subparagraph (F); and

"(F) by inserting after subparagraph (C) the following:

"(1) the local jurisdiction is a direct recipient of Federal funds provided under this Act;

"(2) the roadway design publication is recognized by the Federal Highway Administration; and

"(3) the design complies with all applicable Federal laws.

SEC. 1405. JUSTIFICATION REPORTS FOR ACCESS POINTS ON THE INTERSTATE SYSTEM.

Section 111(e) of title 23, United States Code, is amended by adding at the end the following:

"(n) OPERATION OF VEHICLES ON CERTAIN ROADS.—

"(1) IN GENERAL.—The vehicle weight limitations set forth in this section do not apply to a covered highway or recovery vehicle.

"(2) DEFINITIONS.—In this subsection, the term ‘covered highway or recovery vehicle’ means a vehicle that—

"(A) is transporting a disabled vehicle from the place where the vehicle became disabled to the nearest appropriate repair facility; and

"(B) has a gross vehicle weight that is equal to or exceeds the gross vehicle weight of the disabled vehicle being transported.

"(3) OPERATION OF VEHICLES ON CERTAIN HIGHWAYS.—In the State of Texas, if any segment in the State of Texas of United States Route 59, United States Route 77, United States
ARKANSAS.—If any segment of United States emergency vehicle a vehicle weight limit (up to a
segment, without regard to any requirement under this section.

(a) DEFINITION.—In this subsection, the term ‘emergency vehicle’ means a vehicle that—

ACCORDING TO THE STATE OF WISCONSIN.

(C) has not less than 6 axles; and

(D) is operating on a segment of Interstate Route 39 in the State of Wisconsin from mile 

 marker 175.8 to mile marker 189.

(D) as subparagraphs (D) and (E), respectively;

(E) by inserting after subparagraph (B) the following:

((1) by striking “the agency” each place it appears and inserting “the authority’’;

((2) in subparagraph (A), by striking “public authority’’ and inserting “the authority’’;

((3) in subparagraph (B) by striking the period

close logging vehicles’’; and

((4) in subsection (c)—

(1) by striking “the agency’’ each place it appears and inserting “the authority’’;

(2) in subparagraph (A) by striking “public authority’’ and inserting “the authority’’;

(3) in subparagraph (B) by striking “the agency’’ each place it appears and inserting “the authority’’;

(4) by inserting paragraph (3) after paragraph (2).

(E) by inserting after paragraph (3) the following:

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

((II) the progress made by those actions.

(F) WAIVER.—In the case of a public authority having a HOV facility and the Secretary has determined that the public authority has not made a good faith effort to improve the performance of the HOV facility, the Secretary may waive the requirement that the public authority submit an annual update.

(G) Certification.—Upon the request of a public authority, the Secretary may certify that the public authority has made a good faith effort to improve the performance of the HOV facility.

(5) in subsection (d)—

(A) by striking “State agency” each place it appears and inserting “public authority’’;

(B) by paragraph (3), in the matter preceding paragraph (A), by inserting “solely’’ before “operating’’;

(C) by paragraph (4)(B) by striking ‘‘State agency’’ and inserting ‘‘public authority’’;

(D) by striking paragraph (5); and

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

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

((II) the progress made by those actions.

(E) CERTAIN LOGGING VEHICLES.—A vehicle (a) TOLLING.—Section 129(a) of title 23, United States Code, is amended—

(1) by striking “the agency’’ each place it appears and inserting “the authority’’;

(2) in subparagraph (A) by striking “public authority’’ and inserting “the authority’’;

(3) in subsection (b)—

(1) by striking “the agency’’ each place it appears and inserting “the authority’’;

(2) in subparagraph (A) by striking “public authority’’ and inserting “the authority’’;

(3) in subsection (c)—

(1) by striking “the agency’’ each place it appears and inserting “the authority’’;

(2) in subparagraph (A) by striking “public authority’’ and inserting “the authority’’;

(3) in subsection (d)—

(A) by striking “State agency” each place it appears and inserting “public authority’’;

(B) by paragraph (3), in the matter preceding paragraph (A), by inserting “solely’’ before “operating’’;

(C) by paragraph (4)(B) by striking ‘‘State agency’’ and inserting ‘‘public authority’’;

(D) by striking paragraph (5); and

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

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

((II) the progress made by those actions.

(F) IN GENERAL.—Unless otherwise specified, accessing the limited access mainline facilities under the same rates, terms, and conditions as public transportation vehicles and over-the-road buses serving the public.

(G) CERTAIN LOGGING VEHICLES IN THE STATE OF MINNESOTA.—

(1) IN GENERAL.—The Secretary shall waive, with respect to a covered logging vehicle, the application of any vehicle weight limit established under this section.

(2) COVERED LOGGING VEHICLE DEFINED.—In this subsection, the term ‘covered logging vehicle’ means a vehicle that—

(A) is transporting raw or unfinished forest products, including logs, pulpwood, biomass, or wood chips;

(B) has a gross vehicle weight of not more than 96,000 pounds;

(C) has not less than 6 axles; and

(D) is operating on a segment of Interstate Route 31 in the State of Minnesota from mile marker 235.4 to mile marker 259.52.

(H) EMERGENCY VEHICLES.—

(1) IN GENERAL.—Notwithstanding subsection (a), a vehicle that is to be used as 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; or

(B) 31,500 pounds on a single drive axle; or

(C) 62,000 pounds on a tandem axle; or

(D) 52,000 pounds on a tandem rear drive steer axle.

(2) EMERGENCY VEHICLE DEFINED.—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.

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

(1) by striking “the agency’’ each place it appears and inserting “the authority’’;

(2) in subparagraph (A) by striking “public authority’’ and inserting “the authority’’;

(3) in subsection (b)—

(1) by striking “the agency’’ each place it appears and inserting “the authority’’;

(2) in subparagraph (A) by striking “public authority’’ and inserting “the authority’’;

(3) in subsection (c)—

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

((A) SPECIAL RULE.—Before September 30, 2025, if a public authority establishes procedures for enforcing the restrictions on the use of a HOV facility described in clauses (1) and (ii), the public authority may allow the use of the HOV facility by—

((i) alternative fuel vehicles; and

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

(2) by striking paragraph (B) by striking ‘‘2019’’ and inserting ‘‘2025’’;

(3) by paragraph (4)(B) by striking “the agency’’ each place it appears and inserting “the authority’’;

(4) by paragraph (5); and

(5) in subsection (c)—

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

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

((II) the progress made by those actions.

(F) IN GENERAL.—Unless otherwise specified, accessing the limited access mainline facilities under the same rates, terms, and conditions as public transportation vehicles and over-the-road buses serving the public.

(G) CERTAIN LOGGING VEHICLES IN THE STATE OF MINNESOTA.—

(1) IN GENERAL.—The Secretary shall waive, with respect to a covered logging vehicle, the application of any vehicle weight limit established under this section.

(2) COVERED LOGGING VEHICLE DEFINED.—In this subsection, the term ‘covered logging vehicle’ means a vehicle that—

(A) is transporting raw or unfinished forest products, including logs, pulpwood, biomass, or wood chips;

(B) has a gross vehicle weight of not more than 96,000 pounds;

(C) has not less than 6 axles; and

(D) is operating on a segment of Interstate Route 31 in the State of Minnesota from mile marker 235.4 to mile marker 259.52.

(H) EMERGENCY VEHICLES.—

(1) IN GENERAL.—Notwithstanding subsection (a), a vehicle that is to be used as 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; or

(B) 31,500 pounds on a single drive axle; or

(C) 62,000 pounds on a tandem axle; or

(D) 52,000 pounds on a tandem rear drive steer axle.

(2) EMERGENCY VEHICLE DEFINED.—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.
“(5) PUBLIC AUTHORITY.—The term ‘public authority’ as used with respect to a HOV facility, means a State, interstate compact of States, public entity designated by a State, or local government, that has primary jurisdiction over the operation of the facility.”; and

(7) by adding at the end the following:

“(g) CONSULTATION OF MPO.—If a HOV facility charging infrastructure is selected under paragraph (5) of subsection (b) on the Interstate System and located in a metropolitan planning area established in accordance with section 134, the public authority shall consult with the metropolitan planning organization for the area concerning the placement and amount of tolls on the facility.”;

(b) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by striking “and the relocation of highways to eliminate grade crossings” and inserting “the relocation of highways to eliminate grade crossings, and projects at grade crossings to eliminate hazards posed by blocked grade crossings due to idling trains”.

SEC. 1413. NATIONAL ELECTRIC VEHICLE CHARGING AND HYDROGEN, PROPANE, 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 hydrogen, propane, and natural gas fueling corridors

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

(c) STAKEHOLDERS.—In designating 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, hydrogen fueling, propane fueling, 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 stations, hydrogen fueling stations, propane fueling stations, and natural gas fueling infrastructure.

(d) REIMBURSEMENT.—The Administrator of General Services, in making reimbursements to Federal agencies and individuals authorized to park in parking areas under the jurisdiction of the Federal agency and the vendor of the costs for battery recharging (or allow, on a reimbursable basis, the use of a 120-volt electrical receptacle for battery recharging) in a parking area that is in the custody, control, or administrative jurisdiction of the General Services Administration, shall furnish reimbursement for battery recharging to Federal agencies and individuals authorized to park in parking areas under the jurisdiction of the General Services Administration, as the case may be, on a reimbursement basis.

(e) REPORT.—During designation and redesignation of corridors under subsection (a), the Secretary shall—

(1) identify each charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, and natural gas fueling infrastructure in those corridors by the end of fiscal year 2020.”.

(b) CONFORMING AMENDMENT.—The analysis under paragraph 1 of title 23, United States Code, is amended by inserting after the item relating to section 150 the following:

“151. National electric vehicle charging and hydrogen, propane, and natural gas fueling corridors.”

(c) OPERATION OF BATTERY RECHARGING STATIONS IN PARKING AREAS USED BY FEDERAL EMPLOYEES.—

(1) AUTHORIZATION.—

(A) IN GENERAL.—The Administrator of General Services may install, construct, operate, and maintain on a reimbursable basis a battery recharging station (or allow, on a reimbursable basis, the use of a 120-volt electrical receptacle for battery recharging) in a parking area that is in the custody, control, or administrative jurisdiction of the General Services Administration, tenant Federal agencies, and others who are authorized to park in such area to the extent such use by only privately owned vehicles does not interfere with or impede access to the equipment by Federal fleet vehicles.

(B) USE OF VENDORS.—The Administrator of General Services, with respect to subparagraph (A) or the head of a Federal agency, with respect to subparagraph (B), may carry out such paragraph through a contract with a vendor, under such terms and conditions (including terms relating to the allocation between the Federal agency and the vendor of the costs for battery recharging) in a parking area that is in the custody, control, or administrative jurisdiction of the Federal agency, to the extent such use by only privately owned vehicles does not interfere with or impede access to the equipment by Federal fleet vehicles.

(2) IMPOSITION OF FEES TO COVER COSTS.—

(A) FEES.—The Administrator of General Services or the head of a Federal agency shall charge fees to the individuals who use the battery recharging station in such amount as is necessary to ensure that the respective agency recovers all of the costs for constructing, operating, and maintaining the station.

(B) DEPOSIT AND AVAILABILITY OF FEES.—Any fees collected by the Administrator of General Services or the Federal agency, as the case may be, under this paragraph shall be—

(i) deposited monthly in the Treasury to the credit of the respective appropriation account for the operations of the building where the battery recharging station is located; and

(ii) available for obligation without further appropriation for—

(I) the fiscal year collected; and

(II) the fiscal year following the fiscal year collected.

(c) NO EFFECT ON EXISTING PROGRAMS FOR HOUSE AND SENATE.—Nothing in this subsection affects the installation, construction, operation, or maintenance of battery recharging stations by the Architect of the Capitol of the United States Congress.

(A) under Public Law 112–170 (2 U.S.C. 2711), relating to employees of the House of Representatives and individuals authorized to park in parking areas under the jurisdiction of the Architect of the Capitol of the United States Congress; or
(B) under Public Law 112–167 (2 U.S.C. 2170), relating to employees of the Senate and individuals authorized to park in any parking area under the jurisdiction of the Senate on the Capitol Grounds.

(4) No EFFECT on SIMILAR authorities.—Nothing in this subsection—

(A) repeals or limits any existing authorities of a Federal agency to install, construct, operate, or maintain battery recharging stations; or

(B) requires a Federal agency to seek reimbursement for the costs of installing or constructing a battery recharging station—

(i) that has been installed or constructed prior to the date of enactment of this Act;

(ii) as constructed or installed for Federal fleet vehicles, but that receives incidental use to recharge privately owned vehicles; or

(iii) that is otherwise installed or constructed pursuant to applications for that purpose.

(5) ANNUAL REPORT to CONGRESS.—Not later than 2 years after the date of enactment of this Act, and annually thereafter for 10 years, the Administrator of General Services shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing—

(A) the number of battery recharging stations installed by the Administrator on the premises of Federal agencies to install battery recharging stations; and

(B) the status and disposition of requests from other Federal agencies to install such stations.

(6) FEDERAL AGENCY defined.—In this subsection, the term ‘‘Federal agency’’ has the meaning given the term ‘‘Executive agency’’ in section 105 of title 5, United States Code, and includes—

(A) the United States Postal Service;

(B) the Executive Office of the President;

(C) the boards and commissions (as defined in section 102 of title 5, United States Code); and

(D) the judicial branch.

(7) EFFECTIVE DATE.—This subsection shall apply with respect to fiscal year 2016 and each succeeding fiscal year.

SEC. 1414. 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; and

(2) by inserting before paragraph (2), as redesignated by the following:

‘‘(1) SOBRIETY PROGRAM.—The term ‘‘24-7 sobriety program’ has the meaning given the term ‘sobriety program’ in section 1690a of the Transportation


(2) in paragraph (1) by striking the period at the end and inserting the following:

‘‘(1) the Secretary under this title, the Secretary shall, in conjunction with the United States Postal Service, and facilitate migrations of other pollinators.‘‘

(3) by striking paragraphs (2) through (5) and inserting the following:

‘‘(2) encourage integrated vegetation management practices on roadsides and other transportation rights-of-way, including reduced mowing; and

(3) encourage the development of habitat and forage for Monarch butterflies, other native pollinators, and honey bees, before and after ‘‘esthetic enhancement’’.

SEC. 1416. HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.

(a) Identification of High Priority Corridors on National Highway System.—Section 1105(e)(57) of title 23, United States Code, is amended by striking the final sentence and inserting the following:

‘‘The routes referred to in subparagraphs (A) and (B)(i) of subsection (c)(57), subsection (c)(57) is amended by striking the final sentence and inserting the following:

‘‘The routes referred to in subparagraphs (A) and (B)(i) of subsection (c)(57), subsection (c)(57) is amended by striking the final sentence and inserting the following:

‘‘The routes referred to in subparagraphs (A) and (B)(i) of subsection (c)(57), subsection (c)(57) is amended by striking the final sentence and inserting the following:

(1) by striking paragraphs (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.’’

(2) by striking paragraph (18)(D)—

‘‘(D) Interstate Route 205 in Oregon from its intersection with Interstate Route 5 to the Columbia River.’’

(b) Designation.—(1) in section 1409—

(A) for the Intermountain West Corridor, along Interstate Route 80, from the vicinity of Las Vegas, Nevada, north to Interstate Route 70 south of the Tucumcari Border.

(B) for the Central Texas Corridor commencing at the terminus of Interstate Route 10, following generally Interstate Route 10 west of Paison, Sampson County, North Carolina.

(C) the Sonoran Corridor along State Route 410 connecting Interstate Route 19 and Interstate Route 10 south of the Tucson International Airport.

(D) the Oregon 98 Newberg–Dundee byway, which follows Interstate Route 15 from its intersection with Interstate Route 90 to the United States–Canadian border.

(E) Interstate Route 206 in Oregon from its intersection with Interstate Route 5 to the Columbia River.

(c) Designation.—(1) by striking section (c)(9) and inserting the following:

‘‘The routes referred to in subparagraphs (A) and (B)(i) of subsection (c)(9) is amended by striking and inserting the following:

‘‘The routes referred to in subparagraphs (A) and (B)(i) of subsection (c)(9) is amended by striking and inserting the following:

(1) Development, updating, and delivery of training courses on guard rail installation, maintenance, and inspection.‘‘

(b) Clerical Amendment.—(1) by deleting the item relating to section 1409 and inserting the following:

‘‘Sec. 1409. Work zone and guard rail safety training.’’

(4) by adding at the end the following:

‘‘(81) United States Route 117/Interstate Route 705 from United States Route 70 in Goldsboro, Wayne County, North Carolina, to Interstate Route 705 west of Paison, Sampson County, North Carolina.

(82) United States Route 70 from its intersection with Interstate Route 40 in Garner, Wake County, North Carolina, to Interstate Route 40 south of Morehead City, Carteret County, North Carolina.

(83) The Sonoran Corridor along State Route 410 connecting Interstate Route 19 and Interstate Route 10 south of the Tucumcari Border.’’

(2) in subsection (b) by adding at the end the following:

‘‘(4) Development, updating, and delivery of training courses on guard rail installation, maintenance, and inspection.‘‘

(5) ANNUAL REPORT to CONGRESS.—Not later than 2 years after the date of enactment of this Act, and annually thereafter for 10 years, the Administrator of General Services shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing—

(A) the number of battery recharging stations installed by the Administrator on the premises of Federal agencies to install battery recharging stations; and

(B) the status and disposition of requests from other Federal agencies to install such stations.

(6) FEDERAL AGENCY defined.—In this subsection, the term ‘‘Federal agency’’ has the meaning given the term ‘‘Executive agency’’ in section 105 of title 5, United States Code, and includes—

(A) the United States Postal Service;

(B) the Executive Office of the President;

(C) the boards and commissions (as defined in section 102 of title 5, United States Code); and

(D) the judicial branch.

(7) EFFECTIVE DATE.—This subsection shall apply with respect to fiscal year 2016 and each succeeding fiscal year.
SEC. 1418. CONSOLIDATION OF PROGRAMS. Section 1519(a) of MAP–21 (126 Stat. 574) is amended by striking “From administrative funds” and all that follows through “Mile marking” and inserting “From funds under title 23.”

SEC. 1419. ELIMINATION OR MODIFICATION OF CERTAIN REPORTING REQUIREMENTS.

(a) FUNDAMENTAL PROPERTIES OF ASPHALTS REPORT.—Section 601(e) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2183) is repealed.

(b) LAW ENFORCEMENT AND PROTOCOL PROGRAM REPORTS.—Section 1604(b)(7)(B) of SAFETEA-LU (23 U.S.C. 129 note) is repealed.

SEC. 1420. FLEXIBILITY FOR PROJECTS.

(a) AUTHORITY.—With respect to projects eligible for funding under title 23, United States Code, subject to subsection (b) 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) MAINTAINING PROTECTIONS.—Nothing in this section—

(1) leaves the requirements of sections 113 or 138 of title 23, United States Code; or

(2) supersedes, amends, or modifies—

(A) the National Environmental Policy Act of 1969 (83 Stat. 383) or any other Federal environmental law; or

(B) any requirement of title 23 or title 49, United States Code; or

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

SEC. 1421. PRODUCTIVE AND TIMELY EXPENDITURE FUNDING PROCESS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop guidance that encourages the use of productive approaches to project delivery, expedited and prudent procurement techniques, and other best practices to facilitate productive, effective, and timely expenditure of funds for projects eligible for funding under title 23, United States Code.

(b) IMPLEMENTATION.—The Secretary shall work with States to ensure that any guidance developed under subsection (a) is consistently implemented by States and the Federal Highway Administration to—

(1) avoid unnecessary delays in completing projects;

(2) minimize cost overruns; and

(3) ensure the effective use of Federal funding.

SEC. 1422. 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.

(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 materials for use in highway bridges and structures;

(5) the development of cost-effective and innovative techniques to separate vehicle and pedestrian traffic from railway 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); and

(2) a technical analysis of the innovative materials and technologies used in the program.

(c) IMPLEMENTATION.—The Commissioner of the Transportation Research Board of the National Academy of Sciences shall—

(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).

(d) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study commissioned under subsection (a).

SEC. 1423. USE OF DURABLE, RESILIENT, AND SUSTAINABLE MATERIALS AND PRACTICES.

To the extent practicable, the Secretary shall—

(1) do all within its power to protect workers in highway work zones; and

(2) move rapidly to finalize regulations as directed in section 1405 of MAP–21 (126 Stat. 560), to protect the lives and safety of construction workers in highway work zones from vehicle intrusions.

SEC. 1424. IDENTIFICATION OF ROADSIDE HIGHWAY SAFETY DEVICES.

(a) STUDY.—The Secretary shall conduct a study on methods for identifying roadside highway safety devices, including the use of geosynthetic materials and other innovative technologies, in carrying out the activities of the Federal Highway Administration.

(b) IDENTIFICATION METHODS.—The identification methods to be studied under this section include—

(1) product brand, and model;

(2) identification methods based on the ability of other technologies to separately identify devices from vehicle intrusions.

(c) REPORT.—The study shall be conducted under subsection (a) and the Secretary shall submit to Congress a report on the results of the study commissioned under subsection (a).

SEC. 1425. 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), if a State notifies the Secretary of the Federal Highway Administration that it wishes to promote the safety, efficiency, and safety of motorists on State or local highways in the State, the Secretary may place signs of similar devices.
and simulation technology to analyze highway and public transportation projects authorized by this Act to ensure that these projects—
(1) will increase transportation capacity and safety; reduce travel time and environmental impacts; and
(2) are as cost effective as practicable.

SEC. 1431. NATIONAL ADVISORY COMMITTEE ON TRAVEL AND TOURISM INFRASTRUCTURE.

(a) FINDINGS.—Congress finds that—
(1) 1 out of every 9 jobs in the United States depends on travel and tourism, and the industry supports 15,000,000 jobs in the United States;
(2) the national travel and tourism industry employs individuals in all 50 States, the District of Columbia, and all of the territories of the United States;
(3) international travel to the United States is the single largest export industry in the United States, generating a trade surplus balance of approximately $71,000,000; and
(4) travel and tourism provides significant economic benefits to the United States by generating nearly $2,100,000,000,000 in annual economic travel and tourism;

(b) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish an advisory committee to be known as the National Advisory Committee on Travel and Tourism Infrastructure (referred to in this section as the “Committee”) to provide information, advice, and recommendations to the Secretary on matters relating to the role of intermodal transportation in facilitating mobility related to travel and tourism activities.

(c) MEMBERSHIP.—The Committee shall—
(1) be composed of members appointed by the Secretary for terms of not more than 3 years; and
(2) include a representative cross-section of public and private sector stakeholders involved in the travel and tourism industry, including representatives of—
(A) the travel and tourism industry, product and service providers, and travel and tourism-related associations;
(B) travel, tourism, and destination marketing organizations;
(C) the travel and tourism-related workforce;
(D) Federal, State, and local transportation agencies;
(E) State departments of transportation;
(F) regional and metropolitan planning organizations; and
(G) labor organizations.

(d) ROLE OF COMMITTEE.—The Committee shall—
(1) advise the Secretary on current and emerging priorities, issues, projects, and funding needs related to the use of the intermodal transportation network of the United States to facilitate travel and tourism;
(2) serve as a forum for discussion for travel and tourism stakeholders on transportation issues affecting interstate and interregional mobility of passengers;
(3) promote the sharing of information between the public and private sectors on transportation and travel and tourism issues;
(4) gather information, develop technical advice, and make recommendations to the Secretary on policies that improve the condition and performance of the national transportation network;
(5) provide for development of transportation investment, data, and planning tools to assist Federal, State, and local officials in making investment decisions related to transportation projects that improve travel and tourism; and
(6) address other issues of transportation policy and programs impacting the movement of travelers for tourism and recreational purposes, including by making legislative recommendations.

(e) NATIONAL TRAVEL AND TOURISM INFRASTRUCTURE STRATEGIC PLAN.—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with the Committee, State departments of transportation, and other appropriate public and private transportation stakeholders, and post on the public Internet website of the Department a national travel and tourism infrastructure strategic plan that includes—
(1) an assessment of the condition and performance of the national transportation network;
(2) an identification of the issues on the national transportation network that create significant congestion problems and barriers to long-haul passenger travel and tourism,
(3) forecasts of long-haul passenger travel and tourism for a period beginning in the year during which the plan is issued;
(4) an identification of the major transportation facilities and corridors for current and forecasted long-haul travel and tourism 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 long-haul passenger travel performance (including opportunities for overcoming the barriers);
(6) best practices for improving the performance of the national transportation network; and
(7) strategies to improve intermodal connectivity for long-haul passenger travel and tourism.

SEC. 1432. EMERGENCY EXEMPTION.

(a) IN GENERAL.—Any road, highway, bridge, or transit facility that is damaged by an emergency that is declared by the Governor of the State, with the concurrence of the Secretary, or declared by the President pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), and that is unrepairable, can be reconstructed on the date on which the emergency occurs may be reconstructed in the same location with the same capacity, dimensions, and design as before the emergency, if the emergency is certified on the date of the emergency by the Administrator of the Federal Highway Administration and the Secretary to Congress after the date of enactment of this Act.

(b) DEADLINE.—Each report described in subsection (a) shall be submitted under subsection (a) or every 5 years thereafter, the Comptroller General shall submit to Congress a report that updates the information provided in that subsection that is exempt under subsection (a) for the preceding 5-year period.

(c) INCLUSIONS.—Each report submitted under subsection (a) or (b) shall include a description of—
(1) the types of administrative expenses of programs and offices funded by the Highway Trust Fund;
(2) the tracking and monitoring of administrative expenses;
(3) the controls in place to ensure that funding for administrative expenses is used as efficiently as practicable; and
(4) the flexibility of the Department to reallocate amounts from the Highway Trust Fund between full-time equivalent employees and other functions.

SEC. 1434. 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 under subsection (a).

SEC. 1435. APPALACHIAN REGIONAL 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 “2030”;
(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. 1436. APPALACHIAN REGIONAL DEVELOPMENT PROGRAM.

(a) HIGH-SPEED BROADBAND DEVELOPMENT INITIATIVE.
(1) IN GENERAL.—Subchapter I of chapter 145 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 to carry out projects and activities that—

"(1) increase affordable access to broadband networks throughout the Appalachian region;

"(2) conduct research, analysis, and training to increase broadband adoption efforts in the Appalachian region;

"(3) preserve 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 support e-commerce applications in the Appalachian region.

"(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the amount made available—

"(1) not more than 30 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 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; 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 80 percent may be provided from amounts appropriated to carry out this section; and

"(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.

"(e) IN FURTHER AMENDMENT.—The analysis for chapter 145 of title 40, United States Code, is amended by inserting after the item relating to section 14509 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 2020";

"(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 may be used to carry out section 14509 for each of fiscal years 2016 through 2020.

"(d) TERMINATION.—Section 14704 of title 40, United States Code, is amended by striking "2012" and inserting "2020.";

"(e) EFFECTIVE DATE.—This section and the amendments made by this section take effect on October 1, 2012.

SEC. 1457. BORDER STATE INFRASTRUCTURE.

(a) 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 the amount made available to the State under section 135q(b)(1)(B) of the United States Code, for border infrastructure projects eligible under section 1303 of SAFETEA-LU (23 U.S.C. 101 note; 119 Stat. 1207).

(b) USE OF FUND.—Funds designated under this section shall be available under the requirements of section 1303 of SAFETEA-LU (23 U.S.C. 101 note; 119 Stat. 1207).

(c) CERTIFICATION.—Before making a designation under subsection (a), the Governor shall certify that the designation is consistent with transportation planning requirements under title 23 of the United States Code.

(d) NOTIFICATION.—Not later than 30 days after making a designation under subsection (a), 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.

(e) LIMITATION.—This section applies only to funds apportioned to a State after the date of enactment of this Act.

(f) DEADLINE FOR DESIGNATION.—A designation under subsection (a) may be submitted to the Secretary not later than 30 days before the first day of the fiscal year for which the designation is being made.

(g) IN GENERAL.—On July 1, 2020, of the unobligated balances of funds apportioned to a State under section 1435(d)(1)(A) of title 23, United States Code, a total of $7,569,000,000 is permanently rescinded.

(h) EXCLUSIONS FROM RESCISSION.—The rescission under subsection (a) shall not apply to funds distributed in accordance with—

"(1) sections 104(b)(3) and 130(f) of title 23, United States Code;

"(2) section 133(d)(1)(A) of title 23;

"(3) the first sentence of section 133(d)(3)(A) of title 23, as in effect on the day before the date of enactment of MAP-21 (Public Law 112–141); and

"(4) sections 133(d)(1) and 163 of title 23, as in effect on the day before the date of enactment of MAP-21 (Public Law 112–141).

(i) DISTRIBUTION AMONG STATES.—The amount apportioned to each State under this section from the unobligated balances of funds under the Federal-aid highway program for fiscal year 2019 that are available under title 23 of the United States Code shall be determined by multiplying the total amount of the rescission under subsection (a) by the ratio that—

"(1) the unobligated balances subject to the rescission as of September 30, 2019, for the State; bears to

"(2) the unobligated balances as of September 30, 2019, for such program in such State; bears to

"(1) the unobligated balances as of September 30, 2019, for such program in such State; bears to

SEC. 1459. 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 that occur in the Appalachian region may be made without obtaining a permit or other written authorization from the Secretary, from the Governor of a State that shares a land border with Canada or Mexico, or from any other Federal or State authority.

"(2) LIMITATION.—This section shall be in effect for the funds designated under this section.

"(b) AUTHORIZATION OF TAKE.—

"(1) IN GENERAL.—If the Secretary of the Interior, in consultation with the Governor of a State that shares a land border with Canada or Mexico, determines that the takings of nesting swallows authorized under paragraph (1) of any person may be made without obtaining a permit or other written authorization from the Secretary, from the Governor of a State that shares a land border with Canada or Mexico, or from any other Federal or State authority, 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.

"(i) without individual permit requirements; and

"(ii) under terms and conditions determined by the Secretary to be consistent with treaties relating to migratory birds that protect swallow species occurring in the United States.

"(c) TERMINATION.—On the effective date of a rule made under this subsection the Secretary of the Interior, in consultation with the Governor of a State that shares a land border with Canada or Mexico, determines that the takings of nesting swallows that occur in the Appalachian region may be made without obtaining a permit or other written authorization from the Secretary, from the Governor of a State that shares a land border with Canada or Mexico, or from any other Federal or State authority, the Secretary shall provide in the Federal Register a notice of the temporary authorization that is in effect.

SEC. 1460. AT-RISK PROJECT PROGREEMENT 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 PROGREEMENT 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 a written 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.

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(c) ELIGIBILITY.—The Secretary may reimburse preliminary engineering costs incurred by a recipient or subrecipient under subsection (b) if—

(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; or
(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.

(3) if the costs would have been allowable if incurred after the date of the project authorization by the Secretary;

(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.

SEC. 1444. REGIONAL INFRASTRUCTURE ACCELERATION 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) maintain a list of the geographic area to qualified entities in accordance with this section.

(c) APPLICATION.—To be eligible for designation under subsection (b), a proposed regional infrastructure accelerator 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 the geographic area to qualified entities in accordance with this section.

(e) ACCEPTANCE.—A proposal submitted under subsection (d), after acceptance by the Secretary, may designate regional infrastructure accelerators that will—

(1) serve a defined geographic area; and

(2) maintain a list of the geographic area to qualified entities in accordance with this section.

(f) IN GENERAL.—It is in the national interest for the Department of Transportation to designate regional infrastructure accelerators that will—

(1) serve a defined geographic area; and

(2) maintain a list of the geographic area to qualified entities in accordance with this section.

(g) EVALUATION.—The Secretary shall—

(1) identify, evaluate, and determine the best practices of the regional infrastructure accelerators; and

(2) provide technical assistance and information on best practices with respect to financing the projects.

(h) IN GENERAL.—The Secretary shall—

(1) identify, evaluate, and determine the best practices of the regional infrastructure accelerators; and

(2) provide technical assistance and information on best practices with respect to financing the projects.

(i) EVALUATION.—The Secretary shall—

(1) identify, evaluate, and determine the best practices of the regional infrastructure accelerators; and

(2) provide technical assistance and information on best practices with respect to financing the projects.

(j) IN GENERAL.—The Secretary shall—

(1) identify, evaluate, and determine the best practices of the regional infrastructure accelerators; and

(2) provide technical assistance and information on best practices with respect to financing the projects.

(k) EVALUATION.—The Secretary shall—

(1) identify, evaluate, and determine the best practices of the regional infrastructure accelerators; and

(2) provide technical assistance and information on best practices with respect to financing the projects.

(l) IN GENERAL.—The Secretary shall—

(1) identify, evaluate, and determine the best practices of the regional infrastructure accelerators; and

(2) provide technical assistance and information on best practices with respect to financing the projects.

(m) EVALUATION.—The Secretary shall—

(1) identify, evaluate, and determine the best practices of the regional infrastructure accelerators; and

(2) provide technical assistance and information on best practices with respect to financing the projects.

(n) IN GENERAL.—The Secretary shall—

(1) identify, evaluate, and determine the best practices of the regional infrastructure accelerators; and

(2) provide technical assistance and information on best practices with respect to financing the projects.

(o) EVALUATION.—The Secretary shall—

(1) identify, evaluate, and determine the best practices of the regional infrastructure accelerators; and

(2) provide technical assistance and information on best practices with respect to financing the projects.

(p) IN GENERAL.—The Secretary shall—

(1) identify, evaluate, and determine the best practices of the regional infrastructure accelerators; and

(2) provide technical assistance and information on best practices with respect to financing the projects.

(q) EVALUATION.—The Secretary shall—

(1) identify, evaluate, and determine the best practices of the regional infrastructure accelerators; and

(2) provide technical assistance and information on best practices with respect to financing the projects.

(r) IN GENERAL.—The Secretary shall—

(1) identify, evaluate, and determine the best practices of the regional infrastructure accelerators; and

(2) provide technical assistance and information on best practices with respect to financing the projects.

(s) EVALUATION.—The Secretary shall—

(1) identify, evaluate, and determine the best practices of the regional infrastructure accelerators; and

(2) provide technical assistance and information on best practices with respect to financing the projects.

(t) IN GENERAL.—The Secretary shall—

(1) identify, evaluate, and determine the best practices of the regional infrastructure accelerators; and

(2) provide technical assistance and information on best practices with respect to financing the projects.

(u) EVALUATION.—The Secretary shall—

(1) identify, evaluate, and determine the best practices of the regional infrastructure accelerators; and

(2) provide technical assistance and information on best practices with respect to financing the projects.

(v) IN GENERAL.—The Secretary shall—

(1) identify, evaluate, and determine the best practices of the regional infrastructure accelerators; and

(2) provide technical assistance and information on best practices with respect to financing the projects.

(w) EVALUATION.—The Secretary shall—

(1) identify, evaluate, and determine the best practices of the regional infrastructure accelerators; and

(2) provide technical assistance and information on best practices with respect to financing the projects.

(x) IN GENERAL.—The Secretary shall—

(1) identify, evaluate, and determine the best practices of the regional infrastructure accelerators; and

(2) provide technical assistance and information on best practices with respect to financing the projects.

(y) EVALUATION.—The Secretary shall—

(1) identify, evaluate, and determine the best practices of the regional infrastructure accelerators; and

(2) provide technical assistance and information on best practices with respect to financing the projects.

(z) IN GENERAL.—The Secretary shall—

(1) identify, evaluate, and determine the best practices of the regional infrastructure accelerators; and

(2) provide technical assistance and information on best practices with respect to financing the projects.
the matter proposed to be struck and inserting 
MENT.—'' and all that follows before subpara-
SEC. 2001. TRANSPORTATION INFRASTRUCTURE
(1) Section 1109(a)(2) (126 Stat. 444) is amend-
ed by striking “fourth” and inserting “fifth”.
(2) Section 3305(b) (126 Stat. 524) is amend-
ed by striking paragraph (3) and inserting 
(A) in subsection (a) by striking “Section 150 
to the availability of future funds being made 
and inserting “granted”;
(d) MAP–21.—Effective as of July 6, 2012, and 
as if included therein as enacted, MAP–21 (Pub-
Laws 112–141) is amended as follows:
(1) Section 1109(a)(2) (126 Stat. 444) is amend-
ed by striking “third” and inserting “fourth”;
(2) in paragraph (3) by striking “subparagraph 
 Thema section 150” and inserting “Title 23, 
United States Code, is amended to 
read as follows”;
(3) Section 1313(a)(1) (126 Stat. 545) is amend-
ed as if included therein as enacted, 
(1) in the section heading by striking ‘’(i)’’ and 
(2) in paragraph (3) by striking “the” and 
inserting “The”;
(B) in inserting “a local government” for “a 
government” chapter 3 of after “analysis”;
(C) by adding at the end the following:
(5) in paragraph (12)—
(A) in subparagraph (B) by striking “and” and 
(B) in subparagraph (D) by striking “the” and 
inserting “the TIFIA program’’;
(F) the capitalization of a rural projects 
fund’’;
(b) in paragraph (15) by striking “means” and 
all that follows through the period at the end 
and inserting “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), 
(21), and (22), respectively;
(B) the development of the project.’’;
(2) in paragraph (2) by striking “2-year period, 
to the extent the bank has not 
extend the term of the loan or withdraw the 
loan agreement with a borrower for a rural in-
related infrastructure; and
(3) in subparagraph (3)(G)(v) of title 49, and 
bus station, or intermodal facility, including a 
transit facility, passenger rail station, intercity 
transportation, public utility, or capital project 
described in section 602(c)(3)(G)(v) of title 49, 
and inserting “under the TIFIA program’’;
(F) in paragraph (10)—
(i) by striking “To be eligible” and inserting the 
following:
(1) in the matter preceding subparagraph 
(A), by striking “In this chapter, the’’ and in-
serting “The’’;
(B) in inserting “a local government” for “a 
government” chapter 3 of after “analysis”;
(C) by adding at the end the following:
(1) in the matter preceding subparagraph 
(A), by striking “In this chapter, the’’ and in-
serting “The’’;
(A) in subparagraph (3) by striking “subparagraph 
(1) in subsection (a)—
(A) in paragraph (1) in the matter preceding 
paragraph (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 (1) by striking “this chapter’’ and 
inserting “the TIFIA program’’;
(D) in paragraph (5)—
(i) by striking the paragraph heading and in-
serting “ELIGIBLE PROJECT COST PARAMETERS’’;
(ii) in subparagraph (A)—
(I) in the matter preceding clause (i), by strik-
ing “subparagraph (B), to be eligible’’ and 
inserting “ELIGIBLE PROJECT COST PARAMETERS’’;
(ii) by inserting after clause (i) the following:
(TA) the availability of future funds being made 
available to carry out this chapter, and inserting 
subject to—
(iii) the satisfaction of all of the conditions for the 
project credit assistance under the TIFIA 
program, including section 603(b)(1);’’;
(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:
(TII) the availability of future funds being made 
available to carry out this project, and inserting 
subject to—
(iii) $50,000,000; and’’; and
(iii) in clause (ii) by striking “assistance’’;
(3) in paragraph (2)—
(A) 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’’;
(II) by adding at the end the following:
(III) 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 $10,000,000.
(IV) LOCAL INFRASTRUCTURE PROJECTS.—El-
igible project costs shall be reasonably anticipat-
ed to equal or exceed $10,000,000 in the case of 
a project or program of projects—
(1) in which the applicant is a local govern-
ment, public authority, or instrumentality of 
local government;
(2) located on a facility owned by a local 
government;
(3) for which the Secretary determines that 
a local government is substantially involved in 
development of the project’’;
(E) in paragraph (9), in the matter preceding 
paragraph (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:
(1) in the matter preceding subparagraph 
(B), to be eligible’’;
(ii) by striking “this chapter’’ each place it 
appears and inserting “chapter’’;
(iii) by striking “not later than” and inserting 
“no later than’’;
(iv) by adding at the end the following:
(2) in paragraph (2) by striking paragraph (2) 
and inserting the following:
(2) MASTERCREDIT AGREEMENTS.—
(A) PROGRAM OF RELATED PROJECTS.—The 
Secretary may enter into a master credit agree-
ment for a program of related projects secured 
by a common security pledge on terms accept-
able 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.’’;
(C) SECURED LOAN TERMS AND LIMITATIONS.— 
Section 603 of title 23, United States Code, is 
amended—
(i) by striking “(a),” and inserting “(a),”;
(ii) by striking “(b)” and inserting “(b);”;
(iii) by striking “(c)” and inserting “(c);”;
(iv) by striking “(d)” and inserting “(d);”;
(v) by striking “(e)” and inserting “(e);”;
(vi) by striking “(f)” and inserting “(f);”;
(vii) by striking “(g)” and inserting “(g);”;
(viii) by striking “(h)” and inserting “(h);”;
(ix) by striking “(i)” and inserting “(i);”;
(x) by striking “(j)” and inserting “(j);”;
(xi) by striking “(k)” and inserting “(k);”;
(xii) by striking “(l)” and inserting “(l);”;
(xiii) by striking “(m)” and inserting “(m);”;
(xiv) by striking “(n)” and inserting “(n);”;
(xv) by striking “(o)” and inserting “(o);”;
(xvi) by striking “(p)” and inserting “(p);”;
(xvii) by striking “(q)” and inserting “(q);”;
(xviii) by striking “(r)” and inserting “(r);”;
(xix) by striking “(s)” and inserting “(s);”;
(xx) by striking “(t)” and inserting “(t);”;
(1) by striking “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 se-
cured loan is obligated for the project under 
the TIFIA program, that the bank has executed 
a loan agreement with a borrower for a rural in-
frastucture project in accordance with section 
603(b)(3)(D) by the date on which the bank 
draws 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) 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 se-
cured loan is obligated for the project under 
the TIFIA program, that the bank has executed 
a loan agreement with a borrower for a rural in-
frastucture project in accordance with section 
603(b)(3)(D) by the date on which the bank 
draws 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.’’;
(3) in subsection (c) by striking “TIFIA program’’;
(4) in paragraph (10)—
(i) by striking “In this chapter, the’’ and in-
serting “The’’;
(ii) in clause (ii) by striking “this chapter’’ and 
inserting “the TIFIA program’’;
“(2) LIMITATION ON REFINANCING OF INTERIM CONSTRUCTION FINANCING.—A loan under paragraph (1) shall not refinance interim construction financing under paragraph (1)(B)—

(A) if such interim construction financing is later than 1 year after the substantial completion of the project; and

(B) if the amount is not to exceed $10,000,000.

(3) by adding at the end the following:

(“) by adding “The amount of” and inserting the following:

“(A) IN GENERAL.—Except as provided in subparagraph (B), the amount of

and

(A) in subsection (ii) by striking “and inserting “the amount of” and inserting the following:

“(B) RURAL PROJECTS FUND.—In the case of a project capitalizing a rural projects fund, the amount of any secured loan shall be determined in accordance with section 602(a)(5)(B)(iii).”;

(B) in paragraph (3)(A)(i)—

(i) in the matter preceding paragraph (1) by striking “this chapter” and inserting “the TIFIA program”;

and

(ii) in subparagraph (A), by inserting “or rural projects funds” after “rural infrastructure projects”;

(D) in paragraph (5)—

(i) redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and inserting appropriately;

(ii) in the matter preceding clause (i) (as so redesignated) by striking “The final” and inserting “the TIFIA program”;

and

(iii) by adding at the end the following:

“(B) RURAL PROJECTS FUND.—A project capitalizing a rural projects fund shall satisfy subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and

(1) in paragraph (2) by striking “this chapter” and inserting “the TIFIA program”; and

(2) by adding at the end the following:

“(A) IN GENERAL.—Except as provided in subparagraph (B), the final’’.

(ii) in subparagraph (B), by inserting “the TIFIA program” after “rural infrastructure projects”;

(D) in paragraph (5)—

(i) by adding “The total Federal assistance provided to a project receiving a loan under this section may not be made in the form of credit assistance” after “This section may—”;

and

(ii) by adding at the end the following:

“(1) RESERVATION OF FUNDS.—Of the funds made available to carry out the TIFIA program, only 80 percent of the costs that are reasonably anticipated not to equal or exceed $75,000,000.

(2) RELEASE OF FUNDS.—Any funds not used under paragraph (1) in a fiscal year shall be made available on October 1 of the following fiscal year to provide credit assistance to any project under the TIFIA program.’’.

(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 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.

(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) PAYMENT TO STATES FOR CONSTRUCTION.—

(1) by striking “The final” and inserting “the TIFIA program”; and

(2) by adding at the end the following:

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall make available an expedited application process for a project providing for a project receiving a loan under this section to establish a State infrastructure bank the proceeds of a secured loan made to the bank the proceeds of a secured loan made to the bank in accordance with sections 602 and 603.”;

and

(3) by adding at the end the following:

“(A) REALM OF APPLICATION.—

(i) in paragraph (1) by striking “economic development, such as availability payments)’’ after “(a) the secured loan is in an amount not greater than $10,000,000.”

(ii) by adding “The amount of” and inserting the following:

(ii) making pursuant to a long-term concession agreement, such as availability payments)” after “a project”.’’

and

(b) PROJECT APPROVAL AND OVERSIGHT.—

(i) in paragraphs (1) and (2) of title 23, United States Code, is amended by inserting “(including payments made pursuant to a long-term concession agreement, such as availability payments)” after “construction of the project.”

(2) RURAL PROJECTS FUND.—Subject to subsection (i), the Secretary may permit a State entering into a cooperative agreement under this section to establish a State infrastructure bank to make loans to the proceeds of a secured loan made to the bank in accordance with sections 602 and 603.”;

and

(3) by striking subsection (e) and inserting the following:

“(e) FORMS OF ASSISTANCE FROM STATE INFRASTRUCTURE BANKS.—

(A) 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

and

(D) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively;

(E) by inserting after paragraph (3) the following:

“(F) by redesigning “these paragraphs” each place it appears and inserting “the TIFIA program”;

(E) with funds deposited into the rural projects fund, make loans to a public or private entity to carry out a rural infrastructure project.

(2) 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 “reasonable”; and

and

(3) in subsection (k) by striking “fiscal years 2005 through 2009” and inserting “fiscal years 2016 through 2020.”

SEC. 3002. AVAILABILITY PAYMENT CONCESSION AGREEMENT MODEL.

(a) PAYMENT TO STATES FOR CONSTRUCTION.—

Section 121(a) of title 23, United States Code, is amended by inserting “(including payments made pursuant to a long-term concession agreement, such as availability payments)” after “a project.”

(b) PROJECT APPROVAL AND OVERSIGHT.—

Section 1201 of title 23, United States Code, is amended by inserting “(including payments made pursuant to a long-term concession agreement, such as availability payments)” after “construction of the project.”

TITLE III—PUBLIC TRANSPORTATION

SEC. 3001. SHORT TITLE.

This title may be cited as the “Federal Public Transportation Act of 2015.”
SEC. 3002. DEFINITIONS.

Section 5302 of title 49, United States Code, is amended—

(1) in paragraph (1), by inserting “(A)” after “in paragraphs”; and

(2) in subsection (a)(2) by striking “and bicycle transportation facilities” and inserting “, bicycle transportation facilities and intermodal facilities that support intercity transportation, including intercity bus facilities, commuter vanpool providers,”.

SEC. 3003. METROPOLITAN AND STATEWIDE TRANSPORTATION PLANNING.

(a) In general.—Section 5303 of title 49, United States Code, is amended—

(1) in subsection (a)(2) by inserting “a metropolitan planning organization” after “a metropolitan planning organization serving a transit planning area”;

(2) in subsection (a)(3) by striking “and bicycle transportation facilities” and inserting “, bicycle transportation facilities and intermodal facilities that support intercity transportation, including intercity bus facilities, commuter vanpool providers,”;

(3) in subsection (b)(5) by striking “and commuter vanpool providers” and inserting “; and commuter vanpool providers,”;

(4) in subsection (a)(6) by striking “and commuter vanpool providers” and inserting “; and commuter vanpool providers,”;

(5) in subsection (h)(5) by striking “and commuter vanpool providers” and inserting “; and commuter vanpool providers,”;

(6) in subsection (k)(1) by inserting “; and” after “and”; and

(7) in subsection (l)(1) by inserting “; and” after “and”;

(b) Statewide and Nonmetropolitan Transportation Planning.—Section 5304 of title 49, United States Code, is amended—

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

(2) in subsection (d)—

(A) in paragraph (1)—

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

(ii) by inserting “including intercity bus operators, employer-based commuting programs, such as a carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program,” after “job access projects,”; and

(B) by adding at the end the following:

“(C) CONGESTION MANAGEMENT PLAN.—A metropolitan planning organization serving a transit transportation management area may develop a plan that includes projects and strategies that will be considered in the TIP of such metropolitan planning organization. Such plan shall—

(i) develop regional goals to reduce vehicle miles traveled during peak commuting hours and improve connections between areas with high job concentration and areas with high concentrations of low-income households;

(ii) identify existing public transportation services, employer-based commuter programs, and other existing transportation services that support access to jobs in the region; and

(iii) identify projects and programs to reduce congestion and increase job access opportunities.”

(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.
SEC. 3005. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS.

(a) In General.—Section 5302 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";

(ii) by striking paragraph (B) and inserting the following: "(B) 2 or more projects that are any combination of fixed guideway capital projects, small start projects, and core capacity improvement projects";

(C) in paragraph (7)—

(i) in subparagraph (A), by striking "$75,000,000" and inserting "$100,000,000";

(ii) in subparagraph (B), by striking "$250,000,000" and inserting "$300,000,000";

(ii) in subsection (d)—

(A) in paragraph (1)(B) by striking ""and"" after the semicolon;

(ii) by redesignating clause (iv) as clause (vi); and

(v) in clause (vi), by striking "and" after the semicolon;

(vi) by redesignating clause (vii) as clause (ix); and

(B) in paragraph (2)(A)—

(i) in clause (iii) by adding "and" after the semicolon;

(ii) by striking clause (iv); and

(b) substituted projects;'' after "new fixed guideway capital projects";

(C) by striking paragraph (3)(A) and inserting the following:

"(A) IN GENERAL.—In carrying out";

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

"(4) REMAINING COSTS.—The remainder of the net capital project costs shall be provided—

(A) in cash from non-Government sources;

(B) from revenues from the sale of advertising and concessions; or

(C) from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.

(7) by striking subsection (n) and inserting the following:

"(n) AVAILABILITY OF AMOUNTS.—

(1) In general.—An amount made available or appropriated for a new fixed guideway capital project or core capacity improvement project shall be available for use with respect to a fiscal year only if the Secretary determines that the project is ready to proceed 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;

(2) Use of deobligated amounts.—An amount made available or appropriated for a new fixed guideway capital project or core capacity improvement project shall not be available for use with respect to any fiscal year after the end of the 4-fiscal-year period for which the amount is made available or appropriated. Any amounts that are unobligated to the project at the end of the 4-fiscal-year period may be used by the Secretary for any purpose under this section;

(3) Use of deobligated amounts.—An amount made available or appropriated for a new fixed guideway capital project or core capacity improvement project shall be available only if the Secretary determines that the project is ready to proceed 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;

(4) Project justification and local financial commitment under subsection (d), subsection (e), (f), and (h), as applicable, to the project, based on—

(A) the net capital costs of the public transportation projects 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.

(c) 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 capital costs attributable to the project.

(2) USE OF DEOBLIGATED AMOUNTS.—An amount made available or appropriated for a new fixed guideway capital project or core capacity improvement project shall be available only if 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.

(f) Full funding grant agreement for new fixed guideway capital project.—A full funding grant agreement for a new fixed guideway capital project shall not exceed 80 percent of the net capital project cost.

(i) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.

(ii) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.

(iii) Grant for core capacity improvement project.—A grant for a core capacity improvement project shall not exceed 80 percent of the net capital project cost.

(iv) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.

(v) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.

(vi) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.

(vii) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.

(R) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.

(S) Grant for core capacity improvement project.—A grant for a core capacity improvement project shall not exceed 80 percent of the net capital project cost.

(T) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.

(U) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.

(V) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.

(W) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.

(X) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.

(Y) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.

(Z) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.

(D) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.

(E) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.

(F) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.

(G) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.

(H) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.

(I) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.

(J) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.

(K) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.

(L) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.

(M) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.

(N) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.

(O) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.

(P) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.

(Q) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.

(R) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.

(S) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.

(T) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.

(U) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.

(V) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.

(W) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.

(X) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.

(Y) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.

(Z) Grant for small start project.—A grant for a small start project shall not exceed 80 percent of the net capital project cost.
(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 fixed guideway bus rapid transit project, or 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 capital project—

(i) in which the majority of the project operates in a separated right-of-way dedicated 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 characteristics of fixed guideway public transportation systems.

(G) NEW FIXED GUIDEWAY CAPITAL PROJECT.—The term "new fixed guideway capital project" means—

(i) a fixed guideway capital 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) SMALL START PROJECT.—The term "small start project" means a recipient of funding under chapter 53 of title 49, United States Code.

(I) FIXED GUIDEWAY BUS RAPID TRANSIT PROJECT.—The term "fixed guideway bus rapid transit project" means a bus rapid transit project—

(i) that is part of an approved transportation project for the proposed eligible project; and

(ii) that is a fixed guideway capital project, a fixed guideway bus rapid transit project, or a small start project.

(J) CORE CAPACITY IMPROVEMENT PROJECT.—The term "core capacity improvement project" means a project—

(i) that is part of an approved transportation project for the proposed eligible project; and

(ii) that is a fixed guideway capital project, small start project, or core capacity improvement project.

(K) ELIGIBLE PROJECT.—The term "eligible project" means a project—

(i) that is part of an approved transportation project for the proposed eligible project; and

(ii) that is a fixed guideway capital project, small start project, or core capacity improvement project.

(L) PROCUREMENT AMENDMENT.—The term "procurement amendment" means an amendment to an application for a grant request under this section or a full funding grant agreement, made in accordance with a written approval of the Secretary pursuant to paragraph (3)(D) if—

(1) the applicant submitted the certifications required under subparagraph (A) of paragraph (3)(D) of section 5306 of title 49, United States Code; and

(2) the Secretary determines that—

(I) the applicant has demonstrated an understanding of the requirements of this section and regulations of the Secretary in accordance with section 5309 of title 49, United States Code; and

(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) 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, use of public-private partnerships, and other public-private partnership strategies.

(M) LABOR STANDARDS.—The requirements under section 5333 of title 49, United States Code, shall apply to each recipient of a grant under this subsection.

(N) PROJECT ADVANCEMENT.—An applicant that desires a grant under this subsection and that meets the requirements shall submit to the Secretary, and the Secretary shall approve for advancement, a grant request that contains—

(1) identification of an eligible project;

(2) a schedule and finance plan for the construction and operation of the eligible project;

(3) 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—

(A) public-private partnership required under paragraph (3)(A)(iii); and

(B) project financing required under paragraph (3)(A)(iv); and

(4) a certification that the existing public transportation system, the 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.

(O) WRITTEN NOTICE FROM THE SECRETARY.—

(1) 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.

(2) 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.

(P) WAIVER.—The Secretary may grant a waiver to an applicant that does not comply with subparagraph (4) if—

(1) the Secretary determines that the proposed project meets the definition of a core capacity improvement project; and

(2) the Secretary determines that the project—

(I) will allow the applicant to show substantial progress in achieving a state of good repair;

(II) involves a significant increase in the degree of local financial commitment that is consistent with or better than previous proposals; and

(III) demonstrates that the applicant continues to have the staff expertise and other resources necessary to implement a new project.

(Q) FINANCIAL COMMITMENT.—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)(i) of paragraph (3), the Secretary shall require that—

(I) each proposed source of capital and operating financing is stable, reliable, 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.

(R) CONSIDERATION.—In determining 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; and

(II) evidence presented by the applicant, for the proposed eligible project, including cost-effective project delivery, management or transfer of project risks, use of public-private partnerships, and other public-private partnership strategies.

(S) LETTERS OF INTENT AND FULL FUNDING GRANT AGREEMENTS.—

(1) LETTERS OF INTENT.—An applicant that submits an application to the Secretary for an eligible project under this subsection 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.) and

(2) FULL FUNDING GRANT AGREEMENTS.—
title II, United States Code, or an administrative committee.

(ii) FULL FUNDING GRANT AGREEMENTS.—
(i) IN GENERAL.—Except as provided in clause (v), and 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 on the requirements of this subparagraph, with each applicant receiving assistance for an eligible project that has received a written notice of approval under paragraph (b)(2)(A).

(iii) TERMS.—A full funding grant agreement shall—
(A) establish the terms of participation by the Federal Government in the eligible project;
(B) establish the maximum amount of Federal financial assistance for the eligible project;
(C) describe the period of time for conducting construction of the eligible project, consistent with the terms of the public-partnership agreement, even if that period extends beyond the period of an authorization; and
(D) make timely and efficient management of the eligible project easier according to the law of the United States.

(iv) UNDER FINANCIAL RULES.—
(I) IN GENERAL.—A full funding grant agreement under this subparagraph obligates an amount of available budget authority specified in law to make 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.—
(a) In general:
(1) Interest costs or financing costs of efficiently carrying out a part of the eligible project within a reasonable time are a cost of carrying 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.

(b) 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 transportation enhancement project shall be sufficient to complete at least an operable segment.

(i) EXCEPTION.—
(1) 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 cannot provide such a grant, the Secretary may enter into 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 such agreements terms similar to those established under clause (iii).

(iii) LIMITATION ON AMOUNTS.—
(1) IN GENERAL.—The Secretary shall, in determining the amount of funds available each fiscal year to be used for any project under this subparagraph, take into account the feasibility of the project, the amount of funds made available under other Federal programs for the same purpose, and the availability of funds from other sources.

(iv) APPROPRIATION REQUIRED.—An obligation may be made under this paragraph only when amounts are appropriated for obligation.

(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 Appropriations Committees of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives of the 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 CAPITAL PROJECTS.—In determining the amount of funds provided pursuant to subparagraph (A), a planned extension to a fixed guideway system may include the cost of rolling stock previously purchased if the applicant certifies that only amounts other than amounts provided by the Federal Government were used to make the purchase for use on the extension. A refund or reduction of amounts paid under this subparagraph 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 any 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) CREDITS 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.

(G) AVAILABILITY OF AMOUNTS.—
(1) IN GENERAL.—Any funds made available for an eligible project shall remain available to that eligible project for 4 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 4-fiscal-year period may be used by the Secretary for any purpose under this subsection.

(2) USE OF DEOBLIGATED AMOUNTS.—An amount available under this subsection that is deobligated may be used for any purpose under this subsection:

(i) ANNUAL REPORT ON EXPEDITED PROJECT DELIVERY FOR CAPITAL INVESTMENT GRANTS.—
(1) IN GENERAL.—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.

(2) 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;

(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).

(C) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to—
(1) require the privatization of the operation or maintenance of any project for which an applicant seeks funding under this subsection;

(ii) revise the determinations by local policies, criteria, and decisionmaking under section 5306(a) of title 49, United States Code;

(iii) alter the requirements for locally developed, coordinated, and implemented transportation plans under sections 5303 and 5304 of title 49, United States Code; or

(iv) (A) require the privatization of the operation or maintenance of any project for which an applicant seeks funding under this subsection;

(ii) revise the determinations by local policies, criteria, and decisionmaking under section 5306(a) of title 49, United States Code;

(iii) alter the requirements for locally developed, coordinated, and implemented transportation plans under sections 5303 and 5304 of title 49, United States Code.

SEC. 3006. ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES.

(a) IN GENERAL.—Section 5310 of title 49, United States Code, is amended—

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

(1) REPORT.—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; and

(ii) by adding at the end the following:

(2) INGENERAL.—Section 5310 of title 49, United States Code.

(b) PILOT PROGRAM FOR INNOVATIVE COORDINATED ACCESS AND MOBILITY.—

(i) DEFINITIONS.—In this subsection—

(A) the term ‘eligible project’ means 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 who is an eligible recipient under section 5310 of title 49, United States Code.

(ii) GENERAL AUTHORITY.—The Secretary may make grants under this subsection to eligible recipients to assist in financing projects for the transportation disadvantaged that improve the coordination of transportation services and nonemergency 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 appropriate by the Secretary.

(iii) 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; and

(iv) NON-FEDERAL PARTICIPATION.—
(A) private entities engaged in the coordination of nonemergency medical transportation services for the transportation disadvantaged;

(B) any other nonprofit entities engaged in the coordination of nonemergency medical transportation services for the transportation disadvantaged;
(C) a description of how the eligible project would—
   (i) improve local coordination or access to co-
       ordinated transportation services;
   (ii) reduce duplication of service, if applicable; and
   (iii) provide innovative solutions in the State or community;
   (D) specific performance measures the eligible project will use to quantify actual outcomes against expected outcomes.
(4) In establishing the cost-sharing policy required under paragraph (3), the Council shall make publicly available an annual report on the pilot program carried out under this subsection for each fiscal year, not later than December 31 of the calendar year in which that fiscal year ends. The report shall include a detailed description of the activities carried out under the pilot program, and an evaluation of the program, including an evaluation of the performance measures described in paragraph (3)(D).

(5) 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-Govern-
       ment share of the cost of an eligible project carried out under this subsection may be derived from in-kind contributions.

(6) RULE OF CONSTRUCTION.—For purposes of this subsection, nonemergency medical transportation services shall be limited to services eligible under Federal programs other than programs funded by members of the Council, such as—
   (i) medical transportation;
   (ii) transportation coordination, including nonemergency medical transportation that the transportation provider delivers for each trip purpose, to the extent provided under applicable Federal laws;
   (B) COUNCIL.—The term "Council" means the Interagency Transportation Coordinating Council on Access and Mobility established under Executive Order No. 13330 (49 U.S.C. 101 note).

(2) STRATEGIC PLAN.—Not later than 1 year 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 transporta-
       tion coordination, including nonemergency medical transportation;
   (B) identifies a strategy to strengthen inter-
       agency collaboration;
   (C) develops and submits outstanding recommenda-
       tions made by the Council in the 2005 Report to the President relating to the implementation of Executive Order No. 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;
   (D) to the extent feasible, addresses rec-
       ommendations of the Comptroller General concerning local coordination of transportation services;
   (E) examines and proposes changes to Federal regulations that will eliminate Federal barriers to local coordination, including non-emergency medical transportation; and
   (F) recommends to Congress changes to Fed-
       eral laws, including chapter 7 of title 42, United States Code, that will eliminate Federal barriers to local transportation coordination, including nonemergency medical transportation.

(3) COST-SHARING POLICY IN COMPLIANCE WITH APPLICABLE FEDERAL LAWS.—
   (A) In establishing the cost-sharing policy required under paragraph (2), the Council may consider, to the extent feasible—
   (i) the development of recommended strate-
       gies for grantees of programs funded by members
       of the Council, including strategies for grantees of programs that fund nonemergency medical transportation, to use the cost-sharing policy in a manner that does not violate applicable Federal laws; and
   (B) incorporation of an allocated cost model to facilitate local coordination efforts that comply with applicable requirements of programs funded by members of the Council, including such as—
   (i) eligibility requirements;
   (ii) service delivery requirements; and
   (iii) reimbursement requirements.

(4) REPORT.—The Council shall concurrently with submission to the President of a report contain-
   ing final recommendations of the Council, transmit such report to the Committee on Trans-
   portation, Housing, and Urban Affairs of the Senate.

SEC. 3007. FORMULA GRANTS FOR RURAL AREAS.
   (A) IN GENERAL.—Section 5311 of title 49, United States Code, is amended—
      (1) in subsection (c)(1), by striking subparagraphs (A) and (B) and inserting the following:
         "(A) $5,000,000 for each fiscal year shall be ap-
      portioned and formula grants, as provided in sub-
      section (j);"
      (2) in subsection (g)(3), by redesignating subparagraphs (A) through (D) as subparagraphs (C) through (F), respectively;
      (B) by inserting before subparagraph (C) as so redesignated the following:
         "(A) may be provided in cash from non-Govern-
      ment sources;"
         "(B) may be provided from revenues from the sale of advertising and concessions;"
         "(C) in subparagraph (A) as so redesignated by inserting "and all operating and capital costs of such service whether or not offset by revenue from such service, after "the costs of a private operator for the unsubsidized seg-
      ment of intercity bus service"; and
      (3) in subsection (j)(1)—
         (A) in subparagraph (A)(ii), by striking "as defined by the Bureau of the Census)" and in-
      serting "("American Indian Areas, Alaska Native Areas, and Hawaiian Home Lands, as defined by the Bureau of the Census);" and
         (B) by adding at the end of 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, the Indian tribes do not determine how to allocate the funds apportioned under sub-
      clause (iii) of subparagraph (A) between the Indian tribes, the Sec-
      retary shall allocate that amount to each Indian tribe so that the total amount apportioned under such sub-
      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 Indian tribes in the Tribal Statistical Area.
         (F) CONFORMING AMENDMENTS.—Section 5311 of this title is further amended—
            (1) in subsection (b), by striking "§5338(a)(2)(E)" and inserting "§5338(a)(2)(F)";
            (2) in subsection (c)—
               (A) in paragraph (1), in the matter preceding sub-
               paragraph (A), by striking "§5338(a)(2)(E)" and inserting "§5338(a)(2)(F)";
               (B) in paragraph (2)(C), by striking "§5338(a)(2)(E)" and inserting "§5338(a)(2)(F)"; and
               (C) in paragraph (3)(A), by striking "§5338(a)(2)(E)" and inserting "§5338(a)(2)(F)".
   (B) FORMULA GRANTS FOR RURAL AREAS—
   "§ 5312. Public transportation innovation;''.

   (2) in subsection (e) as so redesignated—
      (A) in paragraph (2)—
         (i) in the matter preceding subparagraph (A), by inserting "demonstration, deployment, or evalua-
         tion of a vehicle that is in revenue service unless the Sec-
         retary determines that the project makes signifi-
         cant technological advancements in the vehicle,
         (ii) a zero emission vehicle used to provide public transportation that the Secretary determines sufficiently reduces energy consumption or greenhouse gas emissions, when compared to a comparable standard vehicle; or
         (iii) a zero emission vehicle used to provide public transportation that the Secretary determines sufficiently reduces energy consumption or greenhouse gas emissions, when compared to a comparable standard vehicle; or
      (B) by striking paragraph (5) and inserting the following:
         "(5) PROHIBITION.—The Secretary may not make grants under this subsection for the demon-
      stration, deployment, or evaluation of a vehicle that is in revenue service unless the Sec-
      retary determines that the project makes signifi-
      cant 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 Adminis-
      trator of the Environmental Protection Agency;
         "(B) the term 'low or no emission vehicle' means a vehicle that does not emit carbon or particulate materi-
      al emissions;
         "(C) the term 'zero emission vehicle means a vehicle that does not emit carbon or particulate materi-
      al emissions; or
         "(D) the term 'low or no emission vehicle component' has the meaning given the term in section 102 of the Higher Education Act of 1963 (20 U.S.C. 1002);
   "(D) the term 'low or no emission vehicle component' means an item that is separately in-
      stalled in and removable from a low or no emission vehicle.
   "(2) ASSESSING LOW OR NO EMISSION VEHICLE COMPONENTS.—
      "(A) IN GENERAL.—The Secretary shall com-
      petitively select at least one facility 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.—
      "(A) by redesignating subsections (a) through (j) as subsections (b) through (g), respectively;
      (B) by inserting before subsection (b) as so redesignated the following:
         "(i) REQUIREMENTS.—An institution of higher education described in clause (i) shall have—
"(1) capacity to carry out transportation-related advanced component and vehicle evaluation;

"(2) laboratories capable of testing and evaluation;

"(3) 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;

"(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 vehicle components at the applicable facility selected 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, an 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 selected 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 selected under subparagraph (A).

"(F) IN COMPLIANCE WITH SECTION 5312.—Notwithstanding whether a low or no emission vehicle component is assessed at a facility selected under subparagraph (A), each new bus model shall comply with the requirements under section 5312.

"(G) SEPARATE FACILITY.—A facility selected under subparagraph (A) shall be separate and distinct from state and operated and maintained under section 5312.

"(H) 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 selected 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.

"(I) PUBLIC AVAILABILITY OF ASSESSMENTS.—Each facility selected under subparagraph (A) shall be made publicly available, including to affected industries.

"(J) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require—

"(i) a low or no emission vehicle component to be tested at a facility selected under paragraph (2)(A); or

"(ii) the development or disclosure of a privately funded component assessment.

"(K) IN GENERAL.—Section 5314 of title 49, United States Code, is amended to read as follows:

"§5314. Technical assistance and workforce development

"(a) IN GENERAL.—Section 5314 of title 49, United States Code, is amended to read as follows:

"(1) TECHNICAL ASSISTANCE AND STANDARDS.

"(a) I N GENERAL.—The Secretary may make grants and enter into contracts, cooperative agreements, and other agreements (including agreements with departments, agencies, and instrumentalities of the Government) to carry out activities that the Secretary determines will assist recipients of assistance under this chapter to—

"(i) more effectively and efficiently provide public transportation service;

"(ii) administer funds received under this chapter in compliance with Federal law; and

"(iii) improve public transportation.

"(b) ELIGIBLE ACTIVITIES.—The activities carried out under subparagraph (a) may include—

"(i) technical assistance;

"(ii) the development of voluntary and consensus-based standards and best practices by the public transportation industry, including standard and best practices for safety, fare collection, intelligent transportation systems, accessibility, procurement, security, asset management to maintain a state of good repair, operations, maintenance, safety, security, and analysis related to market-based development around transit stations;

"(ii) measurable outcomes and impacts of the programs funded under subsections (b) and (c).

"(ii) the development of consensus-based national training standards and best practices by the public transportation industry, including training standards and certifications in partnership with industry stakeholders.

"(D) increase transit ridership in coordination with metropolitan planning organizations and other entities through the development of public transportation stations through technical assistance and the development of tools, guidance, and analysis related to market-based development.

"(E) address transportation equity with regard to the effect that transportation planning, investment, and operations have for low-income and minority individuals.

"(F) facilitate best practices to promote bus driver safety.

"(G) meet the requirements of sections 5323(j) and 5323(n).

"(H) assist with the development and deployment of low or no emission vehicle components (as defined in section 5338(c)(1)) or low or no emission vehicle components at a facility selected under section 5312(h)(1); and

"(i) any other technical assistance activity that the Secretary determines is necessary to advance the interests of public transportation.

"(1) ANNUAL REPORT ON TECHNICAL ASSISTANCE.—Not later than the first day of February of each year, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the House of Representatives a report that includes—

"(A) a description of each project that received assistance under this subsection during the preceding fiscal year;

"(B) an evaluation of the activities carried out by each organization that received assistance under this subsection during the preceding fiscal year;

"(C) a proposal for allocations of amounts for assistance under this subsection for the subsequent fiscal year; and

"(D) measurable outcomes and impacts of the programs funded under subsections (b) and (c).

"(2) GOVERNMENT SHARE OF COSTS.—In general, the Government share of the cost of an activity carried out using a grant under this subsection may not exceed 80 percent.

"(B) NON-GOVERNMENT SHARE.—The non-Government share of the cost of an activity carried out using a grant under this subsection may be derived from in-kind contributions.

"(C) HUMAN RESOURCES AND TRAINING.—

"(1) IN GENERAL.—The Secretary may undertake, or make grants and contracts for, programs that address human resource needs as they apply to public transportation providers.

"(2) AN EMPLOYMENT TRAINING PROGRAM.—

"(3) AN OUTREACH PROGRAM TO INCREASE EMPLOYMENT FOR VETERANS, FEMALES, INDIVIDUALS WITH A DISABILITY, MINORITIES (INCLUDING AMERICAN INDIANS OR ALASKA NATIVES, ASIAN, BLACK OR AFRICAN AMERICANS, NATIVE HAWAIIANS OR OTHER PACIFIC ISLANDERS, AND HISPANICS) IN PUBLIC TRANSPORTATION ACTIVITIES;

"(D) research on public transportation personnel and training needs;
“(2) INNOVATIVE PUBLIC TRANSPORTATION FRONTLINE WORKFORCE DEVELOPMENT PROGRAM.—

(A) IN GENERAL.—The Secretary shall establish a grant program to assist the development of innovative activities eligible for assistance under paragraph (1).

(B) ELIGIBLE PROGRAMS.—A program eligible for assistance under paragraph (1) shall—

(i) develop apprenticeships, on-the-job training, and instructional training for public transportation maintenance and operations occupations;

(ii) build local, regional, and statewide public transportation training partnerships with local public transportation operators, labor union organizations, workforce development boards, and State workforce agencies to identify and address workforce skill gaps;

(iii) develop safety, security, and emergency preparedness in local public transportation systems through improved safety culture and workforce communication with first responders and the riding public; and

(iv) address current or projected workforce shortages by developing partnerships with high schools, community colleges, and other community organizations; or

“(C) SELECTION OF RECIPIENTS.—To the maximum extent feasible, the Secretary shall select recipients that—

(i) are geographically diverse;

(ii) address the workforce and human resource needs of large public transportation providers;

(iii) address the workforce and human resource needs of urban public transportation providers;

(iv) address the workforce and human resource needs of rural public transportation providers;

(v) address current and projected workforce shortages by developing partnerships with high schools, community colleges, and other community organizations; and

(vi) address in-demand industry sector or capitation workforce needs defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(D) 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—

(i) the impact on reducing public transportation workforce shortages in the area served;

(ii) the diversity of training participants;

(iii) the number of participants obtaining certifications or credentials required for specific types of employment;

(iv) employment outcomes, including job placement, 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

(v) 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.

(E) REPORT TO CONGRESS.—The Secretary shall make publicly available a report on the Frontline Workforce Development Program for each fiscal year that is later than December of the calendar year in which that fiscal year ends. The report shall include a detailed description of activities carried out under this paragraph, an evaluation of the program, and policy recommendations to improve program effectiveness.

“(3) GOVERNMENT’S SHARE OF COSTS.—The Government share of the cost of a project carried out under a grant under paragraph (1) or (2) shall be 50 percent.

“(4) AVAILABILITY OF AMOUNTS.—Not more than 0.5 percent of amounts made available to a recipient under sections 5307, 5337, and 5339 is available for expenditures 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.

“(c) NATIONAL TRANSIT INSTITUTE.—

(1) ESTABLISHMENT.—The Secretary shall establish a national transit institute and award grants to a public 4-year degree-granting institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), in order to carry out the duties of the institute.

(2) DUTIES.—

(A) IN GENERAL.—In cooperation with the Federal Transit Administration, State transportation departments, public transportation authorities, and national and international entities, the institute established under paragraph (1) shall develop and conduct training and educational programs for Federal, State, and local public transportation employees, United States citizens, and foreign nationals engaged or to be engaged in Government-aid public transportation work.

(B) TRAINING AND EDUCATIONAL PROGRAMS.—The training and educational programs developed under subparagraph (A) may include courses in recent developments, techniques, and procedures related to—

(i) intermodal and public transportation planning;

(ii) management;

(iii) environmental factors;

(iv) acquisition and joint use rights-of-way;

(v) engineering and architectural design;

(vi) procurement strategies for public transportation systems;

(vii) turnkey approaches to delivering public transportation systems;

(viii) new technologies;

(ix) emission reduction technologies; and

(x) innovative finance.

(3) PROVISION FOR EDUCATION AND TRAINING.—Education and training of Government, State, and local transportation employees under this subsection shall be provided—

(A) by the Secretary at no cost to the States and local governments for subjects that are a Government program responsibility; or

(B) when the education and training are paid under paragraph (4), by the State, with the approval of the Secretary, through grants and contracts with public and private agencies, other institutions, individuals, and the institute.

(4) AVAILABILITY OF AMOUNTS.—

(A) IN GENERAL.—Not more than 0.5 percent of amounts made available to a recipient under sections 5307, 5337, and 5339 is available for expenditures 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) PAY IN Neighbor areas.—A recipient may use amounts made available under subparagraph (A) to carry out existing local education and training programs for public transportation employees, with the approval of the Secretary, to the Departments of Labor, or the Department of Education.

”
Section 332 of title 49, United States Code, is amended—

(1) in subsection (a) in the matter preceding paragraph (1) by striking “section (b)(4)” and inserting “subsection (b)(5)”;

(2) in subsection (b)(2)(B) by striking “22.27 percent” and inserting “27 percent”; and

(3) in subsection (h)—

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

“(1) $30,000,000 shall be set aside each fiscal year to carry out section 5307(h);”;

(B) by striking paragraph (3) and inserting the following:

“(3) of amounts not apportioned under paragraphs (1) and (2)—

(A) for fiscal years 2016 through 2018, 1.5 percent shall be apportioned to urbanized areas with populations of less than 300,000 in accordance with subsection (i); and

(B) for fiscal years 2019 and 2020, 2 percent shall be apportioned to urbanized areas with populations of less than 200,000 in accordance with subsection (i).”;

SEC. 3015. STATE OF GOOD REPAIR GRANTS.

(a) In General.—Section 5337 of title 49, United States Code, is amended—

(1) in subsection (c)(2)(B), by inserting “the provisions of” before “section 5336(b)(1)”;

(2) in subsection (d)(4), by striking “vehicle” after “motorbus”; and

(3) by adding at the end the following:

“(C) 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; the recipient may provide additional local matching amounts.

(2) REMAINING COSTS.—The remainder of the net project cost shall be financed—

(A) in cash from non-Government sources;

(B) from revenues derived from the sale of advertising and concessions; or

(C) from an unencumbered cash surplus, a replacement or depreciation cash fund or reserve, or new capital.”;

(b) Definitions.—In this section—

(1) the terms ‘‘motorbus’’, ‘‘motorcoach’’, and ‘‘motor carrier’’ have the meanings given those terms in section 5501 of title 49, United States Code.

(2) ‘‘fiscal year’’ means a period of 12 consecutive months ending on September 30.

(3) ‘‘project period’’ means a period of 12 consecutive months beginning on the date the applicant received notice of approval of an application under this section.

(4) ‘‘project cost’’ means—

(A) the cost of a project and the interest on the amount of the cash investment by the recipient in the project; and

(B) any applicable fees, taxes, and charges paid or payable by the recipient with respect to the construction, reconstruction, or acquisition of a public transportation system or any facility for a public transportation system.

(c) Grants.—The Secretary shall make grants to eligible recipients under this section in accordance with the provisions of this section.

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $500,000,000 for each of fiscal years 2016 through 2020.
SEC. 3016. AUTHORIZATIONS.

Section 5338 of title 49, United States Code, is amended—

"(a) GRANTS.—

"(1) IN GENERAL.—There shall be available under the account of the Highway Trust Fund to carry out sections 5307, 5309, 5310, 5311, 5312, 5314, 5337, 5339, and 5340, section 2006(b) of the Federal Public Transportation Act of 2012, and sections 3006(b) of the Federal Public Transportation Act of 2015—

"(A) $9,347,604,639 for fiscal year 2016;

"(B) $9,534,706,043 for fiscal year 2017;

"(C) $9,733,357,407 for fiscal year 2018;

"(D) $9,939,380,630 for fiscal year 2019; and

"(E) $10,130,348,462 for fiscal year 2020.

"(2) ALLOCATION OF FUNDS.—Of the amounts made available under paragraph (1)—

"(A) $10,150,348,462 for fiscal year 2016, $10,355,384,851 for fiscal year 2017, $10,560,346,017 for fiscal year 2018, and $10,766,317,271 for fiscal year 2019 and $142,366,417 for fiscal year 2020, shall be available to carry out section 5305;

"(B) $10,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 2006(b) of the Federal Public Transportation Act of 2012;

"(C) $132,063,570 for fiscal year 2016, $142,683,814 for fiscal year 2017, $1,726,507,174 for fiscal year 2018, $1,827,117,066 for fiscal year 2019, and $1,929,452,499 for fiscal year 2020 shall be allocated in accordance with section 5336 to provide financial assistance for urbanized areas under section 5307;

"(D) $126,949,400 for fiscal year 2016, $128,208,388 for fiscal year 2017, $127,840,764 for fiscal year 2018, $127,846,188 for fiscal year 2019, and $128,574,688 for fiscal year 2020 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 fiscal year 2016, $3,000,000 for fiscal year 2017, $3,250,000 for fiscal year 2018, $3,500,000 for fiscal year 2019 and $3,500,000 for fiscal year 2020 shall be available for the pilot program for innovative coordinated access and mobility under section 3006(b) of the Federal Public Transportation Act of 2015;

"(F) $619,956,000 for fiscal year 2016, $632,355,120 for fiscal year 2017, $645,634,578 for fiscal year 2018, $659,322,631 for fiscal year 2019, and $673,283,692 for fiscal year 2020 shall be available to provide financial assistance for rural areas under section 5311, of which not less than—

"(i) $1,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5311(b)(1); and

"(ii) $20,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5311(c)(2);

"(G) $28,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5311(c)(2); and

"(H) $2,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5312(b); and

"(i) $1,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5312(b); and

"(ii) $60,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5312(b);

"(i) $9,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5314; of which $5,000,000 shall be available for the national transit institute under section 5314(c); and

"(ii) $1,000,000 for each of fiscal years 2016 through 2020 shall be available for bus testing under section 5318;

"(3) IN GENERAL.—There shall be available under the account of the Highway Trust Fund to carry out sections 5305, 5307, 5309, 5310, 5311, 5312, 5314, 5337, 5339, and 5340, section 2006(b) of the Federal Public Transportation Act of 2012, and sections 3006(b) of the Federal Public Transportation Act of 2015—

"(A) $9,347,604,639 for fiscal year 2016;

"(B) $9,534,706,043 for fiscal year 2017;

"(C) $9,733,357,407 for fiscal year 2018;

"(D) $9,939,380,630 for fiscal year 2019; and

"(E) $10,130,348,462 for fiscal year 2020.

"(4) IN GENERAL.—There shall be available under the account of the Highway Trust Fund to carry out sections 5305, 5307, 5309, 5310, 5311, 5312, 5314, 5337, 5339, and 5340, section 2006(b) of the Federal Public Transportation Act of 2012, and sections 3006(b) of the Federal Public Transportation Act of 2015—

"(A) $9,347,604,639 for fiscal year 2016;

"(B) $9,534,706,043 for fiscal year 2017;

"(C) $9,733,357,407 for fiscal year 2018;

"(D) $9,939,380,630 for fiscal year 2019; and

"(E) $10,130,348,462 for fiscal year 2020.

"(F) 0.5 percent of amounts made available to carry out section 5311.

"(G) 1 percent of amounts made available to carry out section 5317, of which not less than $50,000,000 shall be available to carry out section 5317.

"(H) 0.75 percent of amounts made available to carry out section 5317.

"(2) ACTIVITIES.—The activities described in this paragraph are as follows:

"(A) Funds authorized to be appropriated to carry out 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 during a compliance review and audits carried out under this section.

"(D) GOVERNMENT SHARE OF COSTS.—The Government shall pay the entire cost of carrying out a contract under this subsection.

"(3) AVAILABILITY OF CERTAIN FUNDS.—Funds made available under paragraph (1)(C) shall be available to the Secretary before allocating the funds appropriated to carry out any project under a full funding grant agreement.

"(4) GRANTS AS CONTRACTUAL OBLIGATIONS.—The Secretary shall issue a grant as a contractual obligation of the Government to pay the Government share of the cost of the project.

"(5) GRANTS FINANCED FROM GENERAL 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 shall be considered as having a contractual obligation of the Government to pay the Government share of the cost of the project.

"(6) AVAILABILITY OF AMOUNTS.—Amounts made available by or appropriated under this section shall remain available until expended.'

SEC. 3017. GRANTS FOR BUSES AND BUS FACILITIES.

(a) IN GENERAL.—Section 5307 of title 49, United States Code, is amended to read as follows:

"5307. Grants for buses 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 section 103(a)(1); and

"(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 emission vehicles or facilities; and

"(B) to construct bus 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.—

"(A) GRANTEES.—Eligible recipients under this subsection are—

"(i) designated recipients that allocate funds to fixed route bus operators; or

"(ii) individuals that provide financial assistance for urbanized areas under section 5310; and

"(iii) States.
“(ii) State or local governmental entities that operate fixed route bus service.

“(B) SUBRECIPENTS.—A recipient that receives a grant under this subsection may allocate amounts appropriated under this subsection among the designated recipients who are public agencies or private nonprofit organizations engaged in public transportation.

“(5) DISTRIBUTION OF GRANT FUNDS.—Funds allocated under section 5338(b)(1) shall be distributed as follows:

“(A) NATIONAL DISTRIBUTION.—$90,500,000 for each of fiscal years 2016 through 2020 shall be allocated as follows:

“(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 fund cash 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 from a vehicle, as determined by the Administrator of the Environmental Protection Agency.

“(B) TRANSFER FLEXIBILITY FOR POPULATION AND SERVICE FACTORS.—The remainder of the funds not otherwise distributed under subparagraph (A) shall be transferred pursuant to the formula set forth in section 5336.

“(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 subsection 5311(c) or amounts apportioned to urbanized areas under subsections (a) and (c) of section 5336.

“(B) TRANSFER FLEXIBILITY FOR POPULATION AND SERVICE FACTORS FUNDS.—The Governor of a State may transfer part of the State’s apportionment under paragraph (5)(B) to supplement amounts apportioned to urbanized areas with a population of 200,000 or more.

“(7) GOVERNMENT SHARE OF COSTS.—

“(A) TRANSFERS OF APPORTIONMENTS.—A grant for a capital project under this subsection shall be for 80 percent of the amount the State would otherwise be allocated to the urbanized areas of the eligible recipient participating in the State’s pool for that fiscal year pursuant to the formulas referred to in paragraph (5).

“(B) DISTRIBUTION USING POPULATION AND SERVICE FACTORS.—The remainder of the funds not otherwise distributed under subparagraph (A) shall be transferred pursuant to the formula set forth in section 5336.

“(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 after the expiration of such period shall be added to the amount that may be apportioned under this subsection in the next fiscal year.

“(9) USE PROGRAM FOR COST-EFFECTIVE CAPITAL INVESTMENT.—

“(A) IN GENERAL.—For each of fiscal years 2016 through 2020, the Secretary shall carry out a pilot program under which an eligible recipient (as described in paragraph (4)) in an urbanized area with population of not less than 200,000 and not more than 999,999 may elect to participate in a State pool in accordance with this paragraph.

“(B) PURPOSE OF STATE POOLS.—The purpose of a State pool shall be to allow for transfers of formula funds made available under this subsection among the designated recipients participating in the State pool in a manner that supports the transit asset management plans of the designated recipients participating in the State pool.

“(C) REQUESTS FOR PARTICIPATION.—A State, and eligible recipients in the State described in subparagraph (A), may submit to the Secretary a request for participation in the program under procedures to be established by the Secretary. An eligible recipient for a multi-county area may participate in only 1 State pool.

“(D) ALLOCATIONS TO PARTICIPATING STATES.—For each fiscal year, the Secretary shall allocate an amount of funds to the State for each fiscal year under subparagraph (D) of the eligible recipients participating in the State’s pool for that fiscal year pursuant to the formulas referred to in paragraph (5).

“(E) ALLOCATIONS TO ELIGIBLE RECIPIENTS IN STATE POOLS.—A State shall distribute that amount among the eligible recipients participating in the State’s pool in a manner that supports the transit asset management plans of the designated recipients participating in the State pool.

“(F) ALLOCATION PLANS.—A State participating in the program shall develop an allocation plan for the program an amount of funds that equals the amount of funds that would have otherwise been allocated to the eligible recipient for that period pursuant to the formulas referred to in paragraph (5).

“(G) GRANTS.—The Secretary may make grants under this subsection for a fiscal year to an eligible recipient participating in a State pool following notification by the State of the allocation amount determined under subparagraph (E).

“(H) BUSES AND BUS FACILITIES COMPETITIVE GRANTS.—

“(1) IN GENERAL.—The Secretary may make grants under this subsection to eligible recipients (as described in subsection (a)(4)) to assist in the financing of buses and bus facilities capital projects, including—

“(i) replacing, rehabilitating, purchasing, or leasing buses or related equipment; and

“(ii) 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 to eligible recipients. The statewide application shall not preclude the submission and consideration of any application under this subsection from other eligible recipients (as described in subsection (a)(4)) in an urbanized area in a State.

“(4) REQUIREMENTS FOR THE SECRETARY.—

“(A) disclose all metrics and evaluation procedures used to be considered in 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 than 10 percent of the amount made available under this subsection in a fiscal year shall be used to fund projects in rural areas.

“(6) GRANT REQUIREMENTS.—

“(A) IN GENERAL.—A grant made under this subsection shall be subject to the requirements of—

“(i) section 5307 for eligible recipients of grants made in urbanized areas; and

“(ii) section 5311 for eligible recipients of grants made in rural areas.

“(B) GOVERNMENT SHARE OF COSTS.—The Government share of costs under this program for projects 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 3 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 under an eligible project in the following fiscal year.

“(8) LIMITATION.—Of the amounts made available under this subsection, not more than 10 percent may be awarded to a single grantee.

“(9) 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; and

“(B) the term ‘eligible recipient’ 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; or

“(v) rehabilitating or improving existing public transportation facilities to accommodate low or no emission vehicles;

“(vi) the term ‘low or no emission bus’ means a bus that is a low or no emission vehicle;

“(vii) the term ‘low or no emission vehicle’ means—

“(ii) a zero emission 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

“(iii) 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(g) applies to eligible projects carried out under this subsection, unless the recipient requests a lower grant percentage.

“(C) COMBINATION OF FUNDING SOURCES.—An eligible project carried out under this subsection may receive funding under section 5307 or any other provision of law.

“(D) 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.

“(E) COMBINATION OF FUNDS.—A grant made under this subsection is not subject to the limitation of section 5307.
(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.

(b) Cooperating grants under this subsection, the Secretary shall only consider eligible projects relating to the acquisition or leasing of no or low emission buses or bus facilities.

(1) 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

(2) are part of a long-term integrated fleet management plan for the recipient.

(6) Any amount made available to carry out this subsection—

(A) shall remain available to an eligible project for 3 fiscal years after the fiscal year for which the amount is made available; and

(B) that remain unobtained at the end of the period described in subparagraph (A) shall be added to the amount made available to an eligible project for a 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 carried out under this subsection may be derived from in-kind contributions."

### SEC. 3018. Obligation Ceiling.

Notwithstanding any other provision of law, the total of all obligations from amounts made available from the Mass Transit Account of the Highway Trust Fund by subsection (a) of section 5338 of title 49, United States Code, and section 2 of the Public Transportation Act of 2015 shall not exceed—

1. $9,247,964,639 in fiscal year 2016;
2. $9,733,706,943 in fiscal year 2017;
3. $9,355,351,407 in fiscal year 2018;
4. $9,738,300,630 in fiscal year 2019; and
5. $10,150,348,462 in fiscal year 2020.

### SEC. 3019. Innovative Procurement.

(1) Definition.—In this section, the term “grant” means assistance under chapter 53 of title 49, United States Code.

(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 entity 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 cooperative purchasing organization that is not a grantee; or

(II) a consortium of entities described in subparagraph (I); and

(iii) the terms “lead nonprofit entity” and “lead procurement agency” mean an eligible nonprofit entity or a State government, respectively, that acts as 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 chapter 53 of title 49, United States Code.

(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—

(A) subject to subclauses (II) and (III), may be for an initial term of not more than 2 years;

(B) may include not more than 3 optional extensions for terms of not more than 1 year each; and

(C) 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—

(A) may charge the participants in the contract for the cost of administering, planning, and providing technical assistance for the cooperative procurement contract in an amount that is not more than 1 percent of the total value of the contract; and

(B) with respect to the cost described in subclause (A), may 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—

(i) the vendor agrees 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 procurement 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 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 eligible nonprofit entities.

(B) Designation.—In carrying out the program under this paragraph, the Secretary shall designate not less than 3 eligible nonprofit entities to enter into a cooperative procurement contract under which the eligible nonprofit entity acts throughout the term of the contract as the lead nonprofit entity.

(C) 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 non-binding notice of intent to participate.

(4) Joint Procurement Clearinghouse.—

(A) In General.—The Secretary shall establish a clearinghouse for the purpose of allowing grantees to aggregate planned rolling stock purchases and identify joint procurement participants.

(B) Nonprofit Consultation.—In establishing the clearinghouse under subparagraph (A), the Secretary may consult with nonprofit entities coordinating for such clearinghouse with the Secretary, and grantees.

(C) Information on Procurements.—The clearinghouse may include information on bus size, engine type, floor type, and any other attributes necessary to identify joint procurement participants.

(D) Limitations.—

(i) Access.—The clearinghouse shall only be accessible to the Federal Transit Administration, nonprofit entity coordinating for such clearinghouse with the Secretary, and grantees.

(ii) Participation.—No grantee shall be required to submit procurement information to the clearinghouse.

(5) Leasing Arrangements.—

(A) Capital Lease Defined.—In this section, 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.

(6) Program to Support Innovative Leasing Arrangements.—

(A) Authority.—A grantee may use assistance under title 49, United States Code, to enter into a capital lease if—

(i) the rolling stock or related equipment covered under the lease is for capital assistance under such 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 chapter 53 of title 49, United States Code, 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 619 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 532301 of title 49, United States Code, shall apply to a capital lease.

(3) 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 installe 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;

(ii) the term “zero emission vehicle” has the meaning given the term in section 5339(c) of title 49, United States Code.

(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.

(D) PROCUREMENT REGULATIONS.—For purposes of acquiring a removable power source by itself through a capital lease, the grantee shall be subject to section 200.88 of title 2, Code of Federal Regulations.

(4) REPORTING REQUIREMENT.—Not later than 3 years after the date on which a grantee enters into a capital lease under this subsection, the grantee shall submit to the Secretary a report that contains—

(A) an evaluation of the overall costs and benefits of leasing rolling stock; and

(B) a comparison of the expected short-term and long-term maintenance costs of leasing versus buying rolling stock.

(5) REPORT.—The Secretary shall make publicly available an annual report on this subsection, for each fiscal year, not later than December 31 of the calendar year in which that fiscal year ends. The report shall include a detailed description of the activities carried out under this subsection, and evaluation of the program including the evaluation of the data reported in paragraph (4).

(a) BUY AMERICA.—The requirements of section 5357 of title 49, United States Code, shall apply to all procurements under this section.

SEC. 3020. REVIEW OF PUBLIC TRANSPORTATION SAFETY STANDARDS.

(a) REVIEW REQUIREMENT.—In general.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the status of the utilization of the authority under subsection (a), including standards for mitigating driver assaults.

(b) COORDINATION.—In the study under subsection (a), the Transportation Research Board shall coordinate with the Committee on Transportation, Science, and Technology of the Senate, including the Committee on Transportation, Safety, and Security, and shall include members of those committees on the research committee established for the purposes of this section.

(c) INPUT.—In conducting the study under subsection (a), the relevant entities of the National Academies of Sciences, Engineering, and Medicine shall solicit input from the public transportation recipients, public transportation nonprofit employee labor organizations, and impacted members of the general public.

(d) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(e) RECOMMENDATIONS.—The Secretary shall include in the report recommendations to Congress on the best ways to use innovative technologies to increase safety and ensure a better response by transit security and local, State, and Federal law enforcement to address threats to public safety.

SEC. 3025. APPOINTMENT OF DIRECTORS OF WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY.

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

(1) COMPACT.—The term "COMPACT" means the Washington Metropolitan Area Transit Authority Compact (Public Law 89–774; 89 Stat. 1324).
(2) **FEDERAL DIRECTOR.—**The term “Federal Director” means—

(A) a voting member of the Board of Directors of the Transit Authority who represents the Federal Government;

(B) a nonvoting member of the Board of Directors of the Transit Authority who serves as an alternate for a member described in subparagraph (A);

(3) **TRANSIT AUTHORITY.—**The term “Transit Authority” means the Washington Metropolitan Area Transit Authority established under Article III of the Compact.

(b) **APPOINTMENT BY SECRETARY OF TRANSPORTATION.—**

(1) **IN GENERAL.—**For any appointment made or on or after the date of enactment of this Act, the Secretary of Transportation shall have sole authority to appoint the Federal Director to the Board of Directors of the Transit Authority.

(2) **AMENDMENT TO COMPACT.—**The signatory parties to the Compact shall amend the Compact as necessary in accordance with paragraph (1).

### SEC. 3027. EFFECTIVENESS OF PUBLIC TRANSPORTATION CHANGES AND FUNDING

Not later than 18 months after the date of enactment of this Act, the Comptroller General shall examine and evaluate the impact of the changes that MAP–21 had on public transportation, including—

(1) the ability and effectiveness of public transportation agencies to provide public transportation for workers in commuting jobs and being able to use reverse commute services;

(2) whether services to low-income riders declined after MAP–21 was implemented; and

(3) if guidance provided by the Federal Transit Administration encouraged public transportation agencies to maintain and support services to low-income riders to allow them to access jobs, medical services, and other life necessities.

### SEC. 3028. 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 2017 to assist in the installation of positive train control systems required under section 20137 of title 49, United States Code.

(b) **USE.—**The amounts made available under subsection (a) of this section shall be used to carry out the requirements of this section.

(c) **ELIGIBLE REQUESTORS.—**The amounts made available under subsection (a) of this section shall be available only to a requesting party that submits an application to the Secretary for a grant under this section.

### SEC. 3030. TECHNICAL AND CONFORMING CHANGES

(a) **REPEAL.—**Section 20008(b) of MAP–21 (49 U.S.C. 5309 note) is repealed.

(b) **REPEAL SECTION 5313.—**Section 5313 of title 49, United States Code, and the item relating to that section in the analysis for chapter 53 of title 49, United States Code, are repealed.

(c) **REPEAL OF SECTION 5319.—**Section 5319 of title 49, United States Code, and the item relating to that section in the analysis for chapter 53 of title 49, United States Code, are repealed.

(d) **REPEAL OF SECTION 5322.—**Section 5322 of title 49, United States Code, and the item relating to that section in the analysis for chapter 53 of title 49, United States Code, are repealed.

(e) **REPEAL OF SECTION 5325.—**Section 5325 of title 49, United States Code, is repealed—

(1) in subsection (e)(2), by striking “at least two”; and

(2) in subsection (h), by striking “Federal Public Transportation Act of 2012” and inserting “Federal Public Transportation Act of 2015”.

(f) **SECTION 5340.—**Section 5340 of title 49, United States Code, is amended—

(1) by striking subsection (b); and

(2) by inserting the following:

“(b) **ALLOCATIONS.—**The Secretary shall apportion the amounts made available under section 5330(h)(2)(N) in accordance with subsection (c) and subsection (d).”;

(g) **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”;

(2) in paragraph (2)(A), by striking “mass transportation” and inserting “public transportation”.

### TITLE IV—HIGHWAY TRAFFIC SAFETY

#### SEC. 4001. 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) upon the conditions described in this section:

(1) **HIGHWAY SAFETY PROGRAMS.—**For carrying out section 402 of title 23, United States Code—

(A) $137,800,000 for fiscal year 2016;

(B) $140,700,000 for fiscal year 2017;

(C) $143,700,000 for fiscal year 2018;

(D) $146,700,000 for fiscal year 2019; and

(E) $149,800,000 for fiscal year 2020.

(2) **NATIONAL PRIORITY SAFETY PROGRAMS.—**For carrying out section 405 of title 23, United States Code—

(A) $274,700,000 for fiscal year 2016;

(B) $277,300,000 for fiscal year 2017;

(C) $280,200,000 for fiscal year 2018;

(D) $283,000,000 for fiscal year 2019; and

(E) $285,900,000 for fiscal year 2020.

(3) **NATIONAL DRIVER REGISTER.—**For the National Highway Traffic Safety Administration to carry out chapter 403 of title 49, United States Code—

(A) $5,100,000 for fiscal year 2016;

(B) $5,200,000 for fiscal year 2017;

(C) $5,300,000 for fiscal year 2018;

(D) $5,400,000 for fiscal year 2019; and

(E) $5,500,000 for fiscal year 2020.

(4) **HIGH-VISIBILITY ENFORCEMENT PROGRAM.—**For carrying out section 404 of title 23, United States Code—

(A) $29,300,000 for fiscal year 2016;

(B) $29,500,000 for fiscal year 2017;

(C) $29,900,000 for fiscal year 2018;

(D) $30,200,000 for fiscal year 2019; and

(E) $30,500,000 for fiscal year 2020.

(5) **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 title—

(A) $25,832,000 for fiscal year 2016;

(B) $26,072,000 for fiscal year 2017;

(C) $26,329,000 for fiscal year 2018;

(D) $26,608,000 for fiscal year 2019; and

(E) $26,873,000 for fiscal year 2020.

(6) **PROHIBITION ON OTHER USES.—**Except as otherwise provided in chapter 4 of title 23, United States Code, and chapter 303 of title 49, United States Code, the amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for a program under such chapters—

(A) shall only be used to carry out such program; and

(B) may not be used by States or local governments for construction purposes.

(7) **APPLICABILITY OF TITLE 23.—**Except as otherwise provided in chapter 4 of title 23, United States Code, and chapter 303 of title 49, United States Code, amounts made available under subsection (a) for fiscal years 2016 through 2020 shall be available for obligation in the same manner as if such funds were appropriated under chapter 1 of title 23, United States Code.

(d) **REGULATORY AUTHORITY.—**Grants awarded under this title shall be carried out in accordance with regulations issued by the Secretary.

(e) **STATE MATCHING REQUIREMENTS.—**If a grant awarded under chapter 4 of title 23, United States Code, requires a State to share in the cost, the aggregate of all expenditures for highway safety activities made during a fiscal year by the State and its political subdivisions (exclusive of Federal funds) for carrying out the purposes of this chapter (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 other project carried out under chapter 4 of title 23, United States Code (other than planning or administration), without regard to whether such expenditures were made in connection with such projects.

(f) **GRANT APPLICATION AND DEADLINE.—**To receive a grant under chapter 4 of title 23, United States Code, a State shall submit an application to the Secretary on or before the first day of the first fiscal year beginning after the date of enactment of this Act.

### SEC. 4002. HIGHWAY SAFETY PROGRAMS

Section 402 of title 23, United States Code, is amended—
(1) in subsection (a)(2)(A)—
(A) in clause (vi) by striking “and” at the end;
(B) in clause (vii) by inserting “and” after the semicolon;
(C) by adding at the end following:
“(vi) to increase driver awareness of commercial motor vehicles to prevent crashes and reduce injuries and fatalities; and

(2) by adding at the end the following:
“(1) LIMITATION ON DRUG AND ALCOHOL SURVEY DATA.—The Secretary shall establish procedures and guidelines to ensure that any person participating in a program or activity that collects data on drug or alcohol use by drivers of motor vehicles and is carried out under this section is informed that the program or activity is voluntary.

(2) FEDERAL SHARE.—The Federal share of the cost of any project or activity carried out under this section may be not more than 100 percent.

SEC. 4004. HIGH-VISIBILITY ENFORCEMENT PROGRAM.

(1) IN GENERAL.—Section 404 of title 23, United States Code, is amended to read as follows:

“§404. High-visibility enforcement program.

(a) IN GENERAL.—The Secretary shall establish and administer a program under which not less than 3 campaigns will be carried out in each of fiscal years 2016 through 2020.

(b) PURPOSE.—The purpose of each campaign carried out under this section shall be to achieve outcomes related to not less than 1 of the following objectives:

(1) Reduce alcohol-impaired or drug-impaired operation of motor vehicles.

(2) Increase use of seatbelts by occupants of motor vehicles.

(3) ADVERTISING.—The Secretary may use, or authorize the use of, funds available to carry out this section to pay for the development, production, and use of broadcast and print media advertising and Internet-based outreach in carrying out campaigns under this section. In allocating such funds, consideration shall be given to advertising directed at non-English speaking populations, including those who listen to, read, or watch nontraditional media.

(4) COORDINATION WITH STATES.—The Secretary shall coordinate with States in carrying out the campaigns under this section, including advertising funded under subsection (c), with consideration given to—

(1) relying on States to provide law enforcement resources for the campaigns out of funding made available under sections 402 and 403; and

(2) providing, out of National Highway Traffic Safety Administration resources, most of the means necessary for national advertising and educational efforts for the campaigns.

(c) USE OF FUNDS.—Funds made available to carry out this section may be used only for activities described in subsection (b).

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

(1) CAMPAIN.—The term ‘campaign’ means a high-visibility traffic safety law enforcement campaign.

(2) STATE.—The term ‘State’ has the meaning given that term in section 401.

(3) CLERICAL AMENDMENT.—The analysis for chapter 4 of title 23, United States Code, is amended by striking the item relating to section 404 and inserting the following:

“404. High-visibility enforcement program.”

SEC. 4005. NATIONAL PRIORITY SAFETY PROGRAMS.

(a) GENERAL AUTHORITY.—Section 405(a) of title 23, United States Code, is amended to read as follows:

“(a) GENERAL AUTHORITY.—Subject to the requirements of this section, the Secretary shall manage programs to address national priorities for reducing crashes, deaths and injuries. Funds shall be allocated according to the following:

(1) Occupant protection.—In each fiscal year, 11 percent of the funds provided under this section shall be allocated among States that adopt and implement effective occupant protection programs to reduce highway deaths and injuries resulting from individuals riding unrestrained or improperly restrained in motor vehicles as described in subsection (b).

(2) State traffic safety information system improvements.—In each fiscal year, 14.5 percent of the funds provided under this section shall be allocated among States that meet requirements with respect to the State traffic safety information system improvements (as described in subsection (c)).

(3) Impaired driving countermeasures.—In each fiscal year, 32.5 percent of the funds provided under this section shall be allocated among States that meet requirements with respect to impaired driving countermeasures (as described in subsection (a)).

(4) Distracted driving.—In each fiscal year, 8.5 percent of the funds provided under this section shall be allocated among States that adopt and implement effective laws to reduce distracted driving (as described in subsection (a)).

(5) Motorcyclist safety.—In each fiscal year, 1.5 percent of the funds provided under this section shall be allocated among States that implement motorcyclist safety programs (as described in subsection (a)).

(6) State graduated driver licensing laws.—In each fiscal year, 5 percent of the funds provided under this section shall be allocated among States that adopt and implement graduated driver licensing laws (as described in subsection (a)).

(7) Nonmotorized safety.—In each fiscal year, 5 percent of the funds provided under this section shall be allocated among States that meet requirements with respect to nonmotorized safety (as described in subsection (a)).

(8) High-visibility enforcement program.—In each fiscal year, 5 percent of the funds provided under this section shall be allocated among States that adopt and implement high-visibility enforcement programs (as described in subsection (a)).

(9) Maintenance of effort.—(A) 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 (a), (b), (c), or (d) of this section shall provide certification that the lead State agency responsible for programs described in any of those subsections 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 FAST Act.

(B) Waiver.—Upon the request of a State, the Secretary may waive or modify the requirements under subparagraph (A) for not more than one fiscal year if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances.

(10) Political subdivisions.—A State may provide the funds awarded under this section to a political subdivision of the State or an Indian tribal government.

(b) High seatbelt use rate.—Section 405(b)(4)(B) of title 23, United States Code, is amended by striking “75 percent” and inserting “100 percent”.

(c) Authorized programs.—Medium-range and high-range States may use grant funds for—

(1) any of the purposes described in subparagraph (A);
“(ii) hiring a full-time or part-time impaired driving coordinator of the State’s activities to address the enforcement and adjudication of laws regarding driving while impaired by alcohol, drugs, or the combination of alcohol and drugs; “(iii) court support of high-visibility enforcement efforts, training and education of criminal justice and other professionals (including law enforcement, prosecutors, judges, and probation officers) to assist such professionals in handling impaired driving cases, hiring traffic safety resource service providers, hiring judicial outreach liaisons, and establishing driving while intoxicated courts; “(iv) alcohol ignition interlock programs; “(v) improving blood-alcohol concentration testing and reporting; “(vi) paid and earned media in support of high-visibility enforcement efforts, conducting standardized field sobriety training, advanced roadside impaired driving evaluation training, and drug recognition expert training for law enforcement, and equipment and related expenditures used in connection with impaired driving enforcement in accordance with criteria established by the National Highway Traffic Safety Administration; “(vii) training on the use of alcohol and drug screening and brief intervention; “(viii) training for and implementation of impaired driving treatment programs or other tools designed to increase the probability of identifying the recidivism risk of a person convicted of driving under the influence of alcohol, drugs, or the combination of alcohol and drugs and to determine the most effective mental health or substance abuse treatment or sanction that will reduce such risk; “(ix) developing impaired driving information systems; and “(x) costs associated with a 24-h sobriety program. “(C) OTHER PROGRAMS.—Low-range States may use grant funds for any expenditure designed to reduce impaired driving based on problem identification and may use not more than 50 percent of funds made available under this subsection for any project or activity eligible for funding under section 402. Medium-range and high-range States may use funds for any expenditure designed to reduce impaired driving based on problem identification upon approval by the Secretary.”

(2) in paragraph (6)—

(A) by amending the paragraph heading to read as follows: “ADDITIONAL GRANTS.—”; “(B) in subparagraph (A) by amending the subparagraph 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-H 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-h sobriety program.”; “(E) in subparagraph (C), as redesignated, by inserting “or subparagraph (B)” after “subparagraph (A)”; “(F) in subparagraph (D), as redesignated, by inserting “and subparagraph (B)” after “subparagraph (A)” respectively; “(G) by amending subparagraph (E), as redesignated, to read as follows: “(E) FUNDING.— “(i) FUNDING FOR GRANTS TO STATES 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-H 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 (A) and (B) by adding at the end the following: “(E) 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 and uses 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. “(iii) A State-certified ignition interlock provider is not available within 100 miles of the individual’s residence.”; and “(D) paragraph (7)— “(A) in subparagraph (A)— “(i) in the matter preceding clause (i)— “(B) GRANTS TO STATES WITH 24-H SOBRIETY LAWS.— “(i) In general.—The Secretary shall award grants under this subsection to any State that— “(I) certifies that it has enacted a basic text messaging statute or statute distanced driving laws, including for public information and awareness purposes. “(II) imposes fines for violations; “(III) has a statute that prohibits drivers who are younger than 18 years of age from using a personal wireless communications device while driving; and “(IV) is otherwise ineligible for a grant under this subsection. “(B) ALLOCATION TO SUPPORT STATE DISTRACTED DRIVING LAWS.— “(i) In general.—Notwithstanding paragraph 1, for each of fiscal years 2017 and 2018, the Secretary shall use up to 25 percent of the amounts made available for grants under this subsection to award grants to any State that— “(A) has enacted a basic text messaging statute that— “(aa) is applicable to drivers of all ages; and “(ab) makes violation of the basic text messaging statute a primary offense; “(B) has a statute that prohibits drivers who are younger than 18 years of age from using a personal wireless communications device while driving; “(C) establishes a minimum fine for a violation of the law; and “(D) does not provide for an exemption that specifically allows a driver to text through a personal wireless communications device while stopped in traffic. “(2) PROHIBITION ON TEXTING WHILE DRIVING.— “(I) A State law meets the requirements set forth in this paragraph if the law— “(A) prohibits a driver from using a personal wireless communications device while driving; “(B) makes violation of the law a primary offense; “(C) establishes a minimum fine for a violation of the law; and “(D) does not provide for an exemption that specifically allows a driver to text through a personal wireless communications device while stopped in traffic. “(II) imposes fines for violations; “(III) has a statute that prohibits drivers who are younger than 18 years of age from using a personal wireless communications device while driving; and “(IV) is otherwise ineligible for a grant under this subsection. “(3) USE OF GRANT FUNDS.— “(A) In general.—Notwithstanding paragraph (1), a State under this subsection may be used for any eligible project or activity under section 402. “(B) In general.—Notwithstanding paragraph (1), a State under this subsection may be used for any eligible project or activity under section 402 if the State has conferred its distracted driving data to the most recent Model Uniform Crash Criteria published by the Secretary. “(4) FISCAI YEAR 2017.— “(I) FISCAL YEAR 2017.— “(A) IN GENERAL.—Notwithstanding paragraph (1), for fiscal year 2017— “(i) the Secretary shall make grants under this subsection to any State that— “(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; “(II) imposes fines for violations; “(III) has a statute that prohibits drivers who are younger than 18 years of age from using a personal wireless communications device while driving; and “(IV) is otherwise ineligible for a grant under this subsection. “(B) USE OF GRANT FUNDS.— “(I) In general.—Notwithstanding paragraph (3) 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 development and implementation of distracted driving laws, including for public information and awareness purposes. “(II) FISCAL YEAR 2018.— “(A) IN GENERAL.— “(i) Of the amounts made available for grants under subsection (g)(2)(B), $5,000,000 shall be used for grants under this subsection. “(ii) not more than 50 percent of amounts received by a State under this subsection may be used for any eligible project or activity under section 402. “(B) FISCAL YEAR 2018.— “(i) Of the amounts made available for grants under this subsection, the Secretary may extend for any eligible project or activity under section 402 if the Secretary determines, in accordance with criteria established by the Secretary, that the project or activity will reduce impaired driving based on the scope of such individual’s employment and the use is permitted consistent with the regulations promulgated pursuant to section 31316 of title 49, and any additional exceptions determined by the Secretary through a rulemaking process. “(5) USE OF GRANT FUNDS.— “(A) IN GENERAL.—Except as provided in subparagraph (B), amounts received by a State under this subsection shall be used to— “(i) educate the public through advertising containing information about the dangers of texting or using a cell phone while driving; “(ii) for traffic signs that notify drivers about the distracted driving laws of the State; or “(iii) for law enforcement costs related to the enforcement of the distracted driving law. “(B) FLEXIBILITY.— “(i) Not more than 50 percent of amounts received by a State under this subsection may be used for any eligible project or activity under section 402. “(ii) Not more than 75 percent of amounts received by a State under this subsection may be used for any eligible project or activity under section 402 if the State has conferred its distracted driving data to the most recent Model Uniform Crash Criteria published by the Secretary. “(6) ADDITIONAL DISTRACTED DRIVING GRANTS.— “(A) IN GENERAL.—“(aa) is applicable to drivers of all ages; and “(bb) makes violation of the basic text messaging statute a primary offense; “(C) establishes a minimum fine for violations; “(II) imposes fines for violations; “(III) has a statute that prohibits drivers who are younger than 18 years of age from using a personal wireless communications device while driving; and “(IV) is otherwise ineligible for a grant under this subsection. “(B) GRANTS TO STATES WITH 24-H SOBRIETY LAWS.— “(i) FISCIAL YEAR 2017.— “(A) IN GENERAL.—Notwithstanding paragraph (1), for each of fiscal years 2017 and 2018, the Secretary shall use up to 25 percent of the amounts made available for grants under this subsection to award grants to any State that— “(i) FISCIAL YEAR 2017.— “(A) IN GENERAL.— “(I) certifies that it has enacted a basic text messaging statute that— “(a) is applicable to drivers of all ages; and “(b) makes violation of the basic text messaging statute a primary offense; “(II) imposes fines for violations; “(III) has a statute that prohibits drivers who are younger than 18 years of age from using a personal wireless communications device while driving; and “(IV) is otherwise ineligible for a grant under this subsection. “(B) USE OF GRANT FUNDS.— “(I) FISCIAL YEAR 2017.— “(A) IN GENERAL.—Notwithstanding paragraph (3) 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 development and implementation of distracted driving laws, including for public information and awareness purposes. “(II) FISCIAL YEAR 2018.— “(A) IN GENERAL.— “(I) not more than 50 percent of amounts received in fiscal year 2017, up to 15 percent of the amounts received in fiscal year 2018, up to 25 percent of the amounts received 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. “(II) not more than 50 percent of amounts received in fiscal year 2017, up to 15 percent of the amounts received 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. “(III) ALLOCATION TO SUPPORT STATE DISTRACTED DRIVING LAWS.— “(i) Of the amounts available under this subsection in a fiscal year for distracted driving grants, the Secretary may ex-
(8) GRANT AMOUNT.—The allocation of grant funds to a State under this subsection for a fiscal year shall be in proportion to the State’s apportionment under section 402 for fiscal year 2009.

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

(A) DRIVING.—The term ‘driving’—

(i) means operating a motor vehicle on a public road; and

(ii) does not include operating a motor vehicle when the vehicle has pulled over to the side of, or off, an active roadway and has stopped in a location where it can safely remain stationary.

(B) PERSONAL WIRELESS COMMUNICATIONS DEVICE.—The term ‘personal wireless communications device’—

(i) means a device through which personal wireless services (as defined in section 323(c)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C. 323(c)(7)(C)(i))) are transmitted; and

(ii) does not include a global navigation satellite system receiver used for positioning, emergency notification, or navigation purposes.

(C) PRIMARY OFFENSE.—The term ‘primary offense’ means an offense for which a law enforcement officer may stop a vehicle solely for the purpose of issuing a citation in the absence of evidence of another offense.

(D) THE ROAD.—The term ‘public road’ has the meaning given such term in section 402(c).

(E) TESTING.—The term ‘testing’ means reading from or manually entering data into a personal wireless communications device, including doing so for the purpose of SMS texting, emailing, instant messaging, or engaging in any other form of electronic data retrieval or electronic data communication.”.

(e) MOTORCYCLIST SAFETY.—Section 405(j) of title 23, United States Code, is amended by adding at the end the following:

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

(2) Grant Amount.—The allocation of grant funds to a State under this subsection for a fiscal year shall be in proportion to the State’s apportionment under section 402 for fiscal year 2009, except that the amount of a grant awarded to a State for a fiscal year may not exceed 25 percent of the amount apportioned to the State under section for fiscal year 2009;”;

(2) in subparagraph (A) by adding at the end the following:

“(C) FLEXIBILITY.—Not more than 50 percent of grant funds received by a State under this subsection for inclusion in any project or activity under section 402 if the State is in the lowest 25 percent of all States for motorcycle deaths per 10,000 motorcycle registrations based on the most recent data that conforms with criteria established by the Secretary;”;

(3) by adding at the end the following:

“(B) SHARE-THE-ROAD MODEL LANGUAGE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall, in cooperation with the heads of other Federal agencies as appropriate, shall conduct a study on marijuana-impaired driving.

(F) MINIMUM REQUIREMENTS FOR STATE GRADUATED DRIVER LICENSING INCENTIVE GRANT PROGRAM.—Section 405(g) of title 23, United States Code, is amended by adding at the end the following:

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

(A) in subparagraph (A) by striking “21” and inserting “18”;

(B) by the insertion of subparagraph (B) to read as follows:

“(B) LICENSING PROCESS.—A State is in compliance with the grant application 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; and

(II) contains a requirement that the driver—

(aa) successfully passes a vision and knowledge assessment prior to receiving the learner’s permit; and

(bb) reaches 18 years of age; and

(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; and

(II) is at least 6 months in duration; and

(iii) requires the learner to pass a road test; and

(iv) prohibits the learner from using a personal wireless communications device (as defined in section (e)) while driving except upon an exception permitted under paragraph (4) of that subsection; and

(III) contains a prohibition on the driver from using a personal wireless communications device when the vehicle has pulled over to the side of, or off, an active roadway and has stopped in a location which it can safely remain stationary.

(II) contains a requirement that—

(aa) complete a State-certified driver education or training course; or

(bb) obtain at least 12 hours of behind-the-wheel training, with at least 10 hours at night, with a licensed driver; and

(III) remains in effect until the driver—

(aa) reaches 21 years of age and enters the intermediate stage; or

(bb) reaches 18 years of age;

(iii) a learner’s permit stage that—

(I) is at least 6 months in duration; and

(II) contains a requirement that the learner’s permit stage and successful completion of a driving skills assessment; and

(III) requires the learner to pass a road test; and

(iv) prohibits the learner from using a personal wireless communications device when the vehicle has pulled over to the side of, or off, an active roadway and has stopped in a location which it can safely remain stationary.

(F) SPECIAL RULE.—Notwithstanding paragraph (3), up to 100 percent of grant funds received by a State under this subsection may be used for any eligible project or activity under section 402 if the State is in the lowest 25 percent of all States for motorcycle deaths per 10,000 motorcycle registrations based on the most recent data that conforms with criteria established by the Secretary.

(g) NONMOTORIZED SAFETY.—Section 405 of title 23, United States Code, is amended by adding at the end the following:

(1) NONMOTORIZED DRIVER.—Subject to the requirements under this subsection, the Secretary shall award grants to States for the purpose of decreasing pedestrian and bicycle fatalities and injuries that result from crashes involving a motorcycle.

(2) FEDERAL SHARE.—The Federal share of the cost of a grant awarded by a State using amounts from a grant awarded under this subsection may not exceed 80 percent.

(3) ELIGIBILITY.—A State shall receive a grant under this subsection in a fiscal year if the annual combined pedestrian and bicycle fatalities in the State exceed 15 percent of the annual combined pedestrian and bicycle fatalities in the State, based on the most recently reported final data from the Fatality Analysis Reporting System.

(4) USE OF GRANT AMOUNTS.—Grant funds received by a State under this subsection may be used for—

(A) training of law enforcement officials on State laws applicable to pedestrian and bicycle safety; and

(B) enforcement mobilizations and campaigns designed to enforce State traffic laws applicable to pedestrian and bicycle safety.

(C) public education and awareness programs designed to inform motorists, pedestrians, and bicyclists of State traffic laws applicable to pedestrian and bicycle safety.

(5) GRANT AMOUNT.—The allocation of grant funds to a State under this subsection for a fiscal year shall be in proportion to the State’s apportionment under section 402 for fiscal year 2009.”.

SEC. 4006. TRACKING PROCESS.

Section 412 of title 23, United States Code, is amended by adding at the end the following:

“(1) TRACKING PROCESS.—The Secretary shall develop a process to identify and mitigate possible systemic issues across States and regional or local government that may be used for any program.

(1) to create checkpoints that specifically target motorcycle operators or motorcycle passengers.

SEC. 4008. MARIJUANA-IMPAIRED DRIVING.

(a) STUDY.—In conducting the study, the Secretary shall examine, at a minimum, the following:

(1) Methods to detect marijuana-impaired driving, including those capable of measuring marijuana levels in motor vehicle operators.

(2) A review of impairment standard research focusing on the influence of marijuana.

(3) Methods to identify the effect of a driving impairment between alcohol and marijuana.

(4) State-based policies on marijuana-impaired driving.

(a) STUDY.—In conducting the study, the Secretary shall examine, at a minimum, the following:

(1) Methods to detect marijuana-impaired driving, including those capable of measuring marijuana levels in motor vehicle operators.

(2) A review of impairment standard research focusing on the influence of marijuana.

(3) Methods to identify the effect of a driving impairment between alcohol and marijuana.

(4) State-based policies on marijuana-impaired driving.

(b) USES TO BE EXAMINED.—In conducting the study, the Secretary shall examine, at a minimum, the following:

(1) Methods to detect marijuana-impaired driving, including those capable of measuring marijuana levels in motor vehicle operators.

(2) A review of impairment standard research focusing on the influence of marijuana.

(3) Methods to identify the effect of a driving impairment between alcohol and marijuana.

(4) State-based policies on marijuana-impaired driving.

(c) REPORT.—The Secretary shall submit to the House of Representatives and the Senate Transportation and Infrastructure committees a report on the results of the study.

(d) CONTENTS.—The report shall include, at a minimum, the following:

(1) The findings of the Secretary based on the study, including, at a minimum, the following:

(i) An assessment of methodologies and technologies for measuring marijuana levels in motor vehicle operators.

(ii) How the study results compare to the Secretary’s general findings on the influence of marijuana.

(iii) The extent of the problem of marijuana-impaired driving.

(2) The role and extent of marijuana impairment in motor vehicle accidents.

(3) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with other Federal agencies as appropriate, shall submit to Congress a report on the results of the study.

(4) CONTENTS.—The report shall include, at a minimum, the following:

(a) Methods to detect marijuana-impaired driving, including those capable of measuring marijuana levels in motor vehicle operators.

(b) A review of impairment standard research focusing on the influence of marijuana.

(c) Methods to identify the effect of a driving impairment between alcohol and marijuana.

(d) State-based policies on marijuana-impaired driving.
(iii) A description and assessment of current State laws relating to marijuana-impaired driving.

(iv) A determination whether an impairment standard for drivers, under the influence of marijuana, is feasible and could reduce vehicle accidents and save lives.

(b) RECOMMENDATIONS.—The recommendations of the Secretary based on the study, including, at a minimum, the following:

(1) Effective and efficient methods for training law enforcement personnel, including drug recognition experts, to detect or measure the level of impairment of a motor vehicle operator who is under the influence of marijuana by the use of technology or otherwise.

(2) If feasible, an impairment standard for driving under the influence of marijuana.

(3) Methodologies for increased data collection relating to the prevalence and effects of marijuana-impaired driving.

(d) MARICANNA DEFINED.—In this section, the term "marijuana" includes all substances containing tetrahydrocannabinol.

SEC. 4009. INCREASING PUBLIC AWARENESS OF THE DANGERS OF DRUG-IMPARED DRIVING.

(a) ADDITIONAL ACTIONS.—The Administrator of the National Highway Traffic Safety Administration, in consultation with the White House Office of Drug Policy, the National Highway Traffic Safety Administration, the Secretary of Health and Human Services, the United States Senate and House of Representatives, the White House, and the Office of National Drug Control Policy, shall: (1) carry out programs and activities to increase public awareness of the dangers of drug-impaired driving; and (2) 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 and to reduce the level of drug-impaired driving while under the influence of heroine or prescription opioids.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator 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 describes the additional actions undertaken by the Administration pursuant to subsection (a).

(c) FUNDING.—There is authorized to be appropriated to carry out the program described in subsection (a) $7,500,000 for each of fiscal years 2017 through 2020.

SEC. 4010. NATIONAL PRIORITY SAFETY PROGRAM GRANT ELIGIBILITY.

Not later than 60 days after the date on which the Secretary awards grants under section 405 of this Act, the Secretary shall make available on a publicly available Internet Web site of the Department of Transportation—

(1) an identification of—

(A) the States that were awarded grants under section 405 of this Act; (B) the States that applied and were not awarded grants under such section; and (C) the States that did not apply for a grant under such section; and

(2) a list of deficiencies that made a State ineligible for a grant under such section for each State under paragraph (1)(B).

SEC. 4011. DATA COLLECTION.

Section 4010 of SAFETEA–LU (23 U.S.C. 402 note) is amended—

(1) in subsection (a)(1)—

(A) by striking "(4)(B)" and inserting "(4)(C)"; and

(B) by striking subsection (b) and inserting the following:

"(b) USE OF GRANT FUNDS.—A grant received by a State under subsection (a) shall be used by the State for the collection of—

"(1) collecting and maintaining data on traffic stops; and "(2) "assessing the results of the data;".

"(3) by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively;

"(4) by striking subsection (d), as so redesignated, by striking "A State" and inserting "On or after October 1, 2015, a State"; and

"(5) in subsection (d), as so redesignated—

(A) in the subsection heading by striking "AUTHORIZATION OF APPROPRIATIONS" and inserting "FUNDING";

(B) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—From funds made available under section 403 of title 23, United States Code, the Secretary will set aside $7,500,000 for each of fiscal years 2017 through 2020 to carry out this section; ;

(C) in paragraph (2) (A) by striking "authorized by" and inserting "made available under"; and

(ii) by striking percent; and all that follows through the period at the end and inserting percent; and

(D) by adding at the end the following:

"(3) OTHER USES.—The Secretary may reallocate, before the last day of any fiscal year, amounts remaining available under paragraph (1) to increase the amounts made available to carry out any of other activities authorized under section 403 of title 23, United States Code, in order to ensure, to the maximum extent possible, that all such amounts are obligated during such fiscal year.

SEC. 4012. STUDY ON THE NATIONAL ROADSIDE SURVEY OF ALCOHOL AND DRUG USE BY DRIVERS.

Not later than 180 days after the date on which the Secretary of the United States reviews and reports on the overall value of the National Roadside Survey to researchers and other public safety stakeholders, and 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 population, the Administrator of the National Highway Traffic Safety Administration shall provide a determination of the study, and submit to the Committee on Appropriations of the Senate on June 5, 2016 (Senate Report 114-19), the report including a description and assessment of current methodologies for increased data collection relating to the prevalence of the use of wireless communications devices while driving; and (2) provides recommendations on how to address such barriers.

SEC. 4013. BARRIERS TO DATA COLLECTION REPORT.

Not later than 180 days after the date of 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 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. 4014. TECHNICAL CORRECTIONS.

Title 23, United States Code, is amended as follows:

(1) Section 402 is amended—

(A) in subsection (d)—

(i) in subparagraph (C) by striking "paragraph (2)"; and

(ii) by striking "and inserting "under subsection (f)"; and

(B) in subsection (k)(5), as redesignated by this Act, by striking "under paragraph (2)(A)" and inserting "paragraph (2)(C)(A)".

(2) Section 403(e) is amended by striking "chapter 301" and inserting "chapter 301 of title 49".

(3) Section 406 is amended—

(A) in subsection (d)—

(i) in paragraph (5) by striking "under section 402(c)" and inserting "under section 402(d)"; and

(ii) in paragraph (6), as redesignated by this Act, by striking "on the basis of the apportionment form set forth in section 402(c)" and inserting "in proportion to the State's apportionment under section 402 for fiscal year 2009"; and

(B) by striking "such as the" and inserting "including"; and

(ii) by striking "developed under subsection (g)".

SEC. 4015. EFFECTIVE DATE FOR CERTAIN PROGRMS.

Notwithstanding any other provision of this Act, except for the technical corrections in section 4014, the amendments made by this Act to title 23, United States Code, shall be effective on October 1, 2016.

TITLE V—MOTOR CARRIER SAFETY

Subtitle A—Motor Carrier Safety Grant Consolidation

SEC. 5011. GRANTS TO STATES.

(a) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31102 of title 49, United States Code, is amended to read as follows:

"§31102. Motor carrier safety assistance program.

"(1) IN GENERAL.—The Secretary of Transportation 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 by—

(1) making targeted investments to promote safe commercial motor vehicle transportation, including the transportation of passengers and hazardous materials;

(2) 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) adopting and enforcing effective motor carrier, commercial motor vehicle, and driver safety regulations and practices consistent with Federal requirements; and

(4) assessing and improving statewide performance by setting program goals and meeting performance standards, measures, and benchmarks.

"(c) STATE PLANS.—

(1) IN GENERAL.—In carrying out the program, the Secretary shall prescribe procedures for a State to submit a multi-year, plan, and annual updates thereto, under which the State agrees to assume responsibility for improving motor carrier safety by adopting and enforcing State regulations, standards, and orders that are compatible with the 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 State plan if the Secretary determines that the plan is adequate to comply with the requirements of this section, and the plan—

(1) implements performance-based activities, including deployment and maintenance of technology to enhance the efficiency and effectiveness of commercial motor vehicle safety programs;

(2) designates a lead State commercial motor vehicle safety agency responsible for administering the plan throughout the State;

(3) contains satisfactory assurances that the lead State commercial motor vehicle safety agency will have the legal authority, resources, and qualified personnel necessary to enforce the regulations, standards, and orders;

(2) 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 (or other method) of a State may use that the Secretary determines is adequate to obtain necessary information and inspection to carry out the plan;

(F) requests 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 enforcement and that enforcement and data systems and other information systems by all appropriate jurisdictions receiving motor carrier safety assistance program funds;

(M) provides satisfactory assurances 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 by ensuring roadside access to alcohol detection and measuring equipment;

(ii) activities aimed at providing an appropriate commercial motor vehicle 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 appropriate strategies for carrying out those inspection activities, identifying and enforcing activities that affect the transportation of controlled substances (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)) in part 380 of the regulations that would reasonably be expected to interfere with drug interdiction activities,

(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 inspection and data correction program prescribed by the Secretary;

(Q) ensures that the State will cooperate in the enforcement of financial responsibility requirements under section 31139 and regulations issued under those sections;

(R) provides that the State will include in the training manuals for the licensing examination to commercial motor vehicles and commercial motor vehicle information on best practices for driving safely in the vicinity of noncommercial and commercial motor vehicles;

(S) provides that the State will enforce the registration requirements of sections 13902 and 31134 by prohibiting the operation of any vehicle that has not been registered and that does not operate without a registration issued under those sections or to be operated beyond the scope of the motor carrier's registration;

(T) provides that the State will conduct comprehensive and highly visible traffic enforcement and commercial motor vehicle safety inspections 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 hire is conducted at a bus station, terminal, border crossing, maintenance facility, destination, or other location where a motor carrier may make a planned stop (excluding stops for exclusively loading and unloading at a terminal or the terminal facilities).

(X) ensures that the State will transmit to its roadside inspectors notice of each Federal exemption granted under section 31315 of the Federal Motor Carrier Safety Regulations, including the exemption's grant and denial, including the Applicability Guidelines and Standards for ensuring Federal enforcement activities in the State.

(XX) provides that the State will conduct safety audits of interstate motor carriers under section 31144(g); and

(YY) ensures that roadside inspections will be conducted at locations that are adequate to provide a reasonable assurance that, for a time, the motor carrier's passengers is conducted at locations that are adequate to provide a reasonable assurance that the inspection will be conducted, and that the inspection will be conducted at locations that are adequate to provide a reasonable assurance that the inspection will be conducted.

(EE) provides that the Secretary will conduct safety audits of interstate motor carriers 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;

(FF) provides that the Secretary agrees to comply with the conditions for participation under paragraph (1), the Secretary—

(i) will conduct safety audits of interstate motor carriers under section 31144(g); and

(ii) if the State determines that a party a party is not conducting 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;

(GG) ensures that roadside inspections will be conducted at locations that are adequate to provide a reasonable assurance that the inspection will be conducted, and that the inspection will be conducted at locations that are adequate to provide a reasonable assurance that the inspection will be conducted.

(HH) provides that the State will conduct safety audits of interstate carriers 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;

(II) provides that the Secretary agrees to comply with the conditions for participation under paragraph (1), the Secretary—

(i) will conduct safety audits of interstate motor carriers under section 31144(g); and

(ii) if the State determines that a party is not conducting 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;

(JJ) ensures that roadside inspections will be conducted at locations that are adequate to provide a reasonable assurance that the inspection will be conducted, and that the inspection will be conducted at locations that are adequate to provide a reasonable assurance that the inspection will be conducted.

(KK) ensures that the lead State commercial motor vehicle safety agency will coordinate the plan, described in part 380 of the regulations that would reasonably be expected to interfere with drug interdiction activities, with the State highway safety improvement program required under section 146(c) of title 23.

(LL) 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 funds;

(MM) ensures that information is exchanged among the States in a timely manner that 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;

(NN) provides satisfactory assurances 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 by ensuring roadside access to alcohol detection and measuring equipment;

(ii) activities aimed at providing an appropriate commercial motor vehicle 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 appropriate strategies for carrying out those inspection activities, identifying and enforcing activities that affect the transportation of controlled substances (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802) in part 380 of the regulations that would reasonably be expected to interfere with drug interdiction activities,

(PP) 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 inspection and data correction program prescribed by the Secretary;

(QQ) ensures that the State will cooperate in the enforcement of financial responsibility requirements under section 31139 and regulations issued under those sections;

(RR) provides that the State will include in the training manuals for the licensing examination to commercial motor vehicles and commercial motor vehicle information on best practices for driving safely in the vicinity of noncommercial and commercial motor vehicles;

(SS) provides that the State will enforce the registration requirements of sections 13902 and 31134 by prohibiting the operation of any vehicle that has not been registered and that does not operate without a registration issued under those sections or to be operated beyond the scope of the motor carrier's registration;

(TT) provides that the State will conduct comprehensive and highly visible traffic enforcement and commercial motor vehicle safety inspections programs in high-risk locations and corridors;

(DD) unless in the case of an imminent hazard or obvious safety hazard, ensures that an inspection of a vehicle transporting passengers for hire is conducted at a bus station, terminal, border crossing, maintenance facility, destination, or other location where a motor carrier may make a planned stop (excluding stops for exclusively loading and unloading at a terminal or the terminal facilities).

(UU) ensures that roadside inspections will be conducted at locations that are adequate to provide a reasonable assurance that the inspection will be conducted, and that the inspection will be conducted at locations that are adequate to provide a reasonable assurance that the inspection will be conducted.

(VV) ensures that the lead State commercial motor vehicle safety agency will coordinate the plan, described in part 380 of the regulations that would reasonably be expected to interfere with drug interdiction activities, with the State highway safety improvement program required under section 146(c) of title 23.

(WW) 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 funds;

XX ensures that information is exchanged among the States in a timely manner that 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;

YY provides satisfactory assurances 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 by ensuring roadside access to alcohol detection and measuring equipment;

(ii) activities aimed at providing an appropriate commercial motor vehicle 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 appropriate strategies for carrying out those inspection activities, identifying and enforcing activities that affect the transportation of controlled substances (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802) in part 380 of the regulations that would reasonably be expected to interfere with drug interdiction activities,
State commercial motor vehicle safety regulations, for—

(A) enforcement of commercial motor vehicle size and weight limitations at locations, excluding fixed inspection locations, as needed, in high volume areas, especially on winding roads, steep grades or hilly terrain, where the weight of a commercial motor vehicle can significantly affect the safe operation of the vehicle, or where commercial vehicle facilities are located

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;

and

(2) for documented enforcement of State traffic laws and regulations designed to promote the safe operation of commercial motor vehicles, including enforcement of such laws and regulations relating to noncommercial motor vehicles when necessary to promote the safe operation of commercial motor vehicles,

(A) the number of motor carrier safety activities, including roadside safety inspections, conducted in the State in a fiscal year from 2004 and 2005;

and

(B) the State does not use more than 19 percent of the basic amount the State receives 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.

(1) EVALUATION OF PLANS AND AWARD OF GRANTS.—

(I) AWARDS.—The Secretary shall establish criteria for the application, evaluation, and approval of State plans under this section. Subject to subsection (c), 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.

(3) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The Secretary, by regulation, shall allocate amounts made available under section 31104(a)(1) to the States.

(2) ANNUAL ALLOCATIONS.—On October 1 of each fiscal year, or as soon as practicable thereafter, the Secretary shall allocate to each State an amount equal to 5 percent of the funds made available under section 31104(a)(1) for such fiscal year according to the plan submitted under subsection (a) for that fiscal year.

(3) ELIGIBLE ADJUSTMENTS.—Subject to the availability of funding and notwithstanding fluctuations in the data elements used by the Secretary to calculate the amounts made available under section 31104(a)(1), the Secretary may allocate funds made available under section 31104(a)(1) that exceed the amounts made available under section 31104(a)(1) to the States in order to promote and encourage effective 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.

(4) PERFORMANCE.—The Secretary shall permit the use of grants under subsection (a) for the following purposes:

(A) to advance the technological capability and promote the development of intelligent transportation systems for commercial motor vehicles, including carriers, commercial motor vehicle operators, and carriers.

(B) to develop, procure, system design and implement advanced technology solutions that support commercial motor vehicle information systems and networks.

(C) to link Federal motor carrier safety information systems with State commercial motor vehicle systems.

(D) to improve the safety and productivity of commercial motor vehicles and drivers; and

(E) to reduce costs associated with commercial motor vehicle operations and Federal and State commercial motor vehicle regulatory requirements.

(3) ELIGIBILITY.—To be eligible for a grant under this paragraph, a State shall—

(I) 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—

(1) are consistent with the national intelligent transportation systems and commercial motor vehicle information systems and networks architectures and available standards; and

(2) promote interoperability and efficiency to the extent practicable; and

(3) agree to execute interoperability tests developed by the Federal Intelligent Transportation Systems Administration to verify that its systems conform with the national intelligent transportation systems architecture, applicable standards, and proposed national motor carrier information systems and networks.

(D) USE OF FUNDS.—Grant funds received under this paragraph may be used—

(I) to deploy 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) to advance the technological capability and promote the development of intelligent transportation systems for commercial motor vehicles.

(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 section 31104(a)(1) and 31104(a)(2).

(F) COMMERCIAL MOTOR VEHICLE OPERATORS GRANT PROGRAM.—Section 31103 of title 49, United States Code, is amended to read as follows:

(2) IN GENERAL.—The Secretary shall—

(A) establish a commercial motor vehicle operators grant program;

(B) administer the program in a manner consistent with the requirements of this section; and

(C) otherwise implement the provisions of this section.
“(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.—In administering grants under this section, the Secretary shall award priority to applications for programs to train former members of the armed forces (as defined in section 101 of title 10) in the safe operation of such vehicles.”.

“(c) AUTHORIZATION OF APPROPRIATIONS.—Section 31104 of title 49, United States Code, as amended by this Act, is further amended on the effective date set forth in subsection (f) 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 (other than the Mass Transit Account):

(1) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Subject to paragraph (2) and subsection (c), to carry out section 31102 (except subsection (l))—

(A) $292,600,000 for fiscal year 2017;

(B) $298,900,000 for fiscal year 2018;

(C) $304,300,000 for fiscal year 2019; and

(D) $308,700,000 for fiscal year 2020.

(2) HIGH PRIORITY ACTIVITIES PROGRAM.—Subject to subsection (c), to carry out section 31102(l)(2)—

(A) $42,200,000 for fiscal year 2017;

(B) $43,100,000 for fiscal year 2018;

(C) $44,000,000 for fiscal year 2019; and

(D) $44,900,000 for fiscal year 2020.

(3) COMMERCIAL MOTOR VEHICLE OPERATORS GRANT PROGRAM.—To carry out section 31103—

(A) $31,800,000 for fiscal year 2017;

(B) $31,200,000 for fiscal year 2018;

(C) $30,000,000 for fiscal year 2019; and

(D) $30,000,000 for fiscal year 2020.

(4) COMMERCIAL DRIVER’S LICENSE PROGRAM IMPLEMENTATION PROGRAM.—Subject to subsection (c), to carry out section 31313—

(A) $31,800,000 for fiscal year 2017;

(B) $31,800,000 for fiscal year 2018;

(C) $32,500,000 for fiscal year 2019; and

(D) $33,200,000 for fiscal year 2020.

(5) 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 payments proportionally for the Federal Government’s share of the costs incurred.

(2) REIMBURSEMENT AMOUNTS.—The Secretary, in accordance with a financial assistance agreement made under section 31102, 31103, or 3113, 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 such sections. The Secretary shall pay the recipient an amount not more than the Federal Government share of the 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) REIMBURSEMENT REQUIREMENTS.—The recipient shall submit invoices to the Secretary at least quarterly for costs the recipient incurs in developing and implementing programs under sections 31102, 31103, and 3113.

(b) REIMBURSEMENT SUPPORT.—On October 1 of each fiscal year, or as soon after that date as practicable, the Secretary may deduct 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 deducted amounts to train non-Federal Government employees and to develop related training materials in carrying out such programs.

(d) GRANTS AND COOPERATIVE AGREEMENTS AS CONTRACTUAL OBLIGATIONS.—The approval of a financial assistance agreement by the Secretary under section 31102, 31103, or 3113 is a contractual obligation of the Federal Government for payment of the Federal Government’s share of the costs incurred under the provisions of the grant or cooperative agreement.

(e) ELIGIBLE ACTIVITIES.—The Secretary shall establish criteria for eligible activities to be funded under the financial assistance program under this section and publish those criteria in a notice of funding availability before the financial assistance program application period.

(f) PERIOD OF AVAILABILITY.—The availability of a financial assistance agreement under this section and publish those criteria in a notice of funding availability before the financial assistance program application period.

(g) CONTRACT AUTHORITY; INITIAL DATE OF CONTRACT.—Amounts not expended under this section shall be available for obligation on the date of their appropriation and for the next fiscal year.

(h) AVAILABLE OF FUNDING.—Amounts made available under this section shall remain available until expended.

(i) REALLOCATION.—Amounts not expended by a recipient during the period of availability shall be reallocated to the Secretary for reallocation for any purpose under section 31102, 31103, or 3113 or this section to ensure, to the maximum extent possible, that all such amounts are obligated.

(j) CLERICAL AMENDMENT.—The analysis for chapter 311 of title 49, United States Code, is amended 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 assistance program.

“31104. Authorization of appropriations.”.
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“(8) conducting safety reviews of new opera-
tors; and

“(9) 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) OUTREACH AND EDUCATION PROGRAM.—

“(1) IN GENERAL.—The Secretary may con-
duct, through the provision of grants, con-
tracts, cooperative agreements, and other activ-
ties, an internal and external outreach and edu-
cation program to be administered by the Ad-
ministration of the Federal Motor Carrier Safety
Administration.

“(2) FUNDING.—From amounts made available
under subsection (a), the Secretary shall make
available not more than $4,000,000 each fiscal
time to carry out this subsection.

“(d) CONTRACT AUTHORITY; INITIAL DATE OF
AVAILABILITY.—Amounts authorized from the
Highway Trust Fund (other than the Mass
Transit Account) by this section shall be avail-
able for obligation on the date of their appor-
tionment or allocation or on October 1 of the
calendar year for which they are authorized, which-
ever occurs first.

“(e) INITIAL DATE OF AVAILABILITY.—Amounts
made available under this section shall remain avail-
able until expended.

“(f) CONTRACTUAL OBLIGATION.—The appro-
priation to carry out this section is a contractual
obligation of the Federal Government for payment of the Federal
Government’s share of costs.

(b) TECHNICAL AMENDMENT.—The analysis for
chapter 311 of title 49, United States Code, is amended by adding at the end of the items relat-
ing to subchapter 1 the following:

“(3110. Authorization of appropriations.

(c) ADMINISTRATIVE EXPENSES; AUTHORIZATION OF
APPROPRIATIONS.—Section 3104 of title 49,
United States Code, is amended by

(A) by striking subsection (i); and

(B) by redesignating subsections (j) and (k) as subsections (i) and (j), respectively.

(2) USE OF AMOUNTS MADE AVAILABLE UNDER
SUBSECTION.—Section 4116(d) of SAFETEA–
LU (49 U.S.C. 31104 note) is amended by striking
“3110(d)” and inserting “3110(h).”

(3) SAFETEA–LU COOPERATION AGREEMENT.—
Section 31161 of title 49, United States Code, is amended
by striking “section 3110(h)” and inserting “section 31131.”

(4) SAFETEA–LU OUTREACH AND EDU-
ICATION.—Section 4127 of SAFETEA–LU (119
Stat. 1741; Public Law 109–9), and the item relat-
ing to that section in the table of contents contained
in section 10(b) of that Act, are re-
pealed.

SEC. 5104. COMMERCIAL DRIVER’S LICENSE PRO-
GRAM IMPLEMENTATION.

(a) IN GENERAL.—Section 31133 of title 49,
United States Code, is amended to read as fol-
lores:

“§31133. Commercial driver’s license program
implementation financial assistance pro-
gram.

“(a) FINANCIAL ASSISTANCE PROGRAM.—

“(1) IN GENERAL.—The Secretary of Transpor-
tation shall administer a financial assistance pro-
gram to carry out the commercial driver’s license program
implementation for the purposes described in paragraphs (2) and (3).

“(2) STATE COMMERCIAL DRIVER’S LICENSE PRO-
GRAM IMPROVEMENT GRANTS.—In carry-
ing out the program, the Secretary may make
a grant to a State agency in a fiscal year—

(A) to assist the State in complying with the requirements of Title III; and

(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 the State’s implementation of its commer-
cial driver’s license program, including ex-

“(i) for computer hardware and software;

“(ii) for publications, testing, personnel,
training, and quality control;

“(iii) for commercial driver’s license program
coordinators;

“(iv) to implement or maintain a system to no-
tify an employer of an operator of a commercial
motor vehicle of the suspension or revocation of
the operator’s commercial driver’s license con-

with the standards developed under sec-

tion 32063(b) of the Commercial Motor Vehicle
Safety Enhancement Act of 2012 (49 U.S.C. 31104
note).”

“(3) PRIORITY ACTIVITIES.—The Secretary may
make a grant to or enter into a cooperative
agreement with a State agency, local govern-
ment, or any person in a fiscal year for re-

search, development and testing, demonstration
projects, public education, and other special ac-

tivities and projects relating to commercial driv-
ers licensing and motor vehicle safety that—

“(A) benefit all jurisdictions of the United
States;

“(B) address national safety concerns and cir-
cumstances;

“(C) address emerging issues relating to com-

mercial 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 for obligation on a fiscal year shall be apportioned to a recipient de-

scribed in subsection (a) according to criteria
determined by the Secretary.

“(e) FUNDING.—For fiscal years beginning
after September 30, 2016, this section shall be
funded under section 31104.

(b) CLERICAL AMENDMENT.—The analysis for
chapter 313 of title 49, United States Code, is amended by

(A) in section 31314(g)(5)(B) of title 49, United States Code, as

amended to read as follows:

“(1) COMMERCIAL VEHICLE INFORMATION SYS-
TemS 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 may also be used for planning
activities, including the development or up-
dating of program or top level design plans;”;

and

“(ii) in paragraph (3) by adding at the end the
following:

“Funds may also be used for plan-
ning activities, including the development or up-
dating 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 program
planning activities, including the development or updating of program or top level design plans.”;

“(2) INNOVATIVE TECHNOLOGY DEPLOY-
MENT PROGRAM.—For fiscal years 2016 to 2020,
the Secretary shall administer a program to deploy
commercial vehicle information systems and networks
program under section 4126 of SAFETEA–LU (119 Stat. 1738; Public Law 109–
59), which may be referred to as the innovative
technology deployment program.

SEC. 5106. 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 Sec-

etary shall establish a motor carrier safety as-

sistance working group (in this section referred
to as the “working group”).

“(2) MEMBERSHIP.—

(A) IN GENERAL.—Subject to subparagraph
(B), the working group shall consist of rep-

resentatives of the following:

(i) The Federal Motor Carrier Safety Admin-
istration;

(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 agen-
cies responsible for enforcing a program for in-

spection of commercial motor vehicles;

(iv) Other persons as the Secretary con-

siders necessary.

“(B) COMPOSITION.—Representatives of State
commercial motor vehicle safety agencies shall con-

sist of at least 51 percent of the membership.

“(C) NEW ALLOCATION FORMULA.—The working
group shall analyze requirements and factors
for the establishment of a new allocation formula for the motor carrier safety assistance program under section 31102 of title 49, United States Code.

(4) EXEMPTION.—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 allocation formula for the motor carrier safety assistance program.

(5) EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group established under this subsection.

(b) PUBLICATION.—The Administrator of the Federal Motor Carrier Safety Administration shall publish on a publicly accessible Internet Web site of the Federal Motor Carrier Safety Administration—

(A) detailed summaries of the meetings of the working group; and

(B) the final recommendation of the working group provided to the Secretary.

(c) NOTICE OF PROPOSED RULEMAKING.—After receiving the recommendation of the working group under subsection (a)(4), the Secretary shall publish a notice seeking public comment on the establishment of a new allocation formula for the motor carrier safety assistance program.

(d) RULEMAKING.—The Secretary shall ensure that the new allocation formula for the motor carrier safety assistance program is based on factors that reflect, at a minimum—

(A) the relative administrative capacities and challenges faced by States in complying with that section; and

(B) the data elements used by the Secretary, the implementation of the new allocation formula, the Secretary shall terminate the withholding of motor carrier safety assistance program funds for the States subject to the withholding of such funds for matters of noncompliance immediately prior to the date of enactment of this Act.

(4) FUTURE WITHHOLDINGS.—Beginning on the date that the new allocation formula for the motor carrier safety assistance program is implemented, the Secretary may withhold, under paragraph (1), the amount of each State's new entrant audit grants calculated as the amount calculated under paragraph (2) as the amount required under section 31102(f) of title 49, United States Code, as amended by this subtitle.

(c) TERMINATION OF WORKING GROUP.—The working group established under subsection (a) shall terminate on the date of the implementation of the new allocation formula for the motor carrier safety assistance program.

SEC. 5107. MAINTENANCE OF EFFORT CALCULATION.

(a) BEFORE NEW ALLOCATION FORMULA.—(1) FISCAL YEAR 2017.—If a new allocation formula for the motor carrier safety assistance program has not been established under this title for fiscal year 2017, the Secretary shall calculate the amount of State maintenance of effort baseline required by section 31102(k) of title 49, United States Code, as amended by this subtitle, by averaging the expenditures for fiscal years 2004 through 2006, 2005 through 2007, and 2006 through 2008.

(b) BEGINNING WITH NEW ALLOCATION FORMULA.—The Secretary may calculate the interim funding amount the methodology described in paragraph (2)(A).

(1) INTERIM FORMULA.—Prior to the development of the new allocation formula for the motor carrier safety assistance program, the Secretary may calculate the interim funding amount for that program in fiscal year 2017 (and later fiscal years, as necessary) under section 31102(k) of title 49, United States Code, as amended by this subtitle, by using the following methodology:

(a) The Secretary shall calculate the funding amount for a State using the allocation formula the Secretary used to award motor carrier safety assistance program funding in fiscal year 2016 under section 31102 of title 49, United States Code.

(b) The Secretary shall average the funding awarded or other equitable amounts to a State in fiscal years 2013, 2014, and 2015 for—

(i) border enforcement grants under section 31107 of title 49, United States Code; and

(ii) new entrant audit grants under section 31144(g)(5) of title 49, United States Code; and

(c) The Secretary shall add the amounts calculated in subparagraphs (A) and (B)

(C) new entrant audit grants awarded to the State under section 31144(g)(5) of title 49, United States Code.

(2) ADJUSTMENT METHODOLOGY.—If requested by a State, the Secretary may modify the methodology described in paragraph (1) for the State according to the following methodology:

(A) The Secretary shall calculate the maintenance of effort baseline for the State using the average baseline of fiscal years 2004 and 2005, as required by section 31102(b)(4) of title 49, United States Code, as that section was in effect on the day before the date of enactment of this Act.

(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) IMMEDIATE RELIEF.—On the date of enactment of this Act, the Secretary shall calculate the estimated match required under section 31104(b) of title 49, United States Code, as amended by this subtitle.

(D) The Secretary shall subtract the amount in subparagraph (B) from the amount in subparagraph (C) and—

(i) if the number is greater than 0, the Secretary shall subtract the number from the amount in subparagraph (C); or

(ii) if the number is not greater than 0, the Secretary shall calculate the maintenance of effort using the methodology in subparagraph (A).

(d) MAINTENANCE OF EFFORT AMOUNT.—(A) IN GENERAL.—The Secretary shall use the amount calculated under paragraph (2) as the baseline maintenance of effort required under section 31102(f)(1) of title 49, United States Code, as amended by this subtitle.

(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 a new allocation formula for the motor carrier safety assistance program, the Secretary shall calculate the maintenance of effort using the methodology described in paragraph (2)(A).

(e) TERMINATION OF WORKING GROUP.—The working group established under section (a) shall terminate on the date of the implementation of the new allocation formula for the motor carrier safety assistance program.
"(A) issue an advance notice of proposed rulemaking; or
"(B) proceed with a negotiated rulemaking.

(2) REQUIREMENTS.—Each advance notice of proposed rulemaking issued under paragraph (1) shall—

"(A) identify the need for a potential regulatory action;

"(B) identify and request public comment on the best available science or technical information relevant to analyzing potential regulatory alternatives;

"(C) request public comment on the available data and costs with respect to regulatory alternatives reasonably likely to be considered as part of the rulemaking; and

"(D) request public comment on available alternatives to regulation.

(3) WAIVER.—This subsection does not apply to a proposed rule if 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) that an advance notice of proposed rulemaking is impracticable, unnecessary, or contrary to the public interest.

(4) RULE OF CONSTRUCTION.—Nothing in subsection (f) or (g) may be construed to limit the contents of an advance notice of proposed rulemaking.

SEC. 5203. GUIDANCE.

(a) IN GENERAL.—Each guidance document issued by the Federal Motor Carrier Safety Administration shall be published on a publicly accessible Internet Web site of the Department on the date of issuance or revision.

(b) REDACTION.—The Administrator of the Federal Motor Carrier Safety Administration shall redact the guidance document to the extent practicable.

(c) REGULAR REVIEW.—Not later than 5 years after the date on which a guidance document is published, the Administrator shall review all guidance documents and request for comment that solicits input from stakeholders on which guidance documents should be updated or eliminated.

SEC. 5204. PETITIONS.

(a) IN GENERAL.—The Administrator of the Federal Motor Carrier Safety Administration shall—

"(1) publish on a publicly accessible Internet Web site of the Department a summary of all petitions for regulatory action submitted to the Administration;

"(2) prioritize the petitions submitted based on the likelihood of safety improvements resulting from the regulatory action requested;

"(3) not later than 180 days after the date a summary of a petition is published under paragraph (1), formally respond to such petition by indicating whether the Administrator will accept, deny, or further review the petition;

"(4) prioritize responses to petitions consistent with a petition being reduced to create more room to improve enforcement, and reduce unnecessary burdens; and

"(5) not later than 60 days after the date of receipt of a petition, publish on a publicly accessible Internet Web site of the Department an updated inventory of the petitions described in paragraph (1), including any applicable disposition information for those petitions.

(b) TREATMENT OF MULTIPLE PETITIONS.—The Administrator may treat multiple similar petitions as a single petition for the purposes of subsection (a).

(c) PETITION DEFINED.—In this section, the term "petition" means a request for—

"(1) a new regulation;

"(2) a regulatory interpretation or clarification; or

"(3) a determination by the Administrator that a regulation should be modified or eliminated because it is—

"(A) no longer—

"(i) consistent and clear;

"(ii) current with the operational realities of the motor carrier industry; or

"(iii) uniformly enforced;

"(B) ineffective; or

"(C) overly burdensome.

SEC. 5205. INSPECTOR STANDARDS.

Not later than 90 days after the date of enactment of this Act, the Administrator shall review all standards issued by the Federal Motor Carrier Safety Administration and in effect on such date of enactment to ensure that such standards are current, are readily accessible to the public, and meet the standards specified in subparagraphs (A), (B), and (C) of subsection (c)(1).

(c) REGULAR REVIEW.—(1) IN GENERAL.—Subject to paragraph (2), not less than every 3 years, the Administrator shall conduct a comprehensive review of the guidance documents issued by the Federal Motor Carrier Safety Administration to determine if the guidance documents are—

"(A) consistent and clear;

"(B) uniformly and consistently enforced; and

"(C) still necessary.

(2) NOTICE AND COMMENT.—Prior to beginning a review under paragraph (1), the Administrator shall publish in the Federal Register a notice and request for comment that solicits input from stakeholders on which guidance documents should be updated or eliminated.

(3) REPORT.—(A) IN GENERAL.—Not later than 60 days after the date on which a review under paragraph (1) is completed, the Administrator shall publish on a publicly accessible Internet Web site of the Department detailing the review and a full inventory of the guidance documents of the Administration.

(B) CONTENTS.—A report under subparagraph (A) shall include—

"(1) an explanation of the Administration's conclusions with respect to the guidance documents reviewed;

"(2) a summary of the comments submitted to the Administration; and

"(3) a summary of a petition is published under paragraph (1).

(4) OPPORTUNITY FOR RESUBMISSION.—(A) The Secretary may, upon request, reissue an updated version of the guidance document if the Administrator determines that the guidance document should be modified or eliminated.

(B) by striking the second sentence; and

(b) ADMINISTRATIVE EXEMPTIONS.—(1) IN GENERAL.—The Secretary shall make permanent the following limited exemptions:

"(A) Perishable construction products, as published in the Federal Register on April 2, 2015 (80 Fed. Reg. 17819);

"(B) Transport of commercial bee hives, as published in the Federal Register on June 19, 2015 (80 Fed. Reg. 35452);


(2) ADDITIONAL ADMINISTRATIVE EXEMPTIONS.—Any exemption from any provision of the regulations under part 395 of title 49, Code of Federal Regulations, that is in effect on the date of enactment of this Act, except as otherwise provided in section 31315(b) of title 49, shall expire for a period of 5 years from the date such exemption was granted, and

"(B) May be subject to renewal under section 31315(b)(2) of title 49, United States Code.

PART II—COMPLIANCE, SAFETY, ACCOUNTABILITY REFORM

SEC. 5221. CORRELATION STUDY.

(a) IN GENERAL.—The Administrator of the Federal Motor Carrier Safety Administration (referred to in this part as the "Administrator") shall commission the National Research Council of the National Academies to conduct a study of—

"(1) the Compliance, Safety, Accountability program of the Federal Motor Carrier Safety Administration (referred to in this part as the "CSA program") and

"(2) the Safety Measurement System (SMS).

(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 part as "BASIC")—

"(i) identify high risk carriers; and

"(ii) predict or are correlated with future crash risk, crash severity, or other safety indicators for motor carriers, including 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, with respect to the adequately identifying and predicting future crash risk for motor carriers;

"(C) the relative value of inspection information in the BASIC program;

"(D) any data collection gaps or data sufficiency problems that may exist and the impact of those gaps and problems on the efficacy of the BASIC program;

"(E) the accuracy of safety data, including the use of crash data from crashes in which a motor carrier was free from fault;

"(F) whether BASIC percentiles for motor carriers of passengers should be calculated separately from motor carriers of freight;
The differences in the rates at which safety violations are reported to the Federal Motor Carrier Safety Administration for inclusion in the

SMS by various enforcement authorities, including States, territories, and Federal inspectors;

and

how members of the public use the SMS and what effect making the SMS information public has had on reducing crashes and eliminating unsafe motor carriers from the industry; and

shall consider—

whether the SMS provides comparable precision and confidence, through SMS alerts and percentiles, for the relative crash risk of individual motor carriers;

whether alternatives to the SMS would identify high risk carriers more accurately; and

the recommendations and findings of the Comptroller General of the United States and the Inspector General of the Department, and independent review team reports, issued before the date of enactment of this Act.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall—

(A) submit a report containing the results of the study commissioned pursuant to subsection (a) to—

(i) the Committee on Commerce, Science, and Transportation of the Senate; and

(ii) the Committee on Transportation and Infrastructure of the House of Representatives;

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 corrective action plan that—

(i) identifies any deficiencies or opportunities identified by the report;

(ii) identifies how the Federal Motor Carrier Safety Administration will address such deficiencies or opportunities;

(iii) provides an estimate of the cost, including with respect to changes in staffing, enforcement, and data collection, necessary to address such deficiencies or opportunities;

(iv) relates, for any petitions for review of advanced safety equipment, enhanced driver fitness measures, fleet safety management tools, technologies, and programs, and other standards with respect to advanced safety equipment, enhanced driver fitness measures, fleet safety management tools, technologies, and programs, and other standards for use by motor carriers to receive recognition, including credit or an improved SMS percentile, for purposes of subsection (a).

(2) CONTENTS.—A process developed under paragraph (1) shall—

(A) provide for a petition process for reviewing advanced safety equipment, enhanced driver fitness measures, fleet safety management tools, technologies, and programs, and other standards for use by motor carriers to receive recognition, including credit or an improved SMS percentile, for purposes of subsection (a).

(B) include programmatic reforms, revisions to regulations, or proposals for legislation;

and

(C) be considered in any rulemaking by the Department that relates to the CSA program, including the SMS or data analysis under the SMS.

(e) INSPECTOR GENERAL REVIEW.—Not later than 120 days after the Administrator submits a corrective action plan as required under subsection (d), the Inspector General of the Department shall—

(i) review the extent to which such plan addresses—

(1) recommendations contained in the report submitted under subsection (c); and

(2) relevant recommendations issued by the Comptroller General or the Inspector General before the enactment of this Act; and

(ii) 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 responsiveness of the corrective action plan to the recommendations described in paragraphs (A) and (B) of subsection (d).

SEC. 2225. BEYOND COMPLIANCE.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Administrator shall allow recognition, including credit or an improved SMS percentile, for a motor carrier that—

(1) installs advanced safety equipment;

(2) uses enhanced driver fitness measures;

(3) adopts fleet safety management tools, technologies, and programs; or

(4) satisfies other standards determined appropriate by the Administrator.

(b) IMPLEMENTATION.—The Administrator shall carry out subsection (a) by—

(1) incorporating a methodology into the CSA program to—

(A) install the SMS; and

(B) begin enforcement of the SMS in accordance with the methodology; and

(2) establishing a basic SMS in the CSA program.

(c) PROCESS.—

(1) IN GENERAL.—The Administrator, after providing notice and an opportunity for comment to ensure the consistent and accurate input of investigation and enforcement prioritization; and

(2) publicize the report on a publicly accessible Internet Web site of the Department.
SEC. 5325. ACCIDENT REVIEW.
(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit the Motor Carrier Safety Advisory Committee with reviewing the treatment of preventable crashes.
(b) DUTIES.—Not later than 6 months after being tasked under subsection (a), the Motor Carrier Safety Advisory Committee shall make recommendations to the Secretary on a process to allow motor carriers and drivers to request that the Administrator make a determination with respect to the preventability of a crash, if such a process has not yet been established by the Secretary.
(c) REPORT.—The Secretary shall—
(1) review and consider the recommendations provided by the Motor Carrier Safety Advisory Committee; and
(2) report to Congress on how the Secretary intends to address the treatment of preventable crashes.
(d) PREVENTABLE DEFINED.—In this section, the term “preventable” has the meaning given that term in Appendix B of part 385 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this Act.

Subtitle C—Commercial Motor Vehicle Safety

SEC. 5301. WINDSHIELD TECHNOLOGY.
(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall require carriers to install windshield technology with a short term exemption under part 385 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this Act.
(b) VEHICLE SAFETY TECHNOLOGY DEFINED.—In this section, the term “vehicle safety technology” includes a fleet-related incident management system, performance or behavior management system, speed management system, lane departure warning, and forward collision warning or mitigation system, and active cruise control system and any other technology that the Secretary considers applicable.
(c) CONSIDERATIONS.—For purposes of this section, any windshield mounted technology with a short term exemption under part 385 of title 49, Code of Federal Regulations, on 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 the exemption.
(d) Vehicle safety technology defined.—In this section, the term “vehicle safety technology” includes a fleet-related incident management system, performance or behavior management system, speed management system, lane departure warning, and forward collision warning or mitigation system, and active cruise control system and any other technology that the Secretary considers applicable.
(e) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish on a publicly accessible Internet Web site of the Department and submit to the Committee on Commerce, Science, and Transportation of the Senate a written notification under subsection (a) for each a rulemaking with a statutory deadline.
(f) RULEMAKINGS.—In this section, the term “vehicle safety technology” includes a fleet-related incident management system, performance or behavior management system, speed management system, lane departure warning, and forward collision warning or mitigation system, and active cruise control system and any other technology that the Secretary considers applicable.
(g) REPORT.—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 a written notification that includes—
(1) for a rulemaking with a statutory deadline,
(B) an expected date of completion of the rulemaking;
(A) the vehicle configuration;
(2) a list of factors causing delays in the completion of the rulemaking; and
(3) any other details associated with the status of the rulemaking.
(h) Rulemaking.—The Secretary shall submit a written notification under subsection (a) for each of the following rulemakings:
(1) A rulemaking concerning commercial motor vehicles and any other vehicle in an accident; and
(2) A rulemaking concerning commercial motor vehicle accidents.
(i) Rulemaking.—The Secretary shall submit a written notification under subsection (a) for each of the following rulemakings:
(1) A rulemaking concerning commercial motor vehicles and any other vehicle in an accident; and
(2) A rulemaking concerning commercial motor vehicle accidents.
(j) Rulemaking.—The Secretary shall submit a written notification under subsection (a) for each of the following rulemakings:
(1) A rulemaking concerning commercial motor vehicles and any other vehicle in an accident; and
(2) A rulemaking concerning commercial motor vehicle accidents.

SEC. 5305. HIGH RISK CARRIER REVIEWS.
(a) IN GENERAL.—The Secretary shall ensure that a review is completed for each motor carrier that demonstrates through performance data that it poses the highest safety risk. At a minimum, each review shall include the following:
(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish on a publicly accessible Internet Web site of the Department and submit to the Committee on Commerce, Science, and Transportation of the Senate a written notification under subsection (a) for each a rulemaking with a statutory deadline.
(c) CONSIDERATIONS.—The Secretary shall provide the Secretary with its findings and any recommendations, including best practices for State post-accident reports to achieve the data elements described in subsection (c).
(A) exempt a covered individual from all or a portion of a driving test if the covered individual had experience in the armed forces or reserve components driving vehicles similar to a commercial motor vehicle; and

(B) ensure that a covered individual may apply for an exemption under subparagraph (A) during, at least, the 1-year period beginning on the date the individual separates from service in the armed forces or reserve components; and

(C) credit the training and knowledge a covered individual had received in the armed forces or reserve components driving vehicles similar to a commercial motor vehicle for purposes of satisfying minimum standards for training and knowledge.

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

(A) ARMED FORCES.—The term ‘armed forces’ has the meaning given that term in section 31305(d)(2) of this title;

(B) COVERED INDIVIDUAL.—The term ‘covered individual’ means an individual over the age of 21 years who is

(i) a former member of the armed forces; or

(ii) a member of the reserve components;

(C) RESERVE COMPONENTS.—The term ‘reserve components’ means

(i) the Army National Guard of the United States;

(ii) the Army Reserve;

(iii) the Air National Guard of the United States;

(iv) the Air Force Reserve; and

(v) the Coast Guard Reserve.

(b) IMPLEMENTATION OF ADMINISTRATIVE REQUIREMENTS.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Defense, shall implement the recommendations contained in the report submitted under section 32308 of title 49, United States Code.

(c) CONFORMING AMENDMENT.—Section 31305(c)(2) of title 49, United States Code, is amended to read as follows:

‘‘(2) in subsection (b)(2)—

(A) in subparagraph (A) by striking ‘‘and’’ at the end;

(B) in subparagraph (B) by striking the period at the end and inserting ‘‘; and’’; and

(C) by adding at the end the following:

‘‘(D) for hair testing to detect the use of a controlled drug, the regulations prescribed under subsection (a) by striking ‘‘The regulations shall permit such operators to conduct preemployment testing of such employees for the use of alcohol’’; and

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

‘‘(A) for hair testing to detect the use of a controlled drug, the regulations prescribed under subsection (a) shall include—

(1) a process fornicating qualified physician under this section; and

(2) the physical condition of the operator is adequate to enable such operator to operate a commercial motor vehicle safely.

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

(1) ACCIDENT.—The term ‘accident’ has the meaning given that term in section 390.5 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this Act.

(2) ARMED FORCES.—The term ‘armed forces’ has the meaning given that term in section 31305(c) of title 49, United States Code.

(3) COMMERCIAL DRIVER VEHICLE.—The term ‘commercial vehicle’ has the meaning given that term in section 31305(c) of title 49, United States Code.

(4) COVERED INDIVIDUAL.—The term ‘covered individual’ means an individual who is—

(A) between the ages of 18 and 21;

(B) a member or former member of the—

(i) armed forces; or

(ii) reserve components (as defined in section 31305(d)(2) of title 49, United States Code); and

(C) is required to have a current valid medical certificate pursuant to section 31149 of title 49, United States Code.

(5) DEFICIENCY.—The term ‘deficiency’ has the meaning given that term in section 390.13 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this Act.

(6) DUTY.—The term ‘duty’ has the meaning given that term in section 390.13 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this Act.

(7) EMPLOYER.—The term ‘employer’ has the meaning given that term in section 390.5 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this Act.

(8) ENVIRONMENT.—The term ‘environment’ has the meaning given that term in section 390.13 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this Act.

(9) MOTOR VEHICLE.—The term ‘motor vehicle’ has the meaning given that term in section 31305(c) of title 49, United States Code.

(10) QUALIFIED PHYSICIAN.—The term ‘qualified physician’ has the meaning given that term in section 31305(c) of title 49, United States Code.

(11) VETERAN.—The term ‘veteran’ has the meaning given that term in section 31305(c) of title 49, United States Code.

(12) VETERANS AFFAIRS.—The term ‘Veterans Affairs’ has the meaning given that term in section 31305(c) of title 49, United States Code.

(13) WORKING GROUP.—The term ‘working group’ has the meaning given that term in section 31305(c) of title 49, United States Code.

(g) REPORT.—Not later than 1 year after the date on which the program is concluded, the Secretary shall submit to Congress a report describing the findings of the pilot program and the recommendations of the working group.

(h) WORKING GROUP.—The term ‘working group’ means a group of individuals composed of—

(A) Members of the Committee on Commerce, Science, and Transportation of the House of Representatives and the Committee on Transportation and Infrastructure of the Senate;

(B) Members of the Committee on Commerce, Science, and Transportation of the Senate;

(C) Members of the House of Representatives and the Senate; and

(D) Members of the Federal Motor Carrier Safety Administration.

(i) FUNDING.—The Secretary shall ensure that the costs of the pilot program are paid for from appropriations to the Secretary for the fiscal year in which the program is conducted.

(j) IMPLEMENTATION.—The Secretary shall implement the recommendations of the working group.

(k) LIMITATIONS.—A covered individual participating in the pilot program may not—

(1) transport—

(A) passengers; or

(B) hazardous cargo; or

(2) operate a vehicle in special configuration.

(l) WORKING GROUP.—The Secretary shall convene a working group to—

(1) recommend the adoption of safety standards for covered individuals, including the extent to which delays result in violations of motor carrier safety regulations; and

Subtitle E—General Provisions

SEC. 5504. COMMERCIAL DRIVER PILOT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a pilot program under section 31305(c) of title 49, United States Code, to study the feasibility, benefits, and safety impacts of allowing a covered driver to operate a commercial motor vehicle in interstate commerce.

(b) DATA COLLECTION.—The Secretary shall collect and analyze data relating to accidents in which—

(1) a covered driver participating in the pilot program is involved; and

(2) a driver under the age of 21 operating a commercial motor vehicle in intrastate commerce is involved.

(c) LIMITATIONS.—A driver participating in the pilot program may not—

(1) transport—

(A) passengers; or

(B) hazardous cargo; or

(2) operate a vehicle in special configuration.

(d) WORKING GROUP.—The Secretary shall conduct, monitor, and evaluate the pilot program in consultation with a working group to be established by the Secretary consisting of representa-
(iv) the livelihood of motor carrier drivers; and
(b) recommendations on how delays could be mitigated
(c) Collection of data.—Not later than 2 years after the date of enactment of this Act, the Secretary shall establish by regulation a process to collect data on delays experienced by operators of commercial motor vehicles before the loading, unloading of such vehicles and at other points in the pick-up and delivery process.

SEC. 5502. EMERGENCY ROUTE WORKING GROUP.
(a) Designation.—Not later than 1 year after the date of enactment of this Act, the Secretary shall designate an emergency route working group to determine what expedient Federal or State approval of special permits for vehicles involved in emergency response and recovery,
(b) Members.—The working group shall include representatives from:
(A) State highway transportation departments or agencies;
(B) relevant modal agencies within the Department;
(C) emergency response or recovery experts;
(D) other relevant groups; and
(E) entities affected by special permit restrictions during emergency response and recovery efforts.
(c) Considerations.—In determining the best practices under subsection (a), the working group shall—
(1) consider impediments currently exist that prevent expeditious State approval of 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 emergency;
(3) a State could pre-designate an emergency route identified under paragraph (2) as a certified emergency route if a motor vehicle that exceeds its legal truck length or width limits may safely operate along such route during periods of declared emergency and recovery from such periods; and
(4) an online map could be created to identify each pre-designated emergency route under paragraph (3), including information on specific limitations, obligations, and notification requirements along that route.
(d) Report.—
(1) Submission.—Not later than 1 year after the date of enactment of this Act, the working group shall submit to the Secretary a report on its findings under this section and any recommendations for the implementation of best practices for expedient State approval of special permits for vehicles involved in emergency response and recovery.
(2) Publication.—Not later than 30 days after the date the Secretary receives the report under paragraph (1), the Secretary shall publish the report on a publicly accessible Internet Web site of the Department.

SEC. 5503. TECHNOLOGY IMPROVEMENTS.
(a) In General.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall conduct a comprehensive analysis of the information technology and data collection and management systems of the Motor Carrier Safety Administration.
(b) Requirements.—The study conducted under subsection (a) shall—
(1) evaluate the efficacy of the existing information technology, data collection, processing systems, data correction procedures, 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, procedures, and programs described in paragraph (1);
(3) explore the feasibility of consolidating data collection and processing systems;
(4) evaluate the systems, procedures, and programs described in paragraph (1) to meet the needs of—
(A) the Federal Motor Carrier Safety Administration, at both the headquarters and State levels;
(B) the State agencies that implement the motor carrier safety assistance program under section 31109 of title 49, United States Code; and
(C) other users;
(5) evaluate the adaptability of the systems, procedures, 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 user interfaces; and
(7) identify gaps in the role of the Federal Motor Carrier Safety Administration should take with respect to software and information systems design, development, and maintenance for the transportation of hazardous materials, including the role of the systems, procedures, and programs described in paragraph (1).
SEC. 5509. MINIMUM FINANCIAL RESPONSIBILITY.

(a) TRANSPORTING PROPERTY.—If the Secretary proceeds with a rulemaking to determine whether to increase the minimum levels of financial responsibility required under section 31139 of title 49, United States Code, the Secretary shall consider, prior to issuing a final rule—

(1) the rulemaking’s potential impact on—

(A) the safety of motor vehicle transportation; and

(B) the motor carrier industry;

(2) the ability of the insurance industry to provide the required amount of insurance;

(3) the extent to which current minimum levels of financial responsibility adequately cover—

(A) medical care;

(B) compensation; and

(C) other identifiable costs;

(4) the frequency with which insurance claims exceed current minimum levels of financial responsibility in fatal accidents; and

(5) increased levels on motor carrier safety and accident reduction.

(b) TRANSPORTING PASSENGERS.—

(1) IN GENERAL.—Prior to initiating a rulemaking to determine whether to increase the minimum levels of financial responsibility required under section 31139 of title 49, United States Code, the Secretary shall complete a study specific to the minimum financial responsibility requirements for motor carriers of passengers.

(2) STUDY CONTENTS.—A study under paragraph (1) shall include, to the extent practicable—

(A) a review of accidents, injuries, and fatalities in the over-the-road bus and school bus industries;

(B) a review of insurance held by over-the-road bus and public and private school bus companies, including companies of various sizes, and an analysis of whether such insurance is adequate to cover claims;

(C) an analysis of whether and how insurance affects the behavior and safety record of motor carriers of passengers, including with respect to crash reduction; and

(D) an analysis of the anticipated impacts of an increase in financial responsibility on insurance premiums for passenger carriers and service availability.

(3) CONSULTATION.—In conducting a study under paragraph (1), the Secretary shall consult with—

(A) representatives of the over-the-road bus and private school bus transportation industries, including representatives of bus drivers; and

(B) insurers of motor carriers of passengers.

(4) REPORT.—If the Secretary undertakes a study under paragraph (1) of this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 5510. SAFETY STUDY REGARDING DOUBLE-DECKER MOTORCOACHES.

(a) STUDY.—In consultation with State transportation safety and law enforcement officials, shall conduct a study regarding the safety operations, fire suppression capabilities, and any other minimum levels of financial responsibility required under section 31139 of title 49, United States Code, the Secretary shall consider, prior to issuing a final rule—

(1) the rulemaking’s potential impact on—

(A) the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) the Committee on Commerce, Science, and Transportation of the Senate.

(b) EFFECTS OF COMMUTING.—The Administrator of the Federal Motor Carrier Safety Administration may request the Comptroller General of the United States to conduct a study of commuters’ transportation of elementary school and secondary school students engaging in home-to-school travel or other transportation by means other than public transportation, including evaluations of the impacts of increased levels of financial responsibility required under section 31139 of title 49, United States Code, on the commuter industry and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the results of the study.

(c) LAW ENFORCEMENT.—The Administrator of the Federal Motor Carrier Safety Administration may conduct a study of the ability of State and local law enforcement officials to enforce laws administered by the Department of Transportation, or of State law equivalents of such laws.

(d) IN GENERAL.—The Comptroller General shall submit to Congress a report containing the findings of the study.

SEC. 5511. 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 a report containing the results of the following:

(1) A review of Federal and State rules and guidance, as of the date of the report, concerning school bus transportation of elementary school and secondary school students engaging in home-to-school travel or other transportation by means other than public transportation, including evaluations of the impacts of increased levels of financial responsibility required under section 31139 of title 49, United States Code.

(b) EFFECTS OF COMMUTING.—The Administrator of the Federal Motor Carrier Safety Administration may request the Comptroller General of the United States to conduct a study of commuters’ transportation of elementary school and secondary school students engaging in home-to-school travel or other transportation by means other than public transportation, including evaluations of the impacts of increased levels of financial responsibility required under section 31139 of title 49, United States Code, on the commuter industry and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the results of the study.

(c) LAW ENFORCEMENT.—The Administrator of the Federal Motor Carrier Safety Administration may conduct a study of the ability of State and local law enforcement officials to enforce laws administered by the Department of Transportation, or of State law equivalents of such laws.

(d) IN GENERAL.—The Comptroller General shall submit to Congress a report containing the findings of the study.

SEC. 5512. ACCESS TO NATIONAL DRIVER REGISTRY.

Section 30305(b) of title 49, United States Code, is amended by adding at the end the following:

“(1) 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 to the Administrator in connection with a safety investigation under the Administrator’s jurisdiction.”.

SEC. 5513. 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 electronic screening systems, or create capabilities already available; or

(2) provide appropriate restrictions to specifically address privacy concerns of affected motor carriers and operators.

SEC. 5514. REGULATION OF TOW TRUCK OPERATIONS.

Section 14501(c)(2)(C) of title 49, United States Code, is amended by striking “the price of” and all that follows through “transportation is” and inserting “the regulation of tow truck operations”.

SEC. 5515. STUDY ON COMMERCIAL MOTOR VEHICLE DRIVER COMMUTING.

(a) EFFECTS OF COMMUTING.—The Administrator of the Federal Motor Carrier Safety Administration shall conduct a study on the safety effects of motor carrier operator commutes exceeding 150 minutes.

(b) 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 of the study.

SEC. 5516. ADDITIONAL STATE AUTHORITY.

Notwithstanding any other provision of law, South Dakota shall be provided the opportunity to update and revise the routes designated as qualifying Federal-aid Primary System highways under section 3111(e) of title 49, United States Code, as long as the update shifts routes to divided highways or does not increase centerline miles by more than 5 percent and is expected to increase safety performance.

SEC. 5517. REPORT ON MOTOR CARRIER FINANCIAL RESPONSIBILITY.

(a) IN GENERAL.—Not later than January 1, 2017, the Secretary shall publish on a publicly accessible Internet Web site of the Department a report on the minimum financial responsibility required under section 31139 of title 49, United States Code.

(b) CONTENTS.—The report required under subsection (a) shall include, to the extent practicable, an analysis of—

(1) the differences between State insurance requirements and Federal requirements;

(2) the extent to which current minimum levels of financial responsibility adequately cover—

(A) medical care;

(B) compensation; and

(C) other identifiable costs; and

(3) the frequency with which insurance claims exceed current minimum levels of financial responsibility in fatal accidents; and

(4) increased levels on motor carrier safety and accident reduction.

(b) CONTENTS.—The report required under subsection (a) shall include, to the extent practicable, an analysis of—

(1) the differences between State insurance requirements and Federal requirements;

(2) the extent to which current minimum levels of financial responsibility adequately cover—

(A) medical care;

(B) compensation; and

(C) other identifiable costs; and

(3) the frequency with which insurance claims exceed current minimum levels of financial responsibility in fatal accidents; and

(4) increased levels on motor carrier safety and accident reduction.

SEC. 5518. COVERED FARM VEHICLES.

Section 32934(b)(1) of MAP–21 (49 U.S.C. 31136 note) is amended by striking “from” and all that follows through the period at end and inserting the following: “from—

“(A) a requirement described in subsection (a) or a compatible State requirement; or

(B) any other minimum standard provided by a State relating to the operation of that vehicle.”.

SEC. 5519. OPERATORS OF HI-RAIL VEHICLES.

(a) IN GENERAL.—In the case of a commercial motor vehicle driver subject to the hours of service requirements in part 395 of title 49, Code of
Federal Regulations, who is driving a hi-rail ve-
hicle, the maximum on duty time under section 395.3 of such title for such driver shall not include in time to transportation to or from a duty assignment if such time in transportation—
(1) does not exceed 2 hours per calendar day or a total of 30 hours per calendar month; and
(2) is fully and accurately accounted for in records maintained by the motor carrier and such records are made available upon request of the Federal Motor Carrier Safety Administration or the Federal Railroad Administration.

**SEC. 5520. HI-RAIL VEHICLE DEFINED.**—In this section, the term “hi-rail vehicle” means an internal rail-flange hi-rails.

**SEC. 5522. COMMERCIAL DELIVERY OF LIGHT- AND MEDIUM-DUTY TRUCKS.**

(a) **DEFINITIONS.**—In this section, the term “driver” means a person who drives a vehicle for the purpose of operating the vehicle or who provides the power to operate a mixer drum to agitate and mix the product en route to the delivery site.”

(b) **DELETIONS.**—Subsection (a) of section 31111(a) of title 49, United States Code, is amended by—

(1) by striking “90 air mile radius” and inserting “75 air mile radius”; and
(2) by striking “such vehicle” and inserting “the vehicle, except that a State, upon notice to the Secretary, may establish a different air mile radius limitation for purposes of this paragraph if such limitation is between 50 and 75 air miles.”

**SEC. 5523. COMMERCIAL DELIVERY OF LIGHT- AND MEDIUM-DUTY TRUCKS.**

(a) **DEFINITIONS.**—In section 31111(a) of title 49, United States Code, by adding at the end the following—

“(D) $67,500,000 for fiscal year 2020.

(5) Any requirement relating to hours of service of drivers, including minimum driving and on-duty time, established under chapter 311 of title 49, United States Code.

**SEC. 5525. REPORT.**

(a) **IN GENERAL.**—Not later than 4 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 Transportation and Infrastructure of the House of Representatives a report describing the safety and enforcement impacts of sections 5520, 5521, 5522, 5523, and 7208 of this Act.

(b) **CONSULTATION.**—In preparing the report required under subsection (a), the Secretary shall consult with States, State law enforcement agencies, entities impacted by the sections described in subsection (a), and other entities the Secretary considers appropriate.

**TITLE VI—INNOVATION**

**SEC. 6001. SHORT TITLE.**

This title may be cited as the “Transportation for Tomorrow Act of 2015.”

**SEC. 6002. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—The following amounts are appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) **HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.**—To carry out section 503(b) of title 23, United States Code, $125,000,000 for each of fiscal years 2016 through 2020.

(2) **TECHNOLOGY AND INNOVATION DEPLOYMENT PROGRAM.**—To carry out section 503(c) of title 23, United States Code—

(A) $72,500,000 for fiscal year 2016; 
(B) $75,500,000 for each of fiscal years 2017 through 2020.

(3) **TRAINING AND EDUCATION.**—To carry out section 504 of title 23, United States Code, $200,000,000 for each of fiscal years 2016 through 2020.

(4) **INTELLIGENT TRANSPORTATION SYSTEMS PROGRAM.**—To carry out sections 512 through 518 of title 23, United States Code, $100,000,000 for each of fiscal years 2016 through 2020.

(5) **UNIVERSITY TRANSPORTATION CENTERS PROGRAM.**—To carry out section 505 of title 23, United States Code—

(A) $7,250,000,000 for fiscal year 2016; 
(B) $7,500,000,000 for each of fiscal years 2017 through 2020.

(6) **BUREAU OF TRANSPORTATION STATISTICS.**—To carry out chapter 63 of title 49, United States Code, $20,000,000 for each of fiscal years 2016 through 2020.

(b) **ADMINISTRATION.**—The Federal Highway Administration shall—

(1) administer the programs described in paragraphs (1), (2), and (3) of subsection (a); and

(2) in consultation with relevant modal administrations, administer the programs described in subsection (a)(4).

(c) **APPLICABILITY OF TITLE 23, UNITED STATES CODE.**—Funds authorized to be appropriated by subsection (a) shall—

(1) be available for obligation in the same manner as if those funds were apportioned...
under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project or activity carried out using those funds shall be 80 percent, unless otherwise expressly provided for in a law (including the amendments made by this Act) or otherwise determined by the Secretary; and

(2) remain available until expended and not be transferable, except as otherwise provided in this Act.

SEC. 6003. TECHNOLOGY AND INNOVATION DEPLOYMENT PROGRAM.

Section 503(c)(2) of title 23, United States Code, is amended—

(i) in subparagraph (C) by striking “2013 through 2014” and inserting “2016 through 2020”;

(ii) by adding at the end the following:

“(D) PUBLICATION.—The Secretary may set aside for grants awarded under subparagraph (B) an amount for grants for every fiscal year thereafter, the Secretary shall make available to the public on an Internet website a report on the cost and benefits from deployment of advanced transportation and congestion management technologies; or other transportation stakeholders.

(2) the Secretary shall develop criteria for selection of an eligible entity to receive a grant under this paragraph, including—

(i) the deployment of an eligible entity; and

(2) the deployment of an eligible entity; and

(i) the deployment of an eligible entity; and

(ii) the deployment of an eligible entity; and

(iii) the deployment of an eligible entity; and

(iv) the deployment of an eligible entity; and

(v) the deployment of an eligible entity; and

(vi) the deployment of an eligible entity; and

(vii) the deployment of an eligible entity; and

(viii) the deployment of an eligible entity; and

(ix) the deployment of an eligible entity; and

(x) the deployment of an eligible entity; and

(xi) the deployment of an eligible entity; and

(xii) the deployment of an eligible entity; and

(xiii) the deployment of an eligible entity; and

(xiv) the deployment of an eligible entity; and

(xv) the deployment of an eligible entity; and

(xvi) the deployment of an eligible entity; and

(xvii) the deployment of an eligible entity; and

(xviii) the deployment of an eligible entity; and

(xix) the deployment of an eligible entity; and

(xx) the deployment of an eligible entity; and

(3) as otherwise required by law.

(3) as otherwise required by law.

SEC. 6004. ADVANCED TRANSPORTATION AND CONGESTION MANAGEMENT TECHNOLOGIES DEPLOYMENT.

Section 503(c)(1) of title 23, United States Code, is amended by adding at the end the following:

“(A) IN GENERAL.—Not later than 6 months after the date of enactment of this paragraph, the Secretary shall establish an advanced transportation and congestion management technologies deployment initiative to provide grants to eligible entities to develop model deployment sites for the installation and operation of advanced transportation technologies to improve safety, efficiency, system performance, and infrastructure return on investment.

(B) CRITERIA.—The Secretary shall develop criteria for selection of an eligible entity to receive a grant under this paragraph, including—

(i) reduce costs and improve return on investment, including through the enhanced use of existing transportation capacity;

(ii) the Secretary may set aside for grants awarded under this paragraph an amount of obligation limitation equal to 50 percent of the amount described in subparagraph (A) for each fiscal year 2016 through 2020.

(3) PROVISIONS.—For each fiscal year after the date of enactment of this paragraph, the Secretary shall make available to the public on an Internet website a report on the cost and benefits from deployment of advanced transportation technologies.

(4) GRANT LIMITATION.—The Secretary may not award more than 5 percent of the funds awarded under this paragraph to a recipient under this paragraph.

(5) GRANT FLEXIBILITY.—A grant recipient under this paragraph may use funds awarded under this paragraph to deploy advanced transportation and congestion management technologies, including—

(i) advance traveler information systems;

(ii) advance transportation management technologies;

(iii) infrastructure maintenance, monitoring, and condition assessment;

(iv) advanced public transportation systems;

(v) transportation system performance data collection, analysis, and dissemination systems;

(vi) an amount of obligation limitation equal to 50 percent of the amount described in subparagraph (A) for each fiscal year 2016 through 2020.

(6) USE OF GRANT FUNDS.—A grant recipient under this paragraph may use funds awarded under this paragraph to deploy advanced transportation and congestion management technologies, including—

(i) advance traveler information systems;

(ii) advance transportation management technologies;

(iii) infrastructure maintenance, monitoring, and condition assessment;

(iv) advanced public transportation systems;

(v) transportation system performance data collection, analysis, and dissemination systems;

(vi) an amount of obligation limitation equal to 50 percent of the amount described in subparagraph (A) for each fiscal year 2016 through 2020.

(7) PROVISIONS.—For each fiscal year after the date of enactment of this paragraph, the Secretary shall make available to the public on an Internet website a report on the cost and benefits from deployment of advanced transportation technologies.

(8) GRANT LIMITATION.—The Secretary may not award more than 5 percent of the funds awarded under this paragraph to a recipient under this paragraph.

(9) GRANT FLEXIBILITY.—A grant recipient under this paragraph may use funds awarded under this paragraph to deploy advanced transportation and congestion management technologies, including—

(i) advance traveler information systems;

(ii) advance transportation management technologies;

(iii) infrastructure maintenance, monitoring, and condition assessment;

(iv) advanced public transportation systems;

(v) transportation system performance data collection, analysis, and dissemination systems;

(vi) an amount of obligation limitation equal to 50 percent of the amount described in subparagraph (A) for each fiscal year 2016 through 2020.

(10) USE OF GRANT FUNDS.—A grant recipient under this paragraph may use funds awarded under this paragraph to deploy advanced transportation and congestion management technologies, including—

(i) advance traveler information systems;

(ii) advance transportation management technologies;

(iii) infrastructure maintenance, monitoring, and condition assessment;

(iv) advanced public transportation systems;

(v) transportation system performance data collection, analysis, and dissemination systems;

(vi) an amount of obligation limitation equal to 50 percent of the amount described in subparagraph (A) for each fiscal year 2016 through 2020.

(11) PROVISIONS.—For each fiscal year after the date of enactment of this paragraph, the Secretary shall make available to the public on an Internet website a report on the cost and benefits from deployment of advanced transportation technologies.

(12) GRANT LIMITATION.—The Secretary may not award more than 5 percent of the funds awarded under this paragraph to a recipient under this paragraph.

(13) GRANT FLEXIBILITY.—A grant recipient under this paragraph may use funds awarded under this paragraph to deploy advanced transportation and congestion management technologies, including—

(i) advance traveler information systems;

(ii) advance transportation management technologies;

(iii) infrastructure maintenance, monitoring, and condition assessment;

(iv) advanced public transportation systems;

(v) transportation system performance data collection, analysis, and dissemination systems;

(vi) an amount of obligation limitation equal to 50 percent of the amount described in subparagraph (A) for each fiscal year 2016 through 2020.

(14) USE OF GRANT FUNDS.—A grant recipient under this paragraph may use funds awarded under this paragraph to deploy advanced transportation and congestion management technologies, including—

(i) advance traveler information systems;

(ii) advance transportation management technologies;

(iii) infrastructure maintenance, monitoring, and condition assessment;

(iv) advanced public transportation systems;

(v) transportation system performance data collection, analysis, and dissemination systems;

(vi) an amount of obligation limitation equal to 50 percent of the amount described in subparagraph (A) for each fiscal year 2016 through 2020.
“(ii) PROGRAMS.—The programs referred to in clause (i) are—

“(I) the program under subsection (b); and

“(II) the programs under sections 512 through 518.

“(iii) DISTRIBUTION.—Any transfer of funds and obligation limitation under clause (i) shall be divided among the programs referred to in that clause in the same proportions as the Secretary originally reserved funding from the programs for the fiscal year under subparagraph (I).

“(1) NOT LATER THAN JULY 6, 2016.—In general.—Chapter 5 of title 23, United States Code, is amended by adding at the end the following:

"§519. Infrastructure development

"(a) IN GENERAL.—Chapter 5 of title 23, United States Code, is amended by adding at the end the following:

"§519. Infrastructure development

"(1) shall be used primarily for the development of intelligent transportation systems,

"(2) to the maximum extent practicable, shall not be used for the construction of physical surface transportation infrastructure unless the construction is critical to the successful implementation of an intelligent transportation system project.’’.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CLERICAL AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by adding at the end the following:

"519. Infrastructure development.

(2) TECHNICAL AMENDMENT.—The item relating to section 512 in the analysis for chapter 5 of title 23, United States Code, is amended to read as follows:

"512. National ITS program plan.,”.

SEC. 6005. INTELLIGENT TRANSPORTATION SYSTEM PROGRAM REPORT.

Section 514(a) of title 23, United States Code, is amended—

(1) in paragraph (4) by striking “and” at the end;

(2) in paragraph (5) by striking the period at the end and inserting “;” and “;

(3) by adding at the end the following:

"(d) positions at level IV.—Section 5315 of title 5, United States Code, is amended in the section heading by striking “Assistant Secretary, Department of Transportation.” and inserting “Associate Deputy Secretary, Department of Transportation.”;”.

SEC. 6006. INTELLIGENT TRANSPORTATION SYSTEM PURPOSES.

Section 514(b) of title 23, United States Code, is amended—

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

(2) in paragraph (9) by striking the period at the end and inserting “;” and “;

(3) by adding at the end the following:

"(a) non-Federal entities, including State and local governments, government agencies, other public entities, private organizations, and other persons shall be credited toward the non-Federal share of the cost of an activity described in subsection (c)(4)."

(b) PROGRAM EVALUATION AND OVERSIGHT.—For each of fiscal years 2016 through 2020, the Secretary is authorized to expend not more than 1 1⁄2 percent of the amounts authorized to be appropriated for the coordination, evaluation, and oversight of the programs administered by the Office of the Associate Secretary for Research and Technology.

(1) USE OF TECHNOLOGY.—The research, development, and use of technology under a contract, grant, cooperative research and development agreement, or other agreement entered into by the Secretary under this section, in cooperation with any person to 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.).

(2) WAIVERS OF REQUIREMENTS.—Section 6011 of title 49 shall not apply to a contract, grant, or other agreement entered into under this section.

(c) CLERICAL AMENDMENT.—The item relating to section 330 in the analysis of chapter 3 of title 49, United States Code, is amended to read as follows: ‘‘330. Research activities.”.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 5 AMENDMENTS.—

(a) POSITIONS AT LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking “The Under Secretary of Transportation for Security.” and inserting “the Deputy Administrator of Transportation.”.

(b) POSITIONS AT LEVEL IV.—Section 5315 of title 5, United States Code, is amended in the undesignated item relating to Assistant Secretaries of Transportation by striking “(4)” and inserting “(5)”.

(c) POSITIONS AT LEVEL V.—Section 5316 of title 5, United States Code, is amended by striking “Associate Deputy Secretary, Department of Transportation.” and inserting “Assistant Administrator, Department of Transportation.”.

(2) BUREAU OF TRANSPORTATION STATISTICS.— Section 6302 of title 49, United States Code, is
amended by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—There shall be within the Department of Transportation the Bureau of Transportation, and—

SEC. 6012. RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION.

(a) REPEAL.—Section 112 of title 49, United States Code, is amended by striking the end and inserting the following:

(b) Clerical Amendment.—The analysis for chapter 1 of title 49, United States Code, is amended by striking the item relating to section 112.

SEC. 6013. WEB-BASED TRAINING FOR EMERGENCY RESPONDERS.

Section 515(a) of title 49, United States Code, is amended in the first sentence by inserting “, including curricula as appropriate,” after “a current curriculum of courses”.

SEC. 6014. HAZARDOUS MATERIALS RESEARCH AND DEVELOPMENT.

Section 5118 of title 49, United States Code, is amended—

(1) in subsection (a)(2)—

(A) by striking “and” at the end;

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

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

“(3) the criteria described in subsection (b)(4); and

(2) by adding at the end the following:

(c) COOPERATIVE RESEARCH.—

“(1) IN GENERAL.—As part of the program established under subsection (a), the Secretary may carry out cooperative research on hazardous materials transport.

(2) NATIONAL ACADEMIES.—The Secretary may enter into an agreement with the National Academies to support research described in paragraph (1).

(3) RESEARCH.—Research conducted under this subsection may include activities relating to—

(A) emergency planning and response, including information and programs that can be readily assessed and implemented in local jurisdictions;

(B) risk analysis and perception and data assessment;

(C) commodity flow data, including voluntary collaboration between shippers and first responders for secure data exchange of critical information;

(D) integration of safety and security;

(E) cargo packaging and handling;

(F) hazmat release consequences; and

(G) training testing.

SEC. 6015. OFFICE OF INTERMODALISM.

(a) REPEAL.—Section 5903 of title 49, United States Code, was repealed.

(b) CLERICAL AMENDMENT.—The analysis for chapter 55 of title 49, United States Code, is amended by striking the item relating to section 5903.

SEC. 6016. UNIVERSITY TRANSPORTATION CENTERS.

Section 5905 of title 49, United States Code, is amended to read as follows:

“$5,505. University transportation centers program.—

(a) UNIVERSITY TRANSPORTATION CENTERS PROGRAM.—

“(1) ESTABLISHMENT AND OPERATION.—The Secretary shall make grants under this subsection to eligible nonprofit institutions of higher education to establish and operate university transportation centers.

“(2) ROLE OF CENTERS.—The role of each university transportation center referred to in paragraph (1) shall be—

“(A) to advance transportation expertise and technology in the varied disciplines that comprise the field of transportation through education, research, and technology transfer activities;

“(B) to provide for a critical transportation knowledge base outside of the Department of Transportation; and

“(C) to address critical workforce needs and educate the next generation of transportation leaders.

“(b) COMPETITIVE SELECTION PROCESS.—

“(1) APPLICATIONS.—The Secretary shall receive an application under this section, a consortium of nonprofit institutions of higher education shall submit to the Secretary an application that is in such form and contains such information as the Secretary may require.

“(2) RESTRICTION.—

“(A) LIMITATION.—A lead institution of a consortium of nonprofit institutions of higher education, as applicable, may only receive 1 grant per fiscal year for each of the transportation centers described under paragraphs (2), (3), and (4) of subsection (a).

“(B) EXCEPTION FOR CONSORTIUM MEMBERS.—

“(i) IN GENERAL.—As a condition of receiving a grant under this section, a lead center shall focus the research and strategic plans of the recipient on a specific focus area identified in chapter 65.

“(B) CRITERIA.—The Secretary, in consulta-

tion with the Assistant Secretary for Research and Technology and the Administrator of the Federal Highway Administration and other modal administrations as appropriate, shall select each recipient of a grant under this section through a competitive process based on the assessment of the Secretary relating to—

(i) the demonstrated ability of the recipient to address each specific topic area described in the research and strategic plans of the recipient;

(ii) the demonstrated research, technology transfer, and education resources available to the recipient to carry out this section;

(iii) the ability of the recipient to provide leadership in solving immediate and long-range national and regional transportation problems;

(iv) the ability of the recipient to carry out research, education, and technology transfer activities that are multimodal and multidisciplinary in scope;

(v) the demonstrated commitment of the recipient to carry out transportation workforce development programs through—

(I) degree-granting programs or programs that provide other industry-recognized credentials; and

(II) outreach activities to attract new entrants into the transportation field, including women and underrepresented populations;

(vi) the demonstrated ability of the recipient to disseminate the results and spurt the implementation of transportation research and education programs through national or statewide continuing education programs;

(vii) the demonstrated commitment of the recipient to the use of peer review principles and other research best practices in the selection, management, and dissemination of research projects;

(viii) the strategic plan submitted by the recipient describing the proposed research to be conducted and the performance metrics to be used in assessing the performance of the recipient in meeting the stated research, technology transfer, education, and outreach goals; and

(ix) the ability of the recipient to implement the proposed program in a cost-efficient manner, such as through cost sharing and overall reduced overhead, facilities, and administrative costs.

“(3) TRANSPARENCY.—

“(A) IN GENERAL.—The Secretary shall provide to each applicant, upon request, any mate-
rials, including copies of reviews (with any information that would identify a reviewer re-

“(2) SELECTION CRITERIA.—In conducting a competitive process under subsection (b), the Secretary shall provide grants to 10 consortia on the basis of—

(i) the criteria described in subsection (b)(4);

(ii) the location of the lead center within the Federal region to be served; and

(iii) whether the consortium of institutions demonstrates that the consortium has a well-es-
tablished, nationally recognized program in transportation research and education, as evidenced by—

(I) an active transportation research program in the Federal region; and

(II) a historical track record of awarding graduate degrees in professional fields closely related to highways and public transportation;

“. . .

“(B) REPORTS.—The Secretary shall submit to the Committees on Transportation and Infrastructure and Science, Space, and Technology of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the overall review process under paragraph (4) that includes—

(i) specific criteria of evaluation used in the review;

(ii) descriptions of the review process; and

(iii) explanations of the selected awards.

“(C)OUTSIDE STAKEHOLDERS.—The Secretary shall, to the maximum extent practicable, consult external stakeholders, including the Transportation Research Board of the National Research Council of the National Academies, to evaluate and competitively review all proposals.

“(c) GRANTS.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall make grants to 5 consortia of nonprofit institutions that are not lead institutions.

“(2) NATIONAL TRANSPORTATION CENTERS.—

“(a) IN GENERAL.—As a condition of receiving a grant under this section, a consortium described in section 6503(c).

“(b) RESTRICTIONS.—

“(i) IN GENERAL.—For each fiscal year, a grant made available under this paragraph shall be awarded to a lead center and make grant amounts available to the selected recipients.

“(B) NATIONAL TRANSPORTATION CENTERS.—

“(1) IN GENERAL.—Except as otherwise provided by this section, the Secretary shall award grants under this section in nonexclusive candidate topic areas described in the paragraph that address the research priorities identified in chapter 65.

“(2) CRITERIA.—The Secretary, in consulta-
tion with the Assistant Secretary for Research and Technology and the Administrator of the Federal Highway Administration and other modal administrations as appropriate, shall select each recipient of a grant under this section through a competitive process based on the assessment of the Secretary relating to—

(i) the demonstrated ability of the recipient to address each specific topic area described in the research and strategic plans of the recipient;

(ii) the demonstrated research, technology transfer, and education resources available to the recipient to carry out this section;

(iii) the ability of the recipient to provide leadership in solving immediate and long-range national and regional transportation problems;

(iv) the ability of the recipient to carry out research, education, and technology transfer activities that are multimodal and multidisciplinary in scope;

(v) the demonstrated commitment of the recipient to carry out transportation workforce development programs through—

(I) degree-granting programs or programs that provide other industry-recognized credentials; and

(II) outreach activities to attract new entrants into the transportation field, including women and underrepresented populations;

(vi) the demonstrated ability of the recipient to disseminate the results and spurt the implementation of transportation research and education programs through national or statewide continuing education programs;

(vii) the demonstrated commitment of the recipient to the use of peer review principles and other research best practices in the selection, management, and dissemination of research projects;

(viii) the strategic plan submitted by the recipient describing the proposed research to be conducted and the performance metrics to be used in assessing the performance of the recipient in meeting the stated research, technology transfer, education, and outreach goals; and

(ix) the ability of the recipient to implement the proposed program in a cost-efficient manner, such as through cost sharing and overall reduced overhead, facilities, and administrative costs.

“(B) COMPETITIVE SELECTION PROCESS.—

“(1) APPLICATIONS.—The Secretary shall receive an application under this section, a consortium of nonprofit institutions of higher education, as applicable, may only receive 1 grant per fiscal year for each of the transportation centers described under paragraphs (2), (3), and (4) of subsection (a).

“(2) RESTRICTION.—

“(A) LIMITATION.—A lead institution of a consortium of nonprofit institutions of higher education, as applicable, may only receive 1 grant per fiscal year for each of the transportation centers described under paragraphs (2), (3), and (4) of subsection (a).

“(B) CRITERIA.—The Secretary, in consulta-
tion with the Assistant Secretary for Research and Technology and the Administrator of the Federal Highway Administration and other modal administrations as appropriate, shall select each recipient of a grant under this section through a competitive process based on the assessment of the Secretary relating to—

(i) the demonstrated ability of the recipient to address each specific topic area described in the research and strategic plans of the recipient;

(ii) the demonstrated research, technology transfer, and education resources available to the recipient to carry out this section;

(iii) the ability of the recipient to provide leadership in solving immediate and long-range national and regional transportation problems;

(iv) the ability of the recipient to carry out research, education, and technology transfer activities that are multimodal and multidisciplinary in scope;

(v) the demonstrated commitment of the recipient to carry out transportation workforce development programs through—

(I) degree-granting programs or programs that provide other industry-recognized credentials; and

(II) outreach activities to attract new entrants into the transportation field, including women and underrepresented populations;

(vi) the demonstrated ability of the recipient to disseminate the results and spurt the implementation of transportation research and education programs through national or statewide continuing education programs;

(vii) the demonstrated commitment of the recipient to the use of peer review principles and other research best practices in the selection, management, and dissemination of research projects;

(viii) the strategic plan submitted by the recipient describing the proposed research to be conducted and the performance metrics to be used in assessing the performance of the recipient in meeting the stated research, technology transfer, education, and outreach goals; and

(ix) the ability of the recipient to implement the proposed program in a cost-efficient manner, such as through cost sharing and overall reduced overhead, facilities, and administrative costs.
shall be not greater than $3,000,000 and not less than $1,500,000 per recipient.

(D) MATCHING REQUIREMENTS.—

(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 public release, 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 authorized budget of the Bureau, 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.

(E) FOCUSED RESEARCH.—The Secretary shall make a grant to 1 of the 10 regional university transportation technology partnerships established under this paragraph for the purpose of furthering the objectives described in subsection (a)(2) in the field of comprehensive transportation safety, congestion, air pollution, connected infrastructure, and autonomous vehicles.

(F) TIER I UNIVERSITY TRANSPORTATION CENTERS.—

(1) IN GENERAL.—The Secretary shall provide grants of not greater than $2,000,000 and not less than $1,000,000 to not more than 20 recipients to carry out this paragraph.

(2) SOURCES.—The matching amounts referred to in clause (1) may include amounts made available to the recipient under—

(i) section 504(b) of title 23; or

(ii) section 505 of title 23.

(G) FOCUSED RESEARCH.—In awarding grants under this section, consideration shall be given to minority institutions, as defined by section 6201 of title 20.

(H) SOURCES.—The matching amounts referred to in clause (i) may include amounts made available to the recipient under—

(i) section 504(b) of title 23; or

(ii) section 505 of title 23.

SEC. 6017. BUREAU OF TRANSPORTATION STATISTICS PROGRAM.

(c) DELEGATION.—The Secretary may delegate any of the functions and duties of the Bureau under this section to the Federal Highway Administration.

(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 public release, 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 authorized budget of the Bureau, 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.

(2) EXCEPTIONS.—The Secretary shall direct external support functions, such as the coordination of activities involving multiple modal administrations.

(3) 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 to the Department in accordance with the Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note; Public Law 107–347).

SEC. 6019. PORT PERFORMANCE FREIGHT STATISTICS PROGRAM.

(a) IN GENERAL.—Chapter 63 of title 49, United States Code, is amended by adding at the end the following:

"§ 6314. Port performance freight statistics program.

(1) 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—

(A) the Nation’s top 25 ports by tonnage;

(B) the Nation’s top 25 ports by 20-foot equivalent unit; and

(C) the Nation’s top 25 ports by dry bulk.

(2) REPORTS.—

(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).

(Port Performance Measures.—The Director shall collect port performance measures for each of the United States ports referred to in subsection (a).

(A) receives Federal assistance; or

(B) is subject to Federal regulation to submit necessary information to the Bureau that includes statistics on capacity and throughput as applicable to the specific configuration of the port, 

(3) RECOMMENDATIONS.—

(1) IN GENERAL.—The Director shall obtain recommendations for—

(A) port performance measures, including specifications and data measurements to be used in the program established under subsection (a); and

(B) a process for the Department 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 Transportation for Tomorrow Act of 2015, the Director shall commission a working group composed of—

(A) representatives of the Transportation Research Board of the National Academies of Sciences, Engineering, and Medicine;

(B) the Coast Guard;

(C) the Federal Maritime Commission;

(D) the Saint Lawrence Seaway Development Corporation;

(E) the Marine Transportation System National Advisory Council;

(F) the Army Corps of Engineers;

(G) the Saint Lawrence Seaway Development Corporation;

(H) the Bureau of Labor Statistics;

(I) the Maritime Advisory Committee for Oceanic Safety and Health;

(J) the Advisory Committee on Supply Chain Competitiveness;

(K) 1 representative from the rail industry;

(L) 1 representative from the trucking industry;

(M) 1 representative from the maritime shipping industry;

(N) 1 representative from a labor organization for each industry described in subparagraphs (K) through (M);

(O) 1 representative from the Longshoresmen’s Association;

(P) 1 representative from the International Longshore and Warehouse Union;

(Q) 1 representative from a port authority;

(R) 1 representative from a terminal operator;

(S) representatives of the National Freight Advisory Committee of the Department; and

(T) representatives of the Transportation Research Board of the National Academies of Sciences, Engineering, and Medicine.

(3) RECOMMENDATIONS.—Not later than 1 year after the date of the enactment of the Transportation for Tomorrow Act of 2015, the working group commissioned under paragraph (2) shall submit its recommendations to the Director.

(4) ACCESS TO DATA.—The Director shall ensure that—

(A) the statistics compiled under this section are readily accessible to the public; and

(B) the data acquired, regardless of source, shall be protected in accordance with the Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note; Public Law 107–347).

(b) PROHIBITION ON CERTAIN DISCLOSURES; COPIES OF REPORTS.—Section 6307(b) of such title is amended by inserting ‘‘or section 6314(b)’’ after ‘‘section 6302(b)(3)(B)’’ each place it appears.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 63 of such title is amended by striking ‘‘6302’’ and inserting ‘‘6314’’.

SEC. 6019. RESEARCH PLANNING.

(a) FINDINGS.—Congress finds that—

(1) Federal transportation research planning—

(A) should be coordinated by the Office of the Secretary; and

(B) should be, to the extent practicable, multimodal and not occur solely within the subagencies of the Department;

(2) managing a multimodal research portfolio within the Office of the Secretary will result in—

(A) help identify opportunities in which research could be applied across modes; and

(B) prevent duplication of efforts and waste of limited Federal resources;

(3) the Assistant Secretary for Research and Technology at the Department of Transportation will—

(A) ensure 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 and development efforts will—

(A) build stakeholder confidence in the final product; and

(B) lead to the improved implementation of research findings.
(b) RESEARCH PLANNING.—
(1) IN GENERAL.—Subtitle III of title 49, United States Code, is amended by inserting after chapter 63 the following:

**CHAPTER 65—RESEARCH PLANNING**

**SEC. 6501. ANNUAL MODAL RESEARCH PLANS.**

(a) MODAL PLANS REQUIRED.—

(1) IN GENERAL.—Not later than September 1 of each year, the Secretary of each modal administration and joint program office of the Department of Transportation shall submit to the Assistant Secretary for Research and Technology of the Department of Transportation (referred to in this chapter as the ‘Assistant Secretary’) a comprehensive annual modal research plan for the upcoming fiscal year and a detailed outlook for the following fiscal year.

(2) RELATIONSHIP TO STRATEGIC PLAN.—Each plan submitted under paragraph (1), after the plan required in 2016, shall be consistent with the strategic plan developed under section 6503.

(b) REVIEW.—

(1) IN GENERAL.—Not later than May 1 of each year, the Assistant Secretary, for each plan and outlook submitted pursuant to subsection (a), shall—

(A) review the scope of the research; and

(B) request the plan and outlook be revised and resubmitted for approval.

(2) PUBLIC NOTICE.—Not later than January 30 of each year, the Secretary shall publish on a public website each plan and outlook that has been approved under paragraph (1).

(c) REDUCTION OF DUPLICATE RESEARCH EFFORTS.—The Assistant Secretary may not approve any plan submitted by the head of a modal administration or joint program office pursuant to paragraph (1) if any of the efforts described in the plan duplicate significant aspects of research efforts of any other modal administration.

(d) FUNDING LIMITATIONS.—No funds may be expended by the Department of Transportation on research that has been determined by the Assistant Secretary under subsection (b) to be duplicative.

(1) the research is required by an Act of Congress;

(2) the research updates previously commissioned research;

(4) the Assistant Secretary certifies to Congress that such research is necessary, and provides justification for such certification.

(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) DUPLICATE 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 to Congress a corrective action plan to eliminate the duplicative research.

**SEC. 6502. CONSOLIDATED RESEARCH DATABASE.**

(a) RESEARCH ABSTRACT DATABASE.—

(1) IN GENERAL.—The Secretary shall annually publish on a public website a comprehensive database of all research projects conducted by the Department of Transportation, including, to the extent practicable, research funded through University Transportation Centers.

(b) CONTENTS.—The database published under paragraph (1) shall, to the extent practicable—

(1) include the consolidated modal research plans approved under section 6501(b)(1)(B);

(2) describe the research objectives, progress, findings, and allocated funds for each research project;

(3) identify research projects with multimodal applications;

(4) specify how relevant modal administrations have assisted, will contribute to, or plan to use the findings from the research projects identified under paragraph (1);

(5) identify areas in which more than 1 modal administration is conducting research on a similar subject or subject that has a bearing on more than 1 mode; and

(6) indicate how the findings of research are being disseminated to improve the efficiency, effectiveness, and safety of transportation systems; and

(7) describe the public and stakeholder input to the research plans submitted under section 6501(a).

(c) FUNDING REPORT.—In conjunction with each of the annual budget requests submitted by the President under section 1105 of title 31, the Assistant Secretary shall annually publish on a public website and submit to the appropriate committees of Congress a report that describes—

(1) the amount spent in the last full fiscal year on transportation research and development with specific descriptions of projects funded at $5,000,000 or more; and

(2) the amounts proposed in the current budget for transportation research and development with specific descriptions of projects funded at $5,000,000 or more.

(d) PERFORMANCE PLANS AND REPORTS.—In the plans and reports submitted under sections 1115 and 1116 of title 31, 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 described in section 6503(c)(1); and

(4) any amendments to the strategic plan developed under section 6503.

**SEC. 6503. TRANSPORTATION RESEARCH AND DEVELOPMENT 5-YEAR STRATEGIC PLAN.**

(a) IN GENERAL.—The Secretary shall develop a 5-year transportation research and development strategic plan to guide future Federal transportation research and development activities.

(b) CONSISTENCY.—The strategic plan developed under subsection (a) shall be consistent with—

(1) section 306 of title 5;

(2) sections 1115 and 1116 of title 31; and

(3) any other research and development plan within the Department of Transportation.

(c) CONTENTS.—The strategic plan developed under subsection (a) shall—

(1) describe how the plan furthers the primary purposes of the transportation research and development program, which shall include—

(A) improving mobility of people and goods;

(B) reducing congestion;

(C) promoting safety;

(D) improving the durability and extending the life of transportation infrastructure;

(E) preserving the environment; and

(F) preserving the existing transportation system;

(ii) for each of the purposes referred to in paragraph (1), list the primary proposed research and development activities that the Department of Transportation intends to pursue to accomplish each purpose, including—

(A) fundamental research pertaining to the applied physical and natural sciences;

(B) applied science and research;

(C) technology development research; and

(D) social science research; and

(2) for each research and development activity—

(A) identify the anticipated annual funding levels for the period covered by the strategic plan; and

(B) describe the research findings the Department expects to discover at the end of the period covered by the strategic plan.

(d) CONSIDERATIONS.—The Secretary shall ensure that the strategic plan developed under this section—

(1) reflects input from a wide range of external stakeholders;

(2) includes and integrates the research and development programs of all of the modal administrations of the Department of Transportation, including aviation, transit, rail, and maritime and joint programs;

(3) takes into account research and development by other Federal, State, local, private sector, and nonprofit institutions;

(4) not later than December 31, 2016, is published on a public website; and

(5) takes into account research and development by other Federal, State, private sector, and nonprofit institutions—

(A) contributes to the achievement of the purposes identified under paragraphs (a)(1), (b), and (c); and

(B) avoids unnecessary duplication of those efforts.

(e) INTERIM REPORT.—Not later than 2 1/2 years after the date of enactment of this chapter, the Secretary may publish on a public website an interim report that—

(1) provides an assessment of the 5-year research and development strategic plan of the Department of Transportation described in this section; and

(2) includes a description of the extent to which the research and development is or is not successfully meeting the purposes described under subsection (c)(1).

(f) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for subtitle III of title 49, United States Code, is amended by adding at the end the following:

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65. Research planning ....................... 6501
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(g) TECHNICAL AND CONFORMING AMENDMENT.—

(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 development strategic plan developed under section 508’’ and inserting ‘‘transportation research and development strategic plan under section 6503 of title 49’’; 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 6503 of title 49’’;

and

(D) in section 512(b), by striking ‘‘as part of the Surface Transportation Research and Development Strategic Plan developed under section 508’’ and inserting ‘‘as part of the transportation research and development strategic plan under section 6503 of title 49’’;

(2) INTELLIGENT TRANSPORTATION SYSTEMS.—The Intelligent Transportation Systems Act of 1998 (23 U.S.C. 502 note; Public Law 105-178) is amended—

(A) in section 520(a), by striking ‘‘as part of the Surface Transportation Research and Development Strategic Plan developed under section 508’’ and inserting ‘‘as part of the transportation research and development strategic plan under section 6503 of title 49’’; and

(B) in section 520(b), by striking ‘‘as part of the transportation research and development strategic plan under section 508’’ and inserting ‘‘as part of the transportation research and development strategic plan under section 6503 of title 49’’; and

and
of title 23" and inserting "or the transportation research and development strategic plan under section 603 of title 49.";

(3) INTELLIGENT TRANSPORTATION SYSTEM RESEARCH—The Transportation Research Board shall establish a program to provide grants to States to demonstrate user-based alternative revenue mechanisms that utilize a user fee structure to maintain the long-term solvency of the Highway Trust Fund.);

(b) APPLICATION.—To be eligible for a grant under this section, a State or group of States shall submit to the Secretary an application in such form and containing such information as the Secretary may require.

(c) OBJECTIVES.—The Secretary shall ensure that the activities carried out using funds provided under this section meet the following objectives:

(1) test the design, acceptance, and implementation of 2 or more future user-based alternative revenue mechanisms.

(2) To improve the functionality of such user-based alternative revenue mechanisms.

(3) To conduct outreach to increase public awareness regarding the need for alternative funding sources for surface transportation programs and to provide information on possible approaches.

(4) To provide recommendations regarding adoption and implementation of user-based alternative revenue mechanisms.

(5) To minimize the administrative cost of any potential user-based alternative revenue mechanisms.

(d) USE OF FUNDS.—A State or group of States receiving funds under this section to test the design, acceptance, and implementation of a user-based alternative revenue mechanism—

(1) shall address—

(A) the implementation, interoperability, public acceptance, and other potential hurdles to the adoption of the user-based alternative revenue mechanism;

(B) the protection of personal privacy;

(C) the use of independent and private third-party entities for implementing the user-based alternative revenue mechanism; and

(D) market-based congestion mitigation, if appropriate.

(2) may address—

(A) the flexibility and choices of user-based alternative revenue mechanisms, including the ability of users to select from various technology and payment options;

(B) the ability of the administering entity to audit and enforce user compliance;

(C) the ability of the administering entity to audit and enforce user compliance; and

(b) LIMITATIONS ON REVENUE COLLECTED.—Any revenue collected through a user-based alternative revenue mechanism established using funds provided under this section shall not be considered a toll under section 301 of title 23, United States Code.

(g) FEDERAL SHARE.—The Federal share of the cost of an activity carried out under this section may not exceed 50 percent of the total cost of the activity.

(h) REPORT TO SECRETARY.—Not later than 1 year after the date on which the first eligible activity is carried out, and each year thereafter, each recipient of a grant under this section shall submit to the Secretary a report that describes—

(1) how alternative revenue activities carried out with grant funds meet the objectives described in subsection (c); and

(2) lessons learned for future deployment of alternative revenue mechanisms that utilize a user fee structure.

(i) BIENNIAL REPORTS.—Not later than 2 years after the date of enactment of this Act, and each year thereafter, the Secretary shall submit to Congress a report describing the progress of the demonstration activities.

(j) 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 for fiscal year 2016; and

(2) $20,000,000 shall be used to carry out this section for each of fiscal years 2017 through 2020.

(k) GRANT FLEXIBILITY.—If, by August 1 of each fiscal year, the Secretary determines that there are not enough grant applications that meet the requirements of this section for a fiscal year, Secretary shall transfer to the program under section 503(b) of title 23, United States Code—

(1) any of the funds reserved for the fiscal year under subsection (f) that the Secretary has not yet awarded under this section; and

(2) an amount of obligation limitation equal to the amount of the Secretary that the Transferers transfer under paragraph (1).

SEC. 6001. FUTURE INTERSTATE STUDY.

(a) 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 restructure the Dwight D. Eisenhower National System of Interstate and Defense Highways to its role as a premier system that meets the growing and shifting demands of the 21st century.

(b) 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 titled “National Cooperative Highway Research Program Project 28-2179: Specifications for a National Study of the Future 3R, 4R, and Capacity Needs of the Interstate System”, dated December 2013.

(c) CONTENTS OF STUDY.—The study—

(1) shall include specific recommendations regarding—

(A) the features, standards, capacity needs, application of technologies, and intergovernmental roles to upgrade the Interstate System, including any revisions to (including any revisions to) regulations that the Transportation Research Board determines appropriate; and

(B) is encouraged to build on the institutional knowledge in the highway industry in applying the techniques involved in implementing the study.

(d) 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 period of 50 years beginning on the date of enactment of this Act, including long-term deterioration and reconstruction needs;

(3) 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 equity concerns, including long-term deterioration and reconstruction needs;

(4) those National Highway System routes that should be added to the existing Interstate System to more efficiently serve national traffic flows; and

(5) the resources necessary to maintain and improve the Interstate System, including the resources required to upgrade the National Highway System route identified in paragraph (4) to Interstate standards.

(e) CONSULTATION.—In carrying out the study, the Transportation Research Board—

(1) shall convene and consult with a panel of national experts, including operators and users of the Interstate System and private sector stakeholders; and

(2) is encouraged to consult with—

(A) the Federal Highway Administration; and

(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.

(f) 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.

(g) FUNDING.—From amounts authorized to carry out the Highway Research and Development Program, the Secretary shall use to carry out this section not more than $5,000,000 for fiscal year 2016.

SEC. 6002. HIGHWAY EFFICIENCY.

(a) STUDY.—

(1) IN GENERAL.—The Secretary may examine the impact of pavement durability and sustainability on vehicle fuel consumption, vehicle weight and tear, road conditions, and road repairs.

(2) METHODOLOGY.—In carrying out the study, the Secretary shall—

(A) conduct a thorough review of relevant peer-reviewed research published during at least the past 5 years;

(B) evaluate impacts of different types of pavement on all motor vehicle types, including commercial vehicles;

(C) specifically examine the impact of pavement deformation and deflection; and

(D) analyze impacts of different types of pavement on road conditions and road repairs.

(b) REPORT.—In general.—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish on a public website a report describing the results of the study.

(b) CONTENTS.—The report shall include—

(A) a summary of the different types of pavements analyzed in the study and the impacts of pavement durability and sustainability on safety, vehicle fuel consumption, vehicle weight and tear, road conditions, and road repairs; and

(B) recommendations for State and local governments on best practice methods for improving pavement durability and sustainability to maximize vehicle fuel economy, improve safety, ride

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quality, and road conditions, and to minimize the need for road and vehicle repairs.

SEC. 6023. TRANSPORTATION TECHNOLOGY POLICY WORKING GROUP.

To improve the science, technological development, and research procedures concerning transportation, the Secretary may convene an interagency working group—

(1) to identify opportunities for coordination between the Department and universities and the private sector; and

(2) to identify how to develop a plan to address related workforce development needs.

SEC. 6024. COLLABORATION AND SUPPORT.

The Secretary shall solicit the support of, and identify opportunities to collaborate with, other Federal, State, and local governments and entities in the United States, and the Federal Highway Administration, to address the public interest in the efficient and effective use of transportation systems, and the implementation of policies that are based on the assessment of research challenges identified by the Secretary.

SEC. 6025. GAO REPORT.

Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—

(1) assesses the status of autonomous transportation technology policy developed by public entities in the United States; and

(2) assesses the organizational readiness of the Department to address autonomous vehicle technology challenges, including consumer privacy protection

(3) recommends implementation paths for autonomous transportation technology, applications, and policies that are based on the assessment of research challenges identified by the Secretary.

SEC. 6026. TRAFFIC CONGESTION.

(a) CONGESTION RESEARCH.—The Secretary may conduct research on the reduction of traffic congestion on Indian Country.

(b) CONSIDERATION.—The Secretary may—

(1) research to accelerate the adoption of transportation management systems that use real-time data in the safest and most efficient manner possible while alleviating current and future traffic congestion challenges;

(2) assess and analyze traffic, transit, and freight data from various sources relevant to efforts to reduce traffic congestion so as to maximize mobility, efficiency, and capacity while decreasing congestion and travel times;

(3) examine the use and integration of multiple data types from multiple sources and technologies, including road weather data, arterial and high-traffic conditions, transit vehicle arrival and departure times, real-time navigation, construction zone information, and reports of incidents, to suggest improvements in effective communication of such data and information in real time;

(4) develop and disseminate suggested strategies and solutions to reduce congestion for high-density traffic regions and to provide mobility in the event of an emergency or natural disaster; and

(5) collaborate with other relevant Federal agencies, States and local agencies, industry and industry associations, and university research centers to fulfill goals and objectives under this section.

(c) IDENTIFYING INFORMATION.—The Secretary shall ensure that information used pursuant to this section does not contain identifying information of an individual.

(d) REPORT.—Not later than 1 year after the completion of research under this section, this Secretary may make available on a public website a report on any activities under this section.

SEC. 6027. SMART CITIES TRANSPORTATION PLANNING STUDY.

(a) IN GENERAL.—The Secretary may conduct a study of digital technologies and information technologies, including shared mobility, data, transportation network companies, and on-demand mobility.

(b) REPORT.—Not later than 1 year after the completion of research under this section, this Secretary may make available on a public website a report on any activities under this section.

SEC. 6028. 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, time, and mode;

(4) enhancing existing data analysis tools to improve performance predictions and travel models in reports described in section 300 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.—The amounts authorized to carry out this section are—

(1) $173,500,000 for each of fiscal years 2016 through 2020; and

(2) $173,500,000 for each of fiscal years 2021 through 2025.

(d) REPORT.—Not later than 1 year after the completion of research under this section, this Secretary may make available on a public website a report on any activities under this section.

SEC. 7091. SHORT TITLE.

This title may be cited as the “Hazards Materials Transportation Safety Improvement Act of 2015”.

SEC. 7092. AUTHORIZATIONS.

(a) IN GENERAL.—The funds authorized to carry out this Act are—

(1) $10,000,000 for each of fiscal years 2016 through 2020;

(2) $10,000,000 for each of fiscal years 2021 through 2025;

(3) $5,000,000 for each of fiscal years 2026 through 2030;

(4) $1,000,000 for each of fiscal years 2031 through 2035;

(5) $500,000 for each of fiscal years 2036 through 2040;

(6) $250,000 for each of fiscal years 2041 through 2045;

(7) $125,000 for each of fiscal years 2046 through 2050;

(8) $75,000 for each of fiscal years 2051 through 2055;

(9) $50,000 for each of fiscal years 2056 through 2060;

(10) $25,000 for each of fiscal years 2061 through 2065; and

(11) $12,500 for each of fiscal years 2066 through 2070.

(b) RETIREMENT.—The Secretary may use the funds authorized under this Act to carry out any program or activity authorized under this Act.

(c) LIMITATION.—The funds authorized under this Act shall be available only to carry out the projects or activities authorized under this Act.

(d) COORDINATION.—The Secretary shall coordinate with Federal, State, and local governments, and the Federal Highway Administration, to ensure that the funds authorized under this Act are used to carry out projects that are consistent with Federal, State, and local priorities.

(e) REPORT.—Not later than 1 year after the completion of research under this section, this Secretary may make available on a public website a report on any activities under this section.

SEC. 7093. Authorization of appropriations.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this chapter—

(1) $53,000,000 for fiscal year 2016;

(2) $55,000,000 for fiscal year 2017;

(3) $57,000,000 for fiscal year 2018;

(4) $58,000,000 for fiscal year 2019; and

(5) $60,000,000 for fiscal year 2020.

(b) HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.—From the Hazardous Materials Emergency Preparedness Fund established pursuant to title 49, section 5116(h), the Secretary may expend, for each of fiscal years 2016 through 2020, amounts made available for that purpose under section 5116(a).

(c) HAZARDOUS MATERIALS TRAINING GRANTS.—From the Hazardous Materials Emergency Preparedness Fund established pursuant to title 49, section 5116(h), the Secretary may expend amounts made available for that purpose under section 5116(a).

(d) AVAILABILITY OF FUNDS.—The funds authorized under this title shall remain available until expended.

Subtitle B—Hazardous Material Safety and Improvement

SEC. 7201. NATIONAL EMERGENCY AND DISASTER RESPONSE.

Section 5103 of title 49, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (a) the following:

(c) FEDERALLY DECLARED DISASTERS AND EMERGENCIES.—

(1) IN GENERAL.—The Secretary may by order waive compliance with any part of an applicable standard prescribed under this chapter with application to the Secretary only after notice and comment and on terms the Secretary considers appropriate if the Secretary determines that—

(A) it is in the public interest to grant the waiver; and

(B) the waiver is not inconsistent with the safety of transporting hazardous materials; and

(C) the waiver is necessary to facilitate the safe movement of hazardous materials into, from, and within an area of a major disaster or emergency that has been declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) PERIOD OF WAIVER.—A waiver under this subsection may be issued for a period of not more than 90 days and may be renewed upon application to the Secretary only after notice and an opportunity for a hearing on the waiver.

The Secretary shall immediately revoke the waiver if continuation of the waiver would not be consistent with the goals and objectives of this chapter.

(d) STATEMENT OF REASONS.—The Secretary shall make available in any order issued under this section the reasons for granting the waiver.

SEC. 7202. MOTOR CARRIER SAFETY PERMITS.

Section 5109(h) of title 49, United States Code, is amended to read as follows:

(2) LIMITATION.—The Secretary may not deny a non-temporary permit held by a motor carrier pursuant to this section based on

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a comprehensive review of that carrier triggered by safety management system scores or out-of-service disqualification standards, unless—

(1) the carrier has the opportunity, prior to the determination of the violation, to submit a written description of corrective actions taken and other documentation the carrier wishes the Secretary to consider, including a corrective action plan; and

(2) the Secretary determines the actions or plan is insufficient to address the safety concerns identified during the course of the comprehensive review.

SEC. 7203. IMPROVING THE EFFECTIVENESS OF PLANNING AND TRAINING GRANTS.

(a) PLANNING AND TRAINING GRANTS.—Section 5116 of title 49, United States Code, is amended—

(1) by redesignating subsections (c) through (k) as subsections (b) through (i), respectively;

(2) by striking subsection (b); and

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

(a) PLANNING AND TRAINING GRANTS.—(1) The Secretary shall make grants to States and Indian tribes—

(A) to develop, improve, and carry out emergency plans under the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001 et seq.), including ascertaining flow pattern hazardous material on lands under the jurisdiction of a State or Indian tribe, and between lands under the jurisdiction of a State or Indian tribe and lands of another State or Indian tribe;

(B) to decide on the need for regional hazardous material emergency response teams; and

(C) to train public sector employees to respond to accidents and incidents involving hazardous material.

(2) To the extent that a grant is used to train emergency responders under paragraph (1)(C), the State or Indian tribe shall provide written certification to the Secretary that the emergency responders who receive training under the grant will have the authority to protect nearby persons, property, and the environment from the effects of accidents or incidents involving the transportation of hazardous material in accordance with emergency plans developed or identified under National Fire Protection Association standards for competence of responders to accidents and incidents involving hazardous materials.

(3) A State or Indian tribe may make a grant to a State or Indian tribe under paragraph (1) of this subsection only—

(A) the State or Indian tribe certifies that the total amount of grants allocated under this section and under section 5107 and under this section and under section 5107 is carried out pursuant to subsection (a); and

(B) any emergency response training provided under the grant shall consist of—

(i) a course developed or identified under section 5115 of this title; or

(ii) any other course the Secretary determines is consistent with the objectives of this section.

(4) A State or Indian tribe receiving a grant under this subsection shall ensure that planning and emergency response training under the grant is coordinated with adjacent States and Indian tribes.

(5) A training grant under paragraph (1)(C) may be used—

(A) to pay—

(i) the tuition costs of public sector employees being trained;

(ii) travel expenses of those employees to and from the training facility;

(iii) room and board of those employees when at the training facility; and

(iv) travel expenses of individuals providing the training;

(B) by the State, political subdivision, or Indian tribe to provide the training; and to—

(C) to make an agreement with a person (including an authority of a State, a political subdivision of a State or Indian tribe, or a local jurisdiction), subject to approval by the Secretary, to provide the training if—

(i) the agreement allows the Secretary and the State or Indian tribe to conduct random examinations, inspections, and audits of the training without prior notice;

(ii) the person agrees to have an auditable accounting record;

(iii) the State or Indian tribe conducts at least one on-site observation of the training each year;

(6) The Secretary shall allocate amounts made available for grants under this subsection among eligible States and Indian tribes based on the need of the States and Indian tribes for emergency response planning and training. In making a decision about those needs, the Secretary shall consider—

(A) the number and kinds of hazardous material facilities in the State or on land under the jurisdiction of the Indian tribe;

(B) the times and amounts of hazardous material transported in the State or on such land;

(C) whether the State or Indian tribe imposes and collects a fee for transporting hazardous material;

(D) whether such fee is used only to carry out a purpose related to transporting hazardous material;

(E) the past record of the State or Indian tribe in effectively managing planning and training grants; and

(F) any other factors the Secretary determines are appropriate to carry out this subsection.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 5108(g) of title 49, United States Code, is amended by striking “S116(e)” each place it appears and inserting “S116(h)”.

(2) Section 5116 of such title is amended—

(A) in subsection (a), as so redesignated, by striking “subsections (a)(2)(A) and (b)(2)(A)” and inserting “subsection (a)(3)(A)”;

(B) in subsection (b), as so redesignated—

(i) in paragraph (1) by inserting “and section 5107(c)” after “section”;

(ii) in paragraph (2) by striking “(f)” and inserting “(e)”;

(iii) in paragraph (4) by striking “S108(g)(2) and S115” and inserting “S107(e) and S108(g)(2)”;

(C) in subsection (c), as so redesignated, by striking “subsection (b)” and inserting “subsection (a)”;

(D) in subsection (i), as so redesignated—

(i) by striking “subsection (c)” and inserting “subsection (a)”;

(ii) in paragraph (1), as so redesignated—

(A) (A) the Secretary shall—

(i) notify the carrier that the Secretary has a concern regarding a violation or suspected violation of the requirement for External Product Piping on Cargo Tanks Transporting Flammable Liquids” (76 Fed. Reg. 8447).

(b) SAVINGS CLAUSE.—Nothing in this section shall preclude the Secretary from issuing standards or regulations regarding the safety of external product piping on cargo tanks transportable flammable liquids issued on January 27, 2011, entitled “Safety Requirements for External Product Piping on Cargo Tanks Transporting Flammable Liquids”.

SEC. 7206. WEILITIES.

(a) WEILITIES.—Not later than 30 days after the date of enactment of this Act, the Comptroller General of the United States shall evaluate and transmit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a report on the standards, metrics, and protocols that the Secretary uses to regulate the performance of persons approved to recommend hazard classifications pursuant to section 173.56(b) of title 49, Code of Federal Regulations (commonly referred to as “third-party labs”).

(b) EVALUATION.—The evaluation required under subsection (a) shall—

(1) identify what standards and protocols are used to approve such classification, assess the adequacy of such standards and protocols to ensure that persons seeking approval are qualified and capable of performing classifications, and make recommendations to address any deficiencies identified;

(2) assess the adequacy of the Secretary’s oversight of persons approved to perform the classifications, including the qualification of in- dividuals engaged in the oversight of approved persons, and make recommendations to enhance oversight sufficiently to ensure that classification is issued as required.

(3) identify what standards and protocols exist to rescind, suspend, or deny approval of persons who perform such classifications, assess the adequacy of such qualifications, protocols, and make recommendations to enhance such standards and protocols if necessary; and
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(A) include annual data for fiscal years 2005 through 2015 on the number of applications received for new classifications pursuant to section 173.56(b) of title 49, Code of Federal Regulations, if the license holder—

(i) is acting within the scope of the license holder’s employment as an employee of a custom harvester operation, agrichemical business, farm retail outlet and supplier, or livestock feeder; and

(ii) the point of origin and destination of the

The Secretary shall allow a State, at the discretion of the State, to waive the requirement for a holder of a Class A commercial driver’s license to transport a hazardous materials endorsement under part 383 of title 49, Code of Federal Regulations, if the license holder—

(1) is acting within the scope of the license holder’s employment as an employee of a custom harvester operation, agrichemical business, farm retail outlet and supplier, or livestock feeder; and

(2) is operating a service vehicle that is—

(A) transporting diesel in a quantity of 3,785 liters (1,000 gallons) or less; and

(B) clearly marked with a “flammable” or “combustible” placard, as appropriate.

Subsection 3.230: Transportation of Flammable Liquids by Rail

SEC. 7301. COMMUNITY SAFETY GRANTS.

Section 5107 of title 49, United States Code, is amended by adding at the end the following:

“(a) NONGOVERNMENTAL GRANTS.—The Secretary shall establish a competitive program for making grants to nonprofit organizations for—

(1) conducting national outreach and training programs to assist communities in preparing for and responding to accidents and incidents involving the transportation of hazardous materials, including Class 3 flammable liquids by rail; and

(2) training State and local personnel responsible for enforcing the safe transportation of hazardous materials, including Class 3 flammable liquids.”.

SEC. 7302. 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 appropriate Federal agencies, shall issue regulations that—

(1) require each Class I railroad to transmit hazardous materials—

(A) to generate accurate, real-time, and electronic train consist information, including—

(i) the identity, quantity, and origin of each hazardous material; (ii) the identity, origin, and destination of the hazardous material on a train; (iii) the point of origin and destination of the train; and

(iv) any emergency response information or resources required by the Secretary; and

(b) CONTENTS.—In conducting the study under subsection (a) and any recommendations for legislation, the Comptroller General 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 findings and recommendations made.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General 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 findings and recommendations made.

(d) IN GENERAL.—Except as provided for in subsection (b), beginning on the date of enactment of this Act, all DOT–111 specification railroad tank cars used to transport Class 3 flammable liquids shall meet the DOT–117, DOT–117P, or DOT–117R specifications in part 179 of title 49, Code of Federal Regulations, regardless of train composition.

(b) PHASE-OUT SCHEDULE.—Certain tank cars not meeting DOT–111, DOT–117, DOT–117P, or DOT–117R specifications on the date of enactment of this Act may be used, regardless of train composition, until the following end-dates:

(1) For transport of unrefined petroleum products in Class 3 flammable service, including crude oil—

(A) January 1, 2018, for non-jacketed DOT–111 tank cars;

(B) March 1, 2018, for jacketed DOT–111 tank cars;

(C) April 1, 2020, for non-jacketed CPC–1232 tank cars; and

(D) May 1, 2025, for jacketed CPC–1232 tank cars.

(2) For transport of ethanol—

(A) May 1, 2021, for non-jacketed and jacketed DOT–111 tank cars;
(B) July 1, 2023, for non-jacketed CPC–1232 tank cars; and
(C) May 1, 2025, for jacketed CPC–1232 tank cars.

(3) For transport of Class 3 flammable liquids in Packing Group I, other than Class 3 flammable liquids specified in paragraphs (1) and (2), May 1, 2025.

(4) For the transport of Class 3 flammable liquids in Packing Groups II and III, other than Class 3 flammable liquids specified in paragraphs (1) and (2), May 1, 2025.

(c) RETROFITTING SHOP CAPACITY.—The Secretary may extend the deadlines established under paragraphs (3) and (4) of subsection (b) for a retrofitter if the Secretary determines that insufficient retrofitting shop capacity will prevent the phase-out of tank cars not meeting the DOT–117, DOT–117R, or DOT–117 specification, or equivalent, to meet the Secretary’s requirements.

(d) CONFORMING REGULATORY AMENDMENTS.—

(1) IN GENERAL.—Immediately after the date of enactment of this section, the Secretary—

(A) shall remove or revise the date-specific deadlines in any applicable regulations or orders to the extent necessary to conform with the requirements of this section; and

(B) may not enforce any such date-specific deadlines or requirements that are inconsistent with this section.

(2) IMPLEMENTATION.—Nothing in this section shall be construed to require the Secretary to issue regulations, except as required under paragraphs (1)(A) and (B) of this subsection.

(e) SAVINGS CLAUSE.—Nothing in this section shall prohibit the Secretary from implementing the final rule issued on May 8, 2015, entitled “Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains” (80 Fed. Reg. 26643), other than the provisions of the final rule that are inconsistent with this section.

(f) CLASS 3 FLAMMABLE LIQUID DEFINED.—In this section, the term “Class 3 flammable liquid” has the meaning given the term flammable liquid in section 173.120(a) of title 49, Code of Federal Regulations.

SEC. 7305. THERMAL BLANKETS.

(a) REQUIREMENTS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue such regulations as are necessary to require that each tank car built to meet the DOT–117 specification and each non-jacketed CPC–1232 tank car built to meet the DOT–117R specification be equipped with an insulating blanket with at least 1⁄2-inch-thick material that has been approved by the Secretary pursuant to section 173.120(b)(4) of title 49, Code of Federal Regulations.

(b) SAVINGS CLAUSE.—Nothing in this section shall prohibit the Secretary from approving new or alternative technologies or materials as they become available that provide a level of safety at least equivalent to the level of safety provided for under subsection (a).

(a)(1)(A) regulations by the Secretary of Transportation of the Senate; and

(b) the Committee on Transportation and Infrastructure of the House of Representatives.

(f) DEFINITION OF CLASS 3 FLAMMABLE LIQUID.—In this section, the term “Class 3 flammable liquid” has the meaning given the term flammable liquid in section 173.120(a) of title 49, Code of Federal Regulations.

SEC. 7306. 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 for monitor industry-wide progress toward modifying rail tank cars used to transport Class 3 flammable liquids by the applicable deadlines established in section 7305.

(b) TANK CAR DATA.—The Secretary shall collect data from shippers and rail tank car owners on—

(1) the total number of tank cars modified to meet the DOT–117 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–1222 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 to transport Class 3 flammable liquids that have not been modified, specifying—

(A) the type or specification of each tank car not 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.

(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–117R specification, or equivalent, to generate statistically-valid estimates of the anticipated 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, 2029.

(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 required by the Confidential Information in Transportation Statistics Act of 2002 (44 U.S.C. 3501 note), as administered by the Bureau of Transportation Statistics.

(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 data under subsection (c) are complete, the Secretary shall submit a 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) DEFINITION OF CRUDE OIL.—In this section, the term “crude oil” has the meaning given the term crude oil in 49 U.S.C. 50102.

SEC. 7307. RULEMAKING ON OIL SPILL RESPONSE PLANS.

The Secretary shall, not later than 30 days after the date of enactment of this Act and every 90 days thereafter until a final rule based on the advanced notice of proposed rulemaking issued on August 1, 2014, entitled “Hazardous Materials: Oil Spill Response Plans for High-Hazard Flammable Trains” (79 Fed. Reg. 45079) is promulgated, notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate in writing of—

(1) the status of such rulemaking;

(2) any reasons why such final rule has not been implemented;

(3) a plan for completing such final rule as soon as practicable; and

(4) the estimated date of completion of such final rule.

SEC. 7308. 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 Plan study at Sandia National Laboratories, the Secretary of Energy, in cooperation with the Committee on Transportation of the Senate, the Committee on Energy and Commerce, and the Committee on Science, 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 complete the study, shall submit a report to the Committee on Transportation of the Senate, 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—

(1) the results of the comprehensive Crude Oil Characteristics Research Sampling, Analysis, and Experiment Plan study at Sandia National Laboratories, the Secretary of Energy, in cooperation with the Committee on Transportation of the Senate, the Committee on Energy and Commerce, and the Committee on Science, 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 complete the study;

(2) recommendations, based on the findings of the study, for—

(A) regulations by the Secretary of Transportation or the Secretary of Energy to improve the safety of crude oil;

(B) legislation to improve the safe transport of crude oil.

SEC. 7309. REPORT ON CRUDE OIL CHARACTERISTICS RESEARCH SAMPLING, ANALYSIS, AND EXPERIMENT PLAN STUDY.

Not later than 180 days after the research completion of the comprehensive Crude Oil Characteristics Research Sampling, Analysis, and Experiment Plan study at Sandia National Laboratories, the Secretary of Energy, in cooperation with the Committee on Transportation of the Senate, the Committee on Energy and 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 complete the study, shall submit a report to the Committee on Transportation of the Senate, 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—

(1) the results of the comprehensive Crude Oil Characteristics Research Sampling, Analysis, and Experiment Plan study at Sandia National Laboratories, the Secretary of Energy, in cooperation with the Committee on Transportation of the Senate, the Committee on Energy and 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 complete the study;
SEC. 710. HAZARDOUS MATERIALS BY RAIL LIABILITY STUDY.

(a) In general.—Not later than 120 days after the date of enactment of this Act, the Secretary shall conduct a study on the levels and structure of insurance for railroad carriers transporting hazardous materials.

(b) Conducting the study.—In conducting the study under subsection (a), the Secretary shall conduct an analysis of the final rule issued on May 8, 2015, entitled “Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains” (80 Fed. Reg. 26643); and

(c) Report.—Not later than 1 year after the date of enactment of this Act, the Department shall submit a report containing the results of the study and recommendations for addressing liability issues with rail transportation of hazardous materials, including—

(1) 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 railroad carrier transporting hazardous materials can continue to operate despite the risk of an accident or incident; and

(2) the potential applicability, for a train transporting hazardous materials, of an alternative insurance model, including—

(A) a secondary liability coverage pool or pools; and

(B) other models administered by the Federal Government.

SEC. 711. STUDY AND TESTING OF ELECTRONICALLY CONTROLLED PNEUMATIC BRAKE.

(a) Government accountability office study.—

(1) In general.—The Comptroller General of the United States shall conduct an independent evaluation of ECP brake systems, pilot program data, and the Department’s research and analysis on the costs, benefits, and effects of ECP brake systems.

(2) Study elements.—In completing the independent evaluation under paragraph (1), the Comptroller General 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 benefits and challenges, including the effects of potential locomotive and car segregation, technical reliability issues, and network disruptions.

(E) Analysis of potential implementation challenges, including railroad carrier and car control integration complexities, component availability issues, and tank car shop capabilities.

(F) Analysis of international experiences with the use of advanced braking technologies.

(3) Report.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, including—

(A) a secondary liability coverage pool or pools; and

(B) other models administered by the Federal Government.

SEC. 7201. MULTIMODAL FREIGHT TRANSPORTATION.

(a) In general.—Subtitle IX of title 49, United States Code, is amended to read as follows:

“Subtitle IX—Multimodal Freight Transportation

“Chapter 1—Multimodal Freight Policy

“Sec. 701. Multimodal freight policy ...
"702. Multimodal freight transportation planning and information

CHAPTER 701—MULTIMODAL FREIGHT POLICY

§ 70101. National multimodal freight policy

(a) IN GENERAL.—It is the policy of the United States to maintain and improve the condition and performance of the National Multimodal Freight Network established under section 70103 to ensure that the Network provides adequate infrastructure and service to the United States to compete in the global economy and achieve the goals described in subsection (b).

(b) GOALS.—The goals of the national multimodal freight policy are—

(1) to identify infrastructure improvements, policies, and operational innovations that—

(A) strengthen the contribution of the National Multimodal Freight Network to the economic competitiveness of the United States;

(B) reduce congestion and eliminate bottlenecks on the National Multimodal Freight Network; and

(C) increase productivity, particularly for domestic industries and businesses that create high-wage jobs;

(2) to improve the safety, security, efficiency, and resiliency of multimodal freight transportation;

(3) to achieve and maintain a state of good repair on the National Multimodal Freight Network;

(4) to use innovation and advanced technology to improve the safety, efficiency, and resiliency of the National Multimodal Freight Network;

(5) to improve the economic efficiency and productivity of the National Multimodal Freight Network;

(6) to improve the reliability of freight transportation;

(7) to improve the short- and long-distance movement of goods that—

(A) travel across rural areas between population centers; and

(B) travel between rural areas and population centers; and

(C) travel from the Nation’s ports, airports, and terminals to the National Multimodal Freight Network;

(8) to improve the flexibility of States to support multi-State corridor planning and the creation of multi-State organizations to increase the ability of States to address multimodal freight connectivity;

(9) to reduce the adverse environmental impacts of freight movement on the National Multimodal Freight Network; and

(10) to pursue the goals described in this subsection in a manner that is not burdensome to States or local communities.

(c) IMPLEMENTATION.—The Under Secretary of Transportation for Policy, who shall be responsible for the oversight and implementation of the national multimodal freight policy, shall—

(1) carry out sections 70102 and 70103;

(2) work with the coordination of modal freight planning;

(3) identify interagency data sharing opportunities to promote freight planning and coordination; and

§ 70102. National freight strategic plan

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Under Secretary of Transportation for Policy shall—

(1) develop a national freight strategic plan in accordance with this section; and

(2) publish the plan on the public Internet Web site of the Department of Transportation.

(b) CONTENTS.—The national freight strategic plan shall include—

(1) an assessment of the condition and performance of the National Multimodal Freight Network established under section 70103;

(2) forecasts of freight volumes for the succeeding 5-, 10-, and 20-year periods;

(3) an identification of major trade gateways and national freight corridors that connect major population centers, trade gateways, and other major freight facilities;

(4) an identification of bottlenecks on the National Multimodal Freight Network that create significant freight congestion, based on a quantitative methodology developed by the Under Secretary, which shall include, at a minimum—

(A) information from the Freight Analysis Framework of the Federal Highway Administration; and

(B) the maximum extent practicable, an estimate of the cost of addressing each bottleneck and any operational improvements that could be implemented;

(5) an assessment of statutory, regulatory, technological, institutional, financial, and other barriers to improved freight transportation performance, and a description of opportunities for overcoming the barriers;

(6) a process for addressing multistate projects and encouraging jurisdictions to collaborate;

(7) strategies to improve freight intermodal connectivity;

(8) an identification of corridors providing access to energy exploration, development, installation, or production areas;

(9) an identification of corridors providing access to major areas for manufacturing, agriculture, or natural resources;

(10) an identification of best practices for improving the performance of the National Multimodal Freight Network, including critical commerce corridors and rural and urban access to critical commerce corridors; and

(11) an identification of best practices to mitigate the impacts of freight movement on communities.

(c) UPDATES.—Not later than 5 years after the date of completion of the national freight strategic plan under subsection (a), and every 5 years thereafter, the Under Secretary shall update the plan and publish the updated plan on the public Internet Web site of the Department of Transportation.

(d) CONSULTATION.—The Under Secretary shall develop and update the national freight strategic plan—

(1) after providing notice and an opportunity for public comment; and

(2) in consultation with State departments of transportation; metropolitan planning organizations, local governments, ports, airports, railroads, and States, through a public process to identify critical freight facilities and corridors, including critical commerce corridors, that are vital to achieve the national multimodal freight policy goals described in section 70103(b) of this title and the national highway freight program goals described in section 167 of title 23, and after providing notice and an opportunity for comment on a draft system, shall designate a National Multimodal Freight Network 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, destinations, and linkages of domestic and international supply chains.

(2) FACTORS.—In designating or redesignating the National Multimodal Freight Network, the Under Secretary shall consider—

(A) origins and destinations and volumes 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 freight

(2) access to major areas for manufacturing, agriculture, or natural resources;

(3) access to energy exploration, development, installation, and production areas;

(4) intermodal links and intersections that promote connectivity;

(5) freight choke points and other impediments contributing to significant measurable congestion, delay in freight movement, or inefficient modal connections;

(6) impacts on all freight transportation modes and modes that share significant freight infrastructure;

(7) facilities and transportation corridors identified by a multi-State coalition, a State, a State freight advisory committee, or a metropolitan planning organization, using national or local data, as having critical freight importance to the region; and
to freight distribution centers, inland intermodal facilities, and first- and last-mile facilities; and
“(L) the significance of goods movement, including consideration of global and domestic supply chains.

(2) CONSIDERATIONS.—In designating or redesignating the National Multimodal Freight Network, the Under Secretary shall—

(A) use, to the extent practicable, measurable data to assess the significance of goods movement, including the consideration of points of origin, destinations, and linking components of the United States global and domestic supply chains;

(B) consider—

(i) the factors described in paragraph (2); and

(ii) any changes in the economy that affect freight transportation network demand; and

(C) provide the States with an opportunity to submit additional designations in accordance with paragraph (4).

(4) STATE INPUT.—

(A) In general.—Each State that proposes additional designations for the National Multimodal Freight Network shall—

(i) consider nominations for additional designations from metropolitan planning organizations and State freight advisory committees, as applicable, within the State;

(ii) consider nominations for additional designations from industry and operators 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) CRITICAL RURAL FREIGHT FACILITIES AND CORRIDORS.—As part of the designations under subparagraph (A), a State may designate a freight facility or corridor within the borders of the State as a critical rural freight facility or corridor if the facility or corridor—

(i) is a rural principal arterial;

(ii) provides access or service to energy exploration, development, installation, or production areas;

(iii) provides access or service to—

(I) a grain elevator;

(II) an agricultural facility; or

(III) a mining facility;

(iv) a forestry facility; or

(V) an intermodal terminal;

(v) connects to an international port of entry;

(vi) provides access to a significant air, rail, water, or other freight facility in the State; or

(vii) has been determined by the State to be vital to improving the efficient movement of freight of importance to the economy of the State.

(C) LIMITATION.—

(I) IN GENERAL.—A State may propose additional designations for the National Multimodal Freight Network in the State in an amount that is not more than 20 percent of the total mileage designated by the Under Secretary in the State.

(2) DETERMINATION BY UNDER SECRETARY.—The Under Secretary shall determine how to apply the limitation under clause (i) to the components of the National Multimodal Freight Network.

(D) SUBMISSION AND CERTIFICATION.—A State shall submit to the Under Secretary—

(i) a list of additional designations proposed to be added under this paragraph; and

(ii) a certification that—

(I) the State has satisfied the requirements of subparagraph (A); and

(II) the designations referred to in clause (i) address the factors for designation described in this subsection.

(E) REDESIGNATION OF NATIONAL MULTIMODAL FREIGHT NETWORK.—Not later than 5 years after the initial designation under subsection (d)(1) and every 5 years thereafter, the Under Secretary, using the designation factors described in subsection (c), shall redesignate the National Multimodal Freight Network.

§70201. State freight advisory committees

(a) IN GENERAL.—The Secretary of Transportation shall establish State freight advisory committees for each State that is a signatory to an agreement under section 141(b) of title 23. Each State freight advisory committee shall—

(1) advise the Secretary and the State on freight planning and development issues; and

(2) participate in the development of the State freight plan described in section 70202.

§70202. State freight plans

(a) IN GENERAL.—Each State that receives funding under section 167 of title 23 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 State 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 decision making of the State;

(3) when applicable, a listing of—

(A) multimodal critical rural freight facilities and corridors designated within the State under section 70203 of this title; and

(B) critical rural freight corridors designated within the State under section 167 of title 23;

(4) a description of how the plan will improve the ability of the State to meet the national multimodal freight policy goals described in section 70203(b) of this title and the national highway freight program goals described in section 167 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 the roadways, a description of improvements that are required to reduce or impede the deterioration;

(7) an inventory of facilities with freight mobility issues, such as bottlenecks, within the State, and for those facilities that are State owned or operated, a description of the strategies the State is employing to address the freight mobility issues;

(8) a consideration of any significant congestion or delay caused by freight movements and any strategies to mitigate that congestion or delay;

(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; and

(10) consultation with the State freight advisory committee, if applicable.

(b) PLANNING PERIOD.—A State freight plan described in subsection (a) shall address a 5-year forecast period.

(c) UPDATES.—

(1) IN GENERAL.—A State shall update a State freight plan described in subsection (a) not less frequently than once every 5 years.

(2) FISCAL CONSTRAINT.—A State may update a freight investment plan described in subsection (b)(9) more frequently than is required under paragraph (1).

§70203. Transportation investment data and planning tools

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary of Transportation shall—

(1) begin development of new tools and improvement of existing tools that support an outcome-oriented, performance-based approach to evaluate proposed freight-related and other transportation projects, including methodologies for systematic analysis of benefits and costs on a national or regional basis.

(b) TOOLS FOR EFFECTIVE TRANSPORTATION PLANNING.—The tools for evaluating the effectiveness 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.—

(1) IN GENERAL.—A State shall update a State freight plan described in subsection (a) to include an inventory of facilities with freight mobility issues, such as bottlenecks, within the State, and for those facilities that are State owned or operated, a description of the strategies the State is employing to address the freight mobility issues.

(2) INCLUSIVE PLANNING.—A State may include in its freight-related transportation investment decision the significance of goods movement, including consideration of global and domestic supply chains.

(3) DETERMINATION BY UNDER SECRETARY.—The Under Secretary, after consultation with the Federal, State, and other stakeholders, shall—

(4) ENCOURAGEMENT OF PUBLIC-PRIVATE COLLABORATION.—A State may use the freight investment plan described in subsection (b)(9) to encourage the development, improvement, and implementation of tools that would help improve forecasts of freight transportation demand.

(d) ENCOURAGEMENT OF PUBLIC-PRIVATE COLLABORATION.—The Secretary shall consult with the State freight advisory committee, if applicable.

§70204. Savings provision

Nothing in this subtitle provides additional authority to regulate or direct private activity on freight networks designated under this subtitle.
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"(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a National Surface Transportation and Innovative Finance Bureau in the Department.

(b) PURPOSES.—The purposes of the Bureau shall be—

(i) to provide assistance and communicate best practices and financing and funding opportunities to eligible entities for the programs referred to in subsection (d)(1);

(ii) to promote innovative financing best practices and practices and case studies from eligible entities to improve the delivery of projects; and

(iii) to document best decisions in the application evaluation process through a decision memorandum or similar mechanism that provides a clear rationale for such decisions.

(b) ADMINISTRATION.—(1) IN GENERAL.—The Bureau shall—

(B) by coordinating efforts to improve the efficiency and effectiveness of the environmental review and permitting process;

(C) by providing technical assistance and training to field and headquarters staff of Federal agencies for projects under the National Environmental Policy Act of 1969.

(f) ENVIRONMENTAL REVIEW AND PERMITTING.—(1) IN GENERAL.—The Bureau shall—

(ii) establish procedures for analyzing and evaluating applications and for utilizing the recommendations of the Council on Credit and Finance;

(iii) establish procedures for addressing late-arriving applicable, and communicating the Bureau’s decisions for accepting or rejecting late applications to the applicant and the public; and

(iv) to require the sponsor of the project to conduct a review regarding whether the private partner is meeting the terms of the relevant public-private partnership agreement; and

(v) to develop guidance that takes into consideration variations in State and local laws and requirements related to public-private partnerships.

(g) PROJECT PROCUREMENT.—(1) IN GENERAL.—The Bureau shall—

(A) establish maximum thresholds for acceptable project cost increases and delays in project delivery;

(B) establish uniform methods for States to measure cost and delivery changes over the life cycle of a project; and

(C) be tailored, as necessary, to various types of project procurements, including design-build, build-operate, and public-private partnerships.

(H) DATA COLLECTION.—The Bureau shall—

(A) collect information related to procurement benchmarks developed under paragraph (3) of section 142(m) of the Internal Revenue Code of 1986.

(6) PROCEDURES AND TRANSPARENCY.—(A) PROVISIONS.—With respect to the programs referred to in paragraph (1), the Executive Director shall—

(b) by identifying, developing, and tracking metrics for permit reviews and decisions by Federal agencies for projects under the National Environmental Policy Act of 1969.

(4) TRANSPARENCY.—The Bureau shall—

(A) establish maximum thresholds for acceptable project cost increases and delays in project delivery;
grams and projects subject to this section.

(2) Exception.--The Secretary shall ensure that the Bureau is adequately staffed and funded.

(3) STAFFING AND BUDGETARY RESOURCES.—

(A) IN GENERAL.—The Secretary shall ensure that the Bureau is adequately staffed and funded.

(B) STAFFING.—The Secretary may transfer to the Bureau a position within the Department from any office that is eliminated or consolidated under this subsection if the Secretary determines that the position is necessary to carry out the purposes of the Bureau.

(C) SAVINGS PROVISION.—If the Secretary transfers a position to the Bureau under subparagraph (A), the Secretary shall ensure that the position is eliminated or consolidated under this subsection if the Secretary determines that the position is necessary to carry out the purposes of the Bureau.

(D) TRANSFER OF FUNDS ALLOCATED TO ADMINISTRATIVE COSTS.—During the 2-year period beginning on the date of enactment of this section, the Secretary may transfer to the Bureau funds allocated to administrative costs of processing applications for the programs referred to in subsection (d)(1).

(4) NOTIFICATION.—Not later than 90 days after the date of enactment of this section, and every 90 days thereafter, the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of:

(A) the offices eliminated under paragraph (1) and the rationale for elimination of the offices;

(B) the offices and office functions consolidated under paragraph (2) and the rationale for consolidation of the offices and office functions;

(C) the actions taken under paragraph (3) and the rationale for taking such actions;

(D) any additional legislative actions that may be needed.

(E) SAVINGS PROVISION.—

(F) LAWS AND REGULATIONS.—Nothing in this section may be construed to change a law or regulation with respect to a program referred to in subsection (d)(1).

(G) RESPONSIBILITIES.—Nothing in this section may be construed to abrogate the responsibilities of an agency, operating administration, or office of the Department, and charged by a law or regulation with other aspects of program administration, oversight, or project approval or implementation for the programs referred to in this section.

(H) APPLICATION.—Nothing in this section may be construed to affect any pending application under 1 or more of the programs referred to in subsection (d)(1) that was received by the Secretary on or before the date of enactment of this section.

9. Definitions.—In this section, the following definitions apply:

(1) BUREAU.—The term ‘Bureau’ means the National Surface Transportation and Innovative Finance Bureau.

(2) DEPARTMENT.—The term ‘Department’ means the Department of Transportation.

(3) ELIGIBLE ENTITY.—The term ‘eligible entity’ means an eligible applicant applying for financing, financial or credit assistance under 1 or more of the programs referred to in subsection (d)(1).

(4) EXECUTIVE DIRECTOR.—The term ‘Executive Director’ means the Executive Director of the Bureau.

(5) MULTIMODAL PROJECT.—The term ‘multimodal project’ means a project involving the participation of more than 1 modal administration or secretarial office within the Department.

(6) PROJECT.—The term ‘project’ means a highway project, public transportation capital project, freight or passenger rail project, or multimodal project.

(B) CLERICAL.—The analysis for such chapter is amended by adding at the end the following:


SEC. 9002. COUNCIL ON CREDIT AND FINANCE.

(a) IN GENERAL.—Chapter 1 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following:

“§ 117. Council on Credit and Finance

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a Council on Credit and Finance in accordance with this section.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall be composed of the following members:

(A) The Deputy Secretary of Transportation.

(B) The Under Secretary of Transportation for Policy.

(C) The Chief Financial Officer and Assistant Secretary for Budget and Programs.

(D) The General Counsel of the Department of Transportation.

(E) The Assistant Secretary for Transportation Policy.

(F) The Administrator of the Federal Highway Administration.

(G) The Administrator of the Federal Transit Administration.

(H) The Administrator of the Federal Railroad Administration.

(2) ADDITIONAL MEMBERS.—The Secretary may designate up to 3 additional officials of the Department to serve as at-large members of the Council.

(3) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) CHAIRPERSON.—The Deputy Secretary of Transportation shall serve as the chairperson of the Council.

(B) VICE CHAIRPERSON.—The Chief Financial Officer and Assistant Secretary for Budget and Programs shall serve as the vice chairperson of the Council.

(c) EXECUTIVE DIRECTOR.—The Executive Director of the National Surface Transportation and Innovative Finance Bureau shall serve as a nonvoting member of the Council.

(d) DUTIES.—The Council shall—

(1) review applications for assistance submitted under the programs referred to in subparagraphs (A), (B), and (C) of section 116(d)(1); and

(2) review applications for assistance submitted under the programs referred to in section 116(d)(1)(D), as determined appropriate by the Secretary;

(3) make recommendations to the Secretary regarding the selection of projects to receive assistance under such programs;

(4) review, on a regular basis, projects that received assistance under such programs; and

(5) carry out such additional duties as the Secretary may prescribe.”.

(a) AUTHORIZATION.—Section 3 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 7404(d)) is amended by striking “57 percent” and inserting “58.012 percent”.

(b) IN GENERAL.—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 7404(e)) is amended by—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking “For each” and all that follows through “the balance” and inserting “For each fiscal year through fiscal year 2021, the balance”;

(ii) by striking “multistate conservation grants under section 14” and inserting “activities under section 14(e)”;

(B) in paragraph (1), by striking “18.5 percent” and inserting “18.673 percent”;

(C) in paragraph (2) by striking “18.5 percent” and inserting “17.315 percent”;

(D) by striking paragraphs (3) and (4); and

(E) by redesignating paragraph (5) as paragraph (4); and

(2) in subsection (b)—

(A) in paragraph (1)(A) by striking “For each” and all that follows through “the Secretary” and inserting “For each fiscal year through fiscal year 2021, the Secretary”;

(B) by redesigning paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

“(2) SET-ASIDE FOR COAST GUARD ADMINISTRATION.—

(A) IN GENERAL.—From the annual appropriation made available for projects under section 5604(c) of the Coast Guard and Navigation Act of 1915 (33 U.S.C. 545g(a)), and section 7404(d) of the Sport Fishing and Boating Safety Act of 1998 (16 U.S.C. 777g-1(d)),”.

(“B) LIMITATION.—Not more than 75 percent of the amount under subparagraph (A) shall be available for projects and a nonvoting member of the Council on Credit and Finance in accordance with this section.

(“C) LIMITATION.—Not more than 75 percent of the amount under subparagraph (A) shall be available for projects and the Secretary of Transportation in accordance with this section.”;

(2) in subsection (b)—

(A) in paragraph (1)(A) by striking “For each” and all that follows through “the Secretary” and inserting “For each fiscal year through fiscal year 2021, the Secretary”;

(B) by redesigning paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

“(2) SET-ASIDE FOR COAST GUARD ADMINISTRATION.—

(A) IN GENERAL.—From the annual appropriation made available for projects under section 5604(c) of the Coast Guard and Navigation Act of 1915 (33 U.S.C. 545g(a)), and section 7404(d) of the Sport Fishing and Boating Safety Act of 1998 (16 U.S.C. 777g-1(d)),”.

(“B) LIMITATION.—Not more than 75 percent of the amount under subparagraph (A) shall be available for projects and a nonvoting member of the Council on Credit and Finance in accordance with this section.

(“C) LIMITATION.—Not more than 75 percent of the amount under subparagraph (A) shall be available for projects and the Secretary of Transportation in accordance with this section.”; and

(3) B OATING INFRASTRUCTURE IMPROVEMENTS.—

(A) IN GENERAL.—An amount equal to 4 percent to the Secretary of the Interior for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note) and section 7404(d) of the Sport Fishing and Boating Safety Act of 1998 (16 U.S.C. 777g-1(d)) is transferred to the Secretary of the Interior for use in accordance with this Act.

(B) LIMITATION.—Not more than 75 percent of the amount under subparagraph (A) shall be available for projects under section 5604(c) of the Coast Guard and Navigation Act of 1915 (33 U.S.C. 545g(a), and section 7408(d) of the Sport Fishing and Boating Safety Act of 1998 (16 U.S.C. 777g-1(d)), and the Secretary shall ensure that the amount is transferred in accordance with this Act.

(C) AVAILABILITY.—The amount referred to in subparagraph (A) is—

(i) for fiscal year 2016, $7,700,000; and

(ii) for fiscal year 2017 and each fiscal year thereafter, the sum of

(I) the available amount for the preceding fiscal year; and

(II) the amount determined by multiplying—

(aa) the available amount for the preceding fiscal year; and

(bb) the change, relative to the preceding fiscal year, in the Consumer Price Index for All Urban Consumers published by the Department of Labor.”; and

(D) in paragraph (3), as so redesignated—

(i) in subparagraphs (A) and (B), by striking “until the end of the fiscal year,” and inserting “until the end of the subsequent fiscal year,”; and

(3) PROVISIONS.—Nothing in this section shall affect the application of section 702 of the Clean Water Act (33 U.S.C. 1322).
(ii) in subparagraph (B) by striking “under subsection (e)” and inserting “under subsection (c)”;
(3) in subsection (c)—
(A) by striking “(c) The Secretary” and inserting “(c)(1) The Secretary;”;
(B) by striking “grants under section 14 of this title” and inserting “activities under section 14(c);”;
(C) by striking “57 percent” and inserting “58.012 percent”; and
(D) by section forty one and inserting the following:
“(2) The Secretary shall deduct from the amount to be apportioned under paragraph (1) the amounts used for grants under section 14(b);”;
(4) in subsection (e)(1), by striking “those subsections,” and inserting “those paragraphs,”;
(5) in subsection (f)—
(a) by striking “the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777m) is amended—”
and inserting “under subsection (e)’’ and inserting “under subsection (c),'’
(b) in section 8(b)(2) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777m) is amended by striking “58.012 percent” and inserting “58.012 percent’’;
(c) in section 8(b)(2) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777m) is amended by striking “58.012 percent’’ and inserting “58.012 percent’’;
(d) in section 8(b)(2) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777m) is amended—
(1) by striking “subject to paragraph (2)” and inserting “subject to paragraphs (a) and (b)”;
(2) in section 8(b)(2) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777m) is amended—
(A) by striking “subject to paragraph (2)” and inserting “subject to paragraphs (a) and (b)”;
(B) by striking “the sum of (A) the amount made available from the Boat Safety Account for that fiscal year under section 15 of the Dingell-Johnson Sport Fish Restoration Act and (B)”;
(C) by striking paragraph (2); and
(D) in section 11304 of this Act, the following:
“(ii) not more than $1,500,000 is available to conduct by grant or contract a survey of levels of recreational boating participation and related matters in the United States;’’; and
(B) paragraph (2), by striking “No funds shall be available for” and inserting “On and after October 1, 2016, no funds;’’; and
(ii) by striking “traditionally’’.

**TITLE XI—RAIL**

SEC. 11001. SHORTHAND.

This title may be cited as the “Passenger Rail Reform and Investment Act of 2015”.

**Subtitle A—Authorizations**

SEC. 11011. AUTHORIZATION OF GRANTS TO AMTRAK.

(a) NORTHEAST CORRIDOR.—There are authorized to be appropriated to the Secretary for the use of Amtrak for activities associated with the Northeast Corridor the following amounts:
(1) For fiscal year 2016, $430,000,000.00.
(2) For fiscal year 2017, $474,000,000.00.
(3) For fiscal year 2018, $515,000,000.00.
(4) For fiscal year 2019, $537,000,000.00.
(5) For fiscal year 2020, $600,000,000.00.

(b) NATIONAL NETWORK.—There are authorized to be appropriated to the Secretary for the use of Amtrak for activities associated with the National Network the following amounts:
(1) For fiscal year 2016, $1,068,000,000.00.
(2) For fiscal year 2017, $1,026,000,000.00.
(3) For fiscal year 2018, $1,085,000,000.00.
(4) For fiscal year 2019, $1,109,000,000.00.
(5) For fiscal year 2020, $1,200,000,000.00.

(c) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to one half of 1 percent of the amount appropriated under subsection (a) and (b) for the costs of management oversight of Amtrak.

(d) GULF COAST WORKING GROUP.—Of the total amount available to the Office of the Secretary of Transportation and the Federal Railroad Administration, for each of fiscal years 2016 and 2017, $500,000 shall be used to convene the Gulf Coast Working Group established under section 11304 of this Act and carry out its responsibilities under such section.

(e) COMPETITION.—In administering grants to Amtrak under section 2419 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 this Act for the costs of project management oversight of Amtrak.

(f) Project Management Oversight.—The Secretary may withhold up to one half of 1 percent of the amount appropriated under subsection (a) of this section for the costs of project management oversight of grants carried out under section 2409 of title 49, United States Code.

SEC. 11014. RESTORATION AND ENHANCEMENT GRANTS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary for grants under section 24908 of title 49, United States Code, (as added by section 11303 of this Act), $20,000,000 for each of fiscal years 2016 through 2020.

(b) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to one percent of the amount appropriated under subsection (a) of this section for the costs of project management oversight of grants carried out under section 24098 of title 49, United States Code.

SEC. 11015. 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, $20,000,000.
(3) For fiscal year 2018, $21,000,000.
(4) For fiscal year 2019, $255,000,000.
(5) For fiscal year 2020, $22,000,000.

SEC. 11016. DEFINITIONS.

(a) TITLE 49 AMENDMENTS.—Section 2419 of title 49, United States Code is amended—
(1) by redesignating paragraphs (5) through (9) as paragraphs (7) through (11), respectively; and
(2) by inserting after paragraph (4) the following new paragraphs:
“(5) ‘long-distance route’ means a route described in subparagraph (C) of paragraph (7);”;
“(6) ‘National Network’ includes long-distance routes and State-supported routes;’’; and
(3) by adding at the end the following new paragraphs:
“(12) ‘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.”;
“(13) ‘State-supported route’ means a route described in subparagraph (B) of section 2419(7), or in section 24907, that is operated by Amtrak, excluding those trains operated by Amtrak on the routes described in paragraph (7)(A).’’;

(b) NONCONFORMING AMENDMENTS.—
(1) Section 21T of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C.

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loans for capital projects described in this para-

lisher, and third party investments, appropriations, grants and other forms of financial assistance, and other sources of funds; and

(2) enhance the transparency of the assign-
ment of revenues and costs among Amtrak busi-
ness lines while ensuring the health of the Northeast Corridor and National Network.

"(b) ACCOUNT STRUCTURE.—Not later than 180 days after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary of Transportation, in consultation with Amtrak, shall define an account structure and improvements to accounting methodologies, as necessary, at a minimum, the Northeast Corridor and the National Network.

(c) FINANCIAL SOURCES.—In defining the ac-
count structure and improvements to accounting methodologies under paragraph (b), the Secretary shall ensure, to the greatest extent practicable, that Amtrak assigns the following:

(1) For the Northeast Corridor account, all revenues, appropriations, grants and other forms of financial assistance, compensation, and other sources of funds associated with the Northeast Corridor, including—

(A) grant funds appropriated for the North-
est Corridor pursuant to section 11101(a) of the Passenger Rail Reform and Investment Act of 2015 or any subsequent Act;

(B) compensation received from commuter rail passenger transportation providers for such providers’ share of capital and operating costs on the Northeast Corridor provided to Amtrak pursuant to section 24905(c); and

(C) any operating surplus of the Northeast Corridor as allocated pursuant to section 24218.

(2) For the National Network account, all revenues, appropriations, grants and other forms of financial assistance, compensation, and other sources of funds associated with the Na-
tional Network, including—

(A) grant funds appropriated for the Na-
tional Network pursuant to section 11101(b) of the Passenger Rail Reform and Investment Act of 2015 or any subsequent Act;

(B) compensation received from States pro-
vided to Amtrak pursuant to section 24905; and

(C) any operating surplus of the National Network, as allocated pursuant to section 24218.

(d) FINANCIAL USES.—In defining the ac-
count structure and improvements to accounting methodologies required under subsection (b), the Secretary shall, to the greatest extent practicable, that amounts assigned to the Northeast Corridor and National Network accounts shall be used by Amtrak for the following:

(E) other capital projects on the Northeast Corridor, determined appropriate by the Secre-
tary, and consistent with section 24905(c)(1)(A)(i); and

(F) if Amtrak determines that such projects are practicable, that amounts assigned to the Northeast Corridor, determined appropriate by the Secre-
tary, and consistent with section 24905(c)(1)(A)(i); and

(2) For the National Network, all associated costs, including—

(A) operating activities;

(B) capital activities; and

(C) the payment of principal and interest on loans or capital leases attributable to the Na-
tional Network.

(e) IMPLEMENTATION AND REPORTING.—

(1) In general.—Not later than 1 year after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, Amtrak, in consultation with the Secretary, shall implement any account structures and improvements defined under this subsection (b) so that Amtrak is able to produce profit and loss statements for each of the business lines described in section 24320(b)(1), and, as appropriate, each of the asset categories described in section 24320(c)(1) that identify sources and uses of—

(A) revenues;

(B) appropriations; and

(C) transfers between business lines.

(2) UPDATED PROFIT AND LOSS STATEMENTS.—Not later than 1 month after the implementation under paragraph (1), and monthly thereafter, Amtrak shall submit updated profit and loss statements for each of the business lines and asset categories to the Secretary.

(f) ACCOUNT MANAGEMENT.—For the pur-
poses of account management, Amtrak may transfer funds between the Northeast Corridor account and National Network account without prior notification and approval under subsection (g) of such transfers:

(1) do not materially impact Amtrak’s ability to achieve its anticipated financial, capital, and operating performance goals for the fiscal year; and

(2) would not materially change any grant agreement entered into pursuant to section 24190, or other agreements made pursuant to applicable Federal law.

(g) TRANSFER AUTHORITY.—

(1) In general.—If Amtrak determines that a transfer between the accounts defined under subsection (b) does not meet the account man-
gagement standards established under subsection (f), Amtrak may transfer funds between the Northeast Corridor and National Network accounts if—

(A) Amtrak notifies the Amtrak Board of Di-

rectors, including the Secretary, at least 10 days prior to the transfer; and

(B) solely for a transfer that will materially change a grant agreement, the Secretary ap-
proves.

(2) REPORT.—Not later than 5 days after the Amtrak Board of Directors receives notification from Amtrak under paragraph (1)(A), the Board shall transmit to the Secretary, the Committee on Transpor-
tation and Infrastructure of the House of Representatives, the Committee on Com-
merce, Science, and Transportation and the Committee on Appropriations of the House of Repre-
sentatives, and the Committee on Com-
mence, Science, and Transportation and the Committee on Appropriations of the Senate, 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 compari-

son to a scenario in which no transfer was made.

(h) NOTIFICATIONS.—Not later than 5 days after the date that Amtrak notifies the Amtrak Board of Directors of a transfer under part (g) of this section, the term ‘Northeast Corridor’ means the Northeast Corridor main line between Bos-
ton, Massachusetts, and the District of Colum-
bia, and facilities and services used to operate and maintain that line.

"(7) 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).

DEFINITION OF NORTHEAST CORRIDOR.—

Notwithstanding section 24102, for purposes of this section, the term ‘Northeast Corridor’ means the Northeast Corridor main line between Bos-
ton, Massachusetts, and the District of Colum-
bia, and facilities and services used to operate and maintain that line.

"§24319. Grant process

(a) PROCEDURES FOR GRANT REQUESTS.—Not later than 90 days after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary of Transportation shall establish and transmit to the Committee on Com-
merce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infra-
structure and the Committee on Appropriations of the House of Repre-
sentatives, a schedule, including proposal and procedural requirements, including schedules, for grant requests under this section.

(b) GRANT REQUESTS.—Amtrak shall transmit to the Secretary and the Committee on Transportation and Infrastructure of the House of Representa-
tives, a grant request for Federal funds appropriated to the Secretary of Trans-
portation for the use of Amtrak.

(c) CONTENTS.—A grant request under sub-
section (b) shall, as applicable, include—

(1) describe projected operating and capital costs for the upcoming fiscal year for Northeast Corridor facilities, including train services and infrastructure, and National Network activities, including State-supported routes and long-dis-
tance routes, in comparison to prior fiscal year and projected 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; and
(3) assess Amtrak’s financial condition.
(d) MODIFIED REQUESTS.—
(1) THIRTY-DAY APPROVAL PROCESS.—
(A) IN GENERAL.—Not later than 30 days after the date that Amtrak submits a grant request, 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) APPROVAL OF EXPEDITED REQUESTS.—If a grant request is approved, the Secretary shall enter into a grant agreement with Amtrak.
(2) FIFTEEN-DAY MODIFICATION PERIOD.—Not later than 15 days after the date of a 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 and the Committee on Appropriations of the House of Representatives the remaining deficiencies, if any, and a process for resolving the outstanding portions of the request.
(e) PAYMENTS TO AMTRAK.—
(1) IN GENERAL.—A grant agreement entered into under section 24315(b) and the item relating to that section in the table of contents for chapter 243 is further amended by adding at the end the following:

“24318. Costs and revenues.”

“24319. Grant process.”

(c) REPEALS.—
(1) ESTABLISHMENT OF GRANT PROCESS.—Section 206 of the Transportation 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 APPORTIONMENTS.—Section 2104 of title 49, United States Code, and the item relating to that section in the table of contents of chapter 241 are repealed.

SEC. 11203. 5-YEAR BUSINESS LINE AND ASSET PLANS.

(a) AMTRAK 5-YEAR BUSINESS LINE AND ASSET PLANS.—Section 243 of title 49, United States Code, is further amended by inserting after section 24319 the following:

“524320. Amtrak 5-year business line and asset plans

(a) IN GENERAL.—Not later than February 15 of each year, Amtrak shall submit to Congress and the Secretary of Transportation 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). Each plan 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 new service or service 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 plan shall be based on the amount of funding authorized or otherwise available to Amtrak in a fiscal year.

(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, including commuter services operated by Amtrak, including commuter operations and other revenue generating activities as determined by the Secretary in coordination with Amtrak.

(D) 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 objectives, goals, and service plan for the business line, in consultation with any States or Interstate Commissions that provide funding for such routes, as applicable;

(B) a statement of Amtrak’s 5-year strategic business plan, including financial and performance projections for the business line, in consultation with any States or Interstate Commissions that provide funding for such routes, as applicable;

(C) a prioritized list of proposed capital investments that—

(i) categorizes each capital project as being primarily associated with—

(II) backlog capital replacement;

(III) improvements or growth;

(IV) strategic initiatives that will improve overall operational performance, lower costs, or

(f) construct a statement describing the methodologies and significant assumptions underlying estimates and forecasts;

(h) identify the appropriate Amtrak officials that are responsible for each business line.

DEFINITION OF NORTHEAST CORRIDOR.—Notwithstanding section 24102, for purposes of this section, the term ‘Northeast Corridor’ means the Northeast Corridor main line between Boston, Massachusetts, and the District of Columbia, and facilities and services used to operate and maintain that line.”

(b) USE OF AMOUNTS.—(1) A summary of the activities and objectives described in subsection (c) shall be included in the 5-year business line plan. Each activity or objective shall be numbered and cross-referenced to the 5-year business line plan.

(2) Such summaries shall be included in the 5-year asset plans.

(c) AMTRAK 5-YEAR ASSET PLANS.—

(I) 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 equipment, and the associated facilities that support the operation, maintenance, and improvement of the asset;

(B) Passenger rail equipment, including all Amtrak-controlled rolling stock, locomotives, and mechanical shop facilities that are used to operate 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 education centers, and other assets associated with Amtrak’s national rail passenger 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 asset;

(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—

(II) regional', or its intended function. 

(b) USE OF AMOUNTS.—(1) A summary of the activities and objectives described in subsection (c) shall be included in the 5-year business line plan. Each activity or objective shall be numbered and cross-referenced to the 5-year business line plan.

(2) Such summaries shall be included in the 5-year asset plans.

(c) AMTRAK 5-YEAR ASSET PLANS.—

(I) 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 the asset;

(B) Passenger rail equipment, including all Amtrak-controlled rolling stock, locomotives, and mechanical shop facilities that are used to operate 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 education centers, and other assets associated with Amtrak’s national rail passenger 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 asset;

(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—

(II) backlog capital replacement;

(III) improvements 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;

“(VI) identifies each project or program that is associated with more than 1 category described in clause (I); and

“(VII) 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, and reliability; and

“(II) the potential effect on Amtrak’s ability to meet regulatory requirements if the project or program is not funded; and

“(VIII) benefits and costs; and

“(B) as applicable, consult 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) NATIONAL ASSETS—The Secretary shall:

“(A) consult 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, consult 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.

“(2) STATE-SUPPORTED ROUTE COMMITTEE—

“(A) ESTABLISHMENT—Not later than 180 days after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, 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 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).

“(B) MEMBERSHIP—

“(i) members representing Amtrak;

“(ii) members representing the Department of Transportation, including the Federal Railroad Administration; and

“(iii) representatives of States that own or operate Amtrak properties.

“(C) PROCEDURES FOR CHANGING METHODOLOGY—The rules and procedures implemented under paragraph (4) shall include procedures for changing the cost allocation methodology.

“(D) annual profit and loss statements and forecasts and balance sheets for each asset category.

“(5) definitions—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 rail passenger transportation system.

“(6) restructuring of national assets—

“(A) after the due date of the first asset plans.

“(B) as applicable, consult 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.

“(7) Exemptions—

“(A) in general—Upon written request from the Amtrak Board of Directors, the Secretary may exempt Amtrak from including in a plan required under this subsection any information described in paragraphs (1) and (2). (b) general availability—The Secretary shall make available to the public on the Department’s Internet Web site any exemption granted under subparagraph (A) and a detailed justification for granting such exemption.

“(C) public availability—Amtrak shall include in the plan required under this subsection any request granted under subparagraph (A) and justification under subparagraph (B).

“(D) public availability—Amtrak shall include in the plan required under this subsection any request granted under subparagraph (A) and justification under subparagraph (B).

“(E) in general—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 subsection (a); and

“(B) be adopted in accordance with such decisionmaking procedures.

“(F) statement of goals and objectives—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.

“(G) Reimbursement of Federal costs—Amtrak shall—

“(A) estimate the cost of carrying out the requirements of this subsection, Amtrak shall—

“(1) consult 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;

“(2) as applicable, consult with the Northeast Corridor Commission, the State-Supported Route Committee, and owners of assets affected by 5-year asset plans and

“(3) identify the appropriate Amtrak officials that are responsible for each asset category.

“(4) EValuation of National Assets—

“(A) consult 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, consult 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.

“(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 rail passenger transportation system.

“(6) restructuring of national assets—

“(A) after the due date of the first asset plans.

“(B) as applicable, consult 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.

“(7) Exemptions—

“(A) in general—Upon written request from the Amtrak Board of Directors, the Secretary may exempt Amtrak from including in a plan required under this subsection any information described in paragraphs (1) and (2). (b) general availability—The Secretary shall make available to the public on the Department’s Internet Web site any exemption granted under subparagraph (A) and a detailed justification for granting such exemption.

“(C) public availability—Amtrak shall include in the plan required under this subsection any request granted under subparagraph (A) and justification under subparagraph (B).

“(D) public availability—Amtrak shall include in the plan required under this subsection any request granted under subparagraph (A) and justification under subparagraph (B).

“(E) in general—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 subsection (a); 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 paragraph (B), the Committee may amend the cost allocation methodology required under paragraph (4) to reflect the changes in the cost allocation methodology.

“(B) procedures for changing methodology—The rules and procedures implemented under paragraph (4) shall include procedures for changing the cost allocation methodology.

“(5) statement of goals and objectives—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.

“(6) Reimbursement of Federal costs—Amtrak shall—

“(1) estimate the cost of carrying out the requirements of this subsection, Amtrak shall—

“(2) as applicable, consult with the Northeast Corridor Commission, the State-Supported Route Committee, and owners of assets affected by 5-year asset plans and

“(3) identify the appropriate Amtrak officials that are responsible for each asset category.

“(4) EValuation of National Assets—

“(A) consult 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, consult 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.

“(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 rail passenger transportation system.

“(6) restructuring of national assets—

“(A) after the due date of the first asset plans.

“(B) as applicable, consult 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.

“(7) Exemptions—

“(A) in general—Upon written request from the Amtrak Board of Directors, the Secretary may exempt Amtrak from including in a plan required under this subsection any information described in paragraphs (1) and (2). (b) general availability—The Secretary shall make available to the public on the Department’s Internet Web site any exemption granted under subparagraph (A) and a detailed justification for granting such exemption.

“(C) public availability—Amtrak shall include in the plan required under this subsection any request granted under subparagraph (A) and justification under subparagraph (B).

“(D) public availability—Amtrak shall include in the plan required under this subsection any request granted under subparagraph (A) and justification under subparagraph (B).

“(E) in general—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 subsection (a); and

“(B) be adopted in accordance with such decisionmaking procedures.
carrying out the recommendations. The Committee may consult with such relevant entities, as the Committee considers appropriate, when developing the statement.

“(c) The Committee may require Amtrak to develop the plan described under subsection (a) and a description of progress in the implementation of the plan.”.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 241 of title 49, United States Code, is further amended by adding at the end the following new item:

“24321. Food and beverage reform.”.

SEC. 11208. ROLLING STOCK PURCHASES.

AMENDMENT.—Chapter 243 of title 49, United States Code, is further amended by adding at the end the following new section:

“24322. Rolling stock purchases.

(a) IN GENERAL.—Prior to entering into any contract or lease for additional rolling stock and locomotive procurements Amtrak shall submit a business case analysis to the Secretary of Transportation, 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 include:

“(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; and

“(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 funding request in its general and legislative annual report required under section 24315(b) in a particular fiscal year; and

“(5) describe how Amtrak will adjust the procurement if future funding is not available.

“(b) 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, prohibiting Amtrak from entering into a contract after submission of a business case analysis under subsection (a).

(c) CONFORMING AMENDMENT.—The table of sections for chapter 241 of title 49, United States Code, is further amended by adding at the end the following new item:

“24322. Rolling stock purchases.”.

SEC. 11209. 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—

(1) allow a State or States to nominate and select a local food and beverage products supplier or suppliers or local promotional event partner; and

(2) allow a State or States to charge a reasonable price or fee for local food and beverage products or promotional events and related activities, including the costs of program administration and State-supported routes.

(3) provide 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.

(5) describe how Amtrak will adjust the procurement if future funding is not available.

“24321. Food and beverage reform.”
(c) PROGRAM ADMINISTRATION.—The pilot program shall—
(1) for local food and beverage products, ensure the products are integrated into existing food service and retail offerings, 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 enactment of this Act, 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 and include any plan for future action.

(e) RULE OF CONSTRUCTION.—Nothing in this section 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. 11210. AMTRAK PILOT PROGRAM FOR PASSENGER 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, when 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 carry-on baggage;
(C) the passenger is traveling on a route operating on a route described in subparagraph (A), (B), or (D) of section 24102(7) of title 49, United States Code;
(D) the passenger pays a fee described in paragraph (3); and
(E) 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 complies with Amtrak size requirements for 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(7) 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) 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.—
SEC. 11214. 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) 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 appropriations 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 applicable"; (5) in subsection (e)— (A) in paragraph (1) by striking "by section 102 of this Act" 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 Reform Act of 1976 (45 U.S.C. 821 et seq.)" after "Secretary"; and (7) by striking subsection (h).

SEC. 11215. ELIMINATION OF DUPLICATE REPORTING.

Not later than 1 year after the date of enactment of this Act, the Secretary shall—
(1) by Amtrak reporting requirements and identify where the existing requirements are duplicative with the business line and asset plans required by section 24220 of title 49, United States Code, or any other planning or reporting requirements under Federal law or regulation;
(2) the duplicative requirements identified under paragraph (1) are administrative, eliminate such requirements; and
(3) submit to Congress a report with any recommendations for repealing any other duplicative requirements.

Subtitle C—Intercity Passenger Rail Policy

SEC. 11301. CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS.

(a) In General.—Chapter 244 of title 49, United States Code, is amended by adding at the end the following:

"§24407. 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 costs 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.
"(5) A Class I railroad.
"(6) Amtrak or another railroad carrier that provides intercity rail passenger transportation (as defined in section 24220).
"(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) The Transportation Research Board and any entity with which it contracts in the development of rail-related research, including coopera
tive research programs.
"(10) A University transportation center engaged in rail-related research.
"(11) An association or labor organization representing a class or craft of employees of rail carriers or rail carrier contractors.

"(c) Eligible Projects.—The following projects are eligible to receive grants under this section:

"(1) Deployment of railroad safety technology, including protective train control and rail integrity inspection systems.
"(2) A capital project as defined in section 24401(2), 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 intercity passenger rail transportation along heavily traveled rail corridors.
"(4) A highway-rail grade crossing improvement project, including installation, repair, or improvement of grade separations, railroad crossing signals, gates, and related technologies, highway traffic signalization, highway lighting and crossing approach signage, roadway improvements such as medians or other barriers, railroad crossing panels and surfaces, and safety engineering improvements to reduce risk in quiet zones or other areas.
"(5) A rail line relocation and improvement project.
"(6) A capital project to improve short-line or regional railroad rail capital projects that are on a State rail plan.
"(7) The preparation of regional and corridor service development plans and corresponding environmental analyses.
"(8) Any project the Secretary considers necessary to enhance multimodal connections or facilitate service integration between rail service and other modes, including between intercity passenger rail transportation and intercity bus service or commercial air service.
"(9) The development and implementation of a safety program or institute designed to improve rail safety.
"(10) Any research that the Secretary considers necessary to address any particular aspect of rail-related capital, operations, or safety improvements.
"(11) Workforce development and training activities, coordinated to the extent practicable with the existing local training programs supported by the Department of Labor, and the Department of Education.

"(b) Application Process.—The Secretary shall prescribe the form and manner of filing an application under this section.

"(c) Project Selection Criteria.—(1) In general.—If an eligible recipient is a grantee or 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 subsection (a), select projects that will maximize the net benefits of the funds appropriated for use under this section, considering—

"(i) the cost-benefit analysis of the proposed project, including any 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 experience as a grantee or a recipient of a grant.
"(C) Whether the recipient has or will have the legal, financial, and technical capacity to carry out the proposed project, satisfactory con
tinuation of a grant under this section, 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 the proposed project received under previous competitive grant programs administered by the Secretary.

"(F) Such other factors as the Secretary considers relevant to the successful delivery of the project.

"(g) 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.

"(2) 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 certify that a project shall be in a rural area if all or the majority of the project (determined by the geographic location or location of the majority of the project funds used) 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 Bureau of the Census.

"(h) Federal Share of Total Project Costs.—

"(1) Total Project Costs.—The Secretary shall estimate the total costs of a project under this section based on the best available information, including any available 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 section shall not exceed 80 percent.

"(3) Treatment of Passenger Rail Revenue.—If Amtrak or another railroad carrier is an applicant under this section, Amtrak or the other railroad carrier, as applicable, may use ticket and other revenues generated from its operations and other sources to satisfy the non-Federal share requirements under this section.

"(4) Availability.—Amounts appropriated for carrying out this section shall remain available until expended.

"(5) Limitation.—The requirements of sections 24402, 24403, and 24404 and the definition contained in 24401(1) shall not apply to this section.

"(6) Special Transportation Circumstances.—

"(1) In General.—In carrying out this chapter, the Secretary shall allocate an appropriate portion of the amounts available to programs in this chapter to provide grants to States—

"(A) 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 deter
ded by the Secretary.

"(B) in which the rail transportation system is not physically connected to rail systems in the continental United States or may not otherwise provide service to the unique characteristics of the geography of that State or other relevant considerations, for the
(B) is contained in the planning document developed under section 24904 and for which a cost-allocation policy has been developed under section 24905(c), or is contained in an equivalent planning document and for which a similar cost-allocation policy has been developed; and

(C) was not in a state of good repair on the date of enactment of the Passenger Rail Reform and Investment Act of 2015.

(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 with respect to qualified railroad assets.

(c) PROJECT SELECTION CRITERIA.—In selecting an applicant for a grant under this section, the Secretary shall—

(1) give preference to eligible projects for which—

(A) Amtrak is not the sole applicant; and

(B) the proposed Federal share of total project costs does not exceed 50 percent; and

(2) take into account—

(i) the cost-benefit analysis of the proposed project, including anticipated private and public benefits relative to the costs of the proposed project, including—

(A) effects on system and service performance;

(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 criteria used under subsection (d) for selecting projects, including economic and financial analyses, and

(D) other factors, as determined by the Secretary;

(ii) the criteria used under subsection (d) for selecting projects, including—

(A) the legal, financial, and technical capability to carry out the project;

(B) the capacity and willingness to maintain the equipment or facilities;

(C) the capability and willingness to maintain the equipment or facilities; and

(D) any other relevant factors, as determined by the Secretary.

(d) PROJECT SELECTION CRITERIA.—In selecting an applicant for a grant under this section, the Secretary shall—

(1) give preference to eligible projects for which—

(A) Amtrak is not the sole applicant; and

(B) the proposed Federal share of total project costs does not exceed 50 percent; and

(2) take into account—

(i) the cost-benefit analysis of the proposed project, including—

(A) effects on system and service performance;

(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; and

(C) the criteria used under subsection (d) for selecting projects, including—

(1) the criteria used under subsection (d) for selecting projects, including—

(A) the legal, financial, and technical capability to carry out the project;

(B) the capacity and willingness to maintain the equipment or facilities; and

(C) any other relevant factors, as determined by the Secretary.

(2) the criteria used under subsection (d) for selecting projects, including—

(A) the legal, financial, and technical capability to carry out the project;

(B) the capacity and willingness to maintain the equipment or facilities; and

(C) any other relevant factors, as determined by the Secretary.
“(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 providing operating assistance grants to applicants, on a competitive basis, for the purpose of initiating, restoring, or enhancing intercity rail passenger transportation.

(c) Fiscal Year.—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 intercity rail passenger transportation; 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) capital, revenues, and costs; and

(G) descriptions of how the projections under subparagraph (F) were developed;

(3) the equipment that will be utilized, how such equipment can be acquired or refurbished, and where such equipment will be maintained; and

(4) a plan for ensuring safe operations and compliance with applicable safety regulations;

‘‘(A) a funding plan that—

(1) describes the funding of initial capital costs and operating costs for the first 3 years of operation;

(2) 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

(3) 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 and agreements with—

the first 3 years of operation; and

(B) to the extent not covered by Federal grants to provide the funds described in subparagraph

(3) the States along the proposed route or routes;

‘‘(2) LIMITATION.—Not more than 6 of the operating grants described in 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.

(4) 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 Federal grants awarded that would benefit the applicable service.

‘‘(H) COORDINATION WITH AMTRAK.—If the Secretary awards a grant under this section to a rail carrier other than Amtrak, Amtrak may be required to provide such service and cost estimates for such projects and other actions required to restore intercity rail passenger 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’’; and

(iv) in subsection (i) by striking ‘‘under this chapter for commuter rail passenger transportation, as defined in section 24102(d) of this title,’’ and inserting ‘‘under this chapter for commuter rail passenger transportation (as defined in section 24102(3))’’; and

(2) TABLE OF CHAPTERS AMENDMENT.—The item relating to chapter 244 in the table of chapters of subtitle V of title 49, United States Code, is amended by striking ‘‘Intercity passenger rail service corridor capital assistance’’ and inserting ‘‘Gulf Coast rail service working group’’.

SEC. 11304. 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) railroads whose tracks may be used for such service; and

(7) other entities determined appropriate by the Secretary, which may include other railroad carriers 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 to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representa-

tives that includes—

(iii) that would be acquired or refurbished, and where such equipment will be maintained; and

and (ii) the violation of any other term of the grant agreement.

(3) GRANT CONDITIONS.—The Secretary shall require each grant recipient under this section to enter into a grant agreement that requires such recipient to provide similar information regarding the route, service, financial, and rider-ships among, and within, the States, and 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 proportion of the grant to Amtrak as compensation for this access.

‘‘(1) CONDITIONS.—The Secretary shall require a grant recipient under this section to enter into a grant agreement that requires such recipient to provide similar information regarding the route, service, financial, and rider-ships among, and within, the States, and 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 proportion of the grant to Amtrak as compensation for this access.

‘‘(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.—The Secretary shall require each grant recipient under this section to comply with the grant requirements of section 24405.

(1) REPORT.—Not later than 4 years after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary, after consultation with grant recipients under this section, shall submit to Congress a report 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.—

(1) CHAPTER 24.—Chapter 24 of title 49, United States Code, is further amended—

(A) in the table of contents by adding at the end the following:

‘‘24408. Restoration and enhancement grants,’’;
(2) the information described in subsection (c)(3); (3) the funding sources identified under subsection (c)(4); (4) the development and benefits of restoring intercity rail passenger transportation in the region; and (5) any other information the working group determines appropriate.

(e) provide to the Federal Highway Administration funds made available under section 11101(d), the Secretary shall provide—

(1) financial assistance to the working group to perform requested independent technical analysis of issues before the working group; and (2) administrative expenses that the Secretary determines necessary.

SEC. 11305. NORTHEAST CORRIDOR COMMISSION.

(a) COMPOSITION.—Section 24905(a) of title 49, United States Code, is amended—

(1) in paragraph (1)— (A) by inserting “infrastructure investments,” after “rail operations”;

(B) by striking subparagraph (B) and inserting the following: “(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)(A) and 1 member described in paragraph (1)(C).”.

(b) STATEMENT OF GOALS AND RECOMMENDATIONS.—Section 24905(b) of title 49, United States Code, 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 striking 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, 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 investment plan described in section 24904.

(c) Allocating POLICY.—Section 24905(c) of title 49, United States Code, 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 subparagraphs (B) through (D) and inserting the following: “(B) develop a proposed timetable for implementation of the policy’’;

“(C) submit the policy and the 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; and

(D) implement the policy in accordance with the timetable; and

(3) in paragraph (2)—

(A) by striking “formula proposed in’’ and inserting “policy developed under’’; and

(B) in the matter following subparagraph (A) by striking “and fail to comply with the policy thereafter, the Surface Transportation Board shall’’; and

(C) by striking “‘(2) CONTENTS.—The capital investment plan shall’’ and inserting “‘(2) CONTENTS.—The capital investment plan shall’’.

(4) REQUEST FOR DISPUTE RESOLUTION.—If a dispute arises concerning 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 dispute resolution to be conducted before it under this paragraph, which may include the provision of professional mediation services.

(d) CONFERENCE.—

(1) TITLE.—Section 24905 of title 49, United States Code, is amended—

(A) in the section heading by striking “INFRASTRUCTURE AND OPERATIONS ADVISORY’’ and inserting “INFRASTRUCTURE AND OPERATIONS ADVISORY ADVICE’’;

(B) in subsection (a)—

(i) in the heading by striking “INFRASTRUCTURE AND OPERATIONS ADVISORY’’ and inserting “INFRASTRUCTURE AND OPERATIONS ADVISORY ADVICE’’;

(ii) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively;

(E) in subsection (d), as so redesignated—

(i) by striking “the Commission’’ and inserting “‘the Secretary for the use of the Commission and the Northeast Corridor Safety Committee’’; and

(ii) by striking “for the period encompassing fiscal years 2009 through 2013 to carry out this section” and inserting “to carry out this section during fiscal years 2016 through 2020, in addition to any amounts withheld under section 11101(g) of the Passenger Rail Reform and Investment Act of 2015’’;

and

(F) in subsection (e)—

(i) by redesignating subsection 24904 as section 24903; and

(ii) by inserting after section 24903, as so 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) submit the capital investment plan to the Senate Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives;

(B) submit the capital investment plan to the Secretary; and

(C) submit the capital investment plan to the Committee on Commerce, Science, and Transportation 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 methodology described in paragraph (3); and

(C) describe the cost allocation policy developed under section 24905(c);

(D) cover a period of 5 fiscal years, beginning with the first fiscal year after the date on which the plan is completed;

(E) 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) Federal and non-Federal 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—

(i) the potential effect on passenger accessibility, operations, safety, reliability, and resiliency; and

(ii) the ability of infrastructure owners and operators to meet regulatory requirements if the project or program is not funded; 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) and any capital project.

(4) FAILURE TO DEVELOP A CAPITAL INVESTMENT PLAN.—If a capital investment plan has not been developed by the Commissioner for a given fiscal year, then the funds assigned to the Northeast Corridor account established under section 24317(b) for that fiscal year may be spent on—

(I) capital projects described in clause (i) or (iii) of subsection (a)(2)(E) of this section; or

(ii) capital projects described in subsection (a)(2)(E)(iv) or (c) 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 the infrastructure that supports or provides for intercity rail passenger transportation on the Northeast Corridor shall develop an asset management system and develop, implement, and maintain those plans as necessary, a Northeast Corridor asset management plan for each service territory described in subsection (a) that—

(A) is consistent with the Federal Transit Administration process, as authorized under section 5326, when implemented; and

(B) includes, at a minimum—

(i) a description of those assets owned by the developer of the asset management plan;

(ii) an assessment of asset condition;

(iii) a description of the processes used to 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) TRANSITIONAL.—Each entity described in paragraph (1) shall transmit to the Commission—

(A) not later than 2 years after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, a Northeast Corridor asset management plan developed under paragraph (1); and

(B) at least biennially thereafter, an update to such 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.

(e) DEFINITION OF NORTHEAST CORRIDOR.—In this section, the term ‘Northeast Corridor’ means the area bounded by the State of Massachusetts, and 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.

(2) CONFORMING AMENDMENTS.—

(1) NOTE AND MORTGAGE.—Section 24907(a) of title 49, United States Code, is amended by striking ‘‘section 24904 of this title’’ and inserting ‘‘section 24903’’.

(2) IN GENERAL.—The table of contents for chapter 249 of title 49, United States Code, is amended—

(A) by redesigning the item relating to section 24904 as section 24903; and

(B) by inserting after the item relating to section 24903, the following:

‘‘24904. Northeast Corridor planning.’’.

(3) REPEAL.—Section 211 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24902 note) is repealed.

SEC. 11307. COMPETITION.

(a) COMPETITIVE PASSENGER RAIL SERVICE PILOT PROGRAM.—Section 24711 of title 49, United States Code, is amended to read as follows:

‘‘§24711. Competitive passenger rail service pilot program

(1) IN GENERAL.—Not later than 18 months after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary of Transportation shall promulgate a rule to carry out a competitive selection of eligible petitioners described in subsection (b)(3) in lieu of Amtrak to operate not more than 3 long-distance routes (as defined in section 24902) on the Northeast Corridor to operate the long-distance route described in subsection (a) for an operation 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 procedures established under paragraphs (1) and (2), may extend the operation period for 1 additional operation period of 4 years;

(2) REQUIREMENTS TO MEET PERFORMANCE STANDARDS.—If the Secretary selects the winning bidder under paragraph (1), (A) the winning bidder shall—

(B) enter into a contract with the Secretary, and the Secretary may require the winning bidder to submit additional information to the Secretary to ensure that the winning bidder is able to enter into such a contract.

(3) 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 and that has a written agreement with a rail carrier or rail carriers that own such infrastructure.

(B) 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.

(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 and a rail carrier with a written agreement with another 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) PERFORMANCE STANDARDS.—The performance standards required under paragraph (1)(E)(ii) shall meet or exceed the performance required of or achieved by Amtrak on the applicable route during the last fiscal year.

(E) AGREEMENT GOVERNING ACCESS ISSUES.—Unless the winning bidder already has applicable access rights or agreements in place or in the process of negotiation, the winning bidder shall enter into an agreement, negotiated 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.

(F) ACCESS TO FACILITIES EMPLOYEES.—If the Secretary awards the right and obligation to provide intercity rail passenger transportation on a route described in this section to an eligible petitioner—

(i) the Secretary shall, if necessary to carry out the purposes of this section, require Amtrak and each State or States described in paragraph (1)(C) to provide access to the Northeast Corridor system, stations, and facilities directly related to services on the route described in paragraph (1) to the eligible petitioner awarded a contract under this section in accordance with section 5326, when implemented; and

(ii) the winning bidder shall provide the same access and services to the eligible petitioner as Amtrak does to 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.

(G) CESSATION OF SERVICE.—If an eligible petitioner awarded a route under this section ceases to operate the service or fails to fulfill an obligation under a contract required under subsection (d) (1)(E)(i), the Secretary or the Surface Transportation Board shall take any necessary action consistent with this title to enforce the contract and ensure the continued provision of service.

(H) INSTALLMENT OF AN INTERIM RAIL CARRIER.—If the Secretary awards the right and obligation to provide the service to a rail carrier with a written agreement with another 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.

(I) 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 11101(e) of the Passenger Rail Reform and Investment Act of 2015, or any subsequent appropriation for the same purpose, necessary to cover the operating subsidy described in subsection (b)(1)(E)(ii).

(2) ATTRIBUTABLE COSTS.—If the Secretary awards the right and obligation to provide the service to an eligible petitioner described in paragraph (1) and the winning bidder is not or does not include Amtrak, the Secretary shall provide to the winning bidder an amount equal to the attributable costs, as defined by the Secretary, consistent with the applicable Federal laws and regulations governing similar costs or classes of employees of Amtrak; and

(3) THE WINNING BIDDER SHALL PROVIDE ACCESS.—If the Secretary awards the right and obligation to provide the service to an eligible petitioner described in paragraph (1) and the winning bidder is not or does not include Amtrak, the Secretary shall provide the same access and services to the winning bidder as Amtrak does to 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.

(I) 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 11101(e) of the Passenger Rail Reform and Investment Act of 2015, or any subsequent appropriation for the same purpose, necessary to cover the operating subsidy described in subsection (b)(1)(E)(ii).

(2) ATTRIBUTABLE COSTS.—If the Secretary awards the right and obligation to provide the service to a rail carrier with a written agreement with another 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.

(3) THE WINNING BIDDER SHALL PROVIDE ACCESS.—If the Secretary awards the right and obligation to provide the service to an eligible petitioner described in paragraph (1) and the winning bidder is not or does not include Amtrak, the Secretary shall provide to the winning bidder an amount equal to the attributable costs, as defined by the Secretary, consistent with the applicable Federal laws and regulations governing similar costs or classes of employees of Amtrak; and

(4) THE WINNING BIDDER SHALL PROVIDE ACCESS.—If the Secretary awards the right and obligation to provide the service to an eligible petitioner described in paragraph (1) and the winning bidder is not or does not include Amtrak, the Secretary shall provide to the winning bidder an amount equal to the attributable costs, as defined by the Secretary, consistent with the applicable Federal laws and regulations governing similar costs or classes of employees of Amtrak; and

(5) THE WINNING BIDDER SHALL PROVIDE ACCESS.—If the Secretary awards the right and obligation to provide the service to an eligible petitioner described in paragraph (1) and the winning bidder is not or does not include Amtrak, the Secretary shall provide to the winning bidder an amount equal to the attributable costs, as defined by the Secretary, consistent with the applicable Federal laws and regulations governing similar costs or classes of employees of Amtrak; and

(6) THE WINNING BIDDER SHALL PROVIDE ACCESS.—If the Secretary awards the right and obligation to provide the service to an eligible petitioner described in paragraph (1) and the winning bidder is not or does not include Amtrak, the Secretary shall provide to the winning bidder an amount equal to the attributable costs, as defined by the Secretary, consistent with the applicable Federal laws and regulations governing similar costs or classes of employees of Amtrak; and
under this paragraph shall not be deducted from or have any effect on the operating subsidy described in subsection (b)(1)(E)(ii).

(i) REPORTING.—If the Secretary does not promulgate the final rule for deadline under subsection (a), the Secretary shall, not later than 19 months after the date of enactment of the Passenger Rail Reform and Investment Act of 2021, submit to Congress a report on the rule complete, notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives in writing—

(1) the reasons why the rule has not been issued;
(2) a plan for completing the rule as soon as reasonably practicable; and
(3) the estimated date of completion of the rule.

(ii) DISPUTES.—

(1) PETITIONING SURFACE TRANSPORTATION BOARD.—If Amtrak and the eligible petitioner agree on a rule and the Federal Surface Transportation Board determines that—

(A) whether access to Amtrak’s facility or equipment, or the provisions of services by Amtrak, is necessary under subsection (c)(1); and
(B) whether the operation of Amtrak’s other services will not be unreasonably impaired by such access;

(2) Surface Transportation Board Determination.—If the Surface Transportation Board determines that the operation of Amtrak’s facilities or equipment, or the provision of services by Amtrak, is necessary under paragraph (1)(A) and the operation of Amtrak’s other services will not be unreasonably impaired by such access, the Board shall issue an order that—

(A) requires Amtrak to provide the applicable facilities, equipment, and services; and
(B) requires reasonable compensation, liability, and other terms for the use of the facilities and equipment and the provision of the services.

(iii) 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.

(iv) 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 service on services on its State-supported route or routes.

(v) SAVINGS CLAUSE.—Nothing in this section shall affect Amtrak’s access rights to railroad rights-of-way and facilities.

(b) CONFORMING AMENDMENT.—The table of contents for section 24711 of title 49, United States Code, is amended to read as follows: “24711. Competitive passenger rail service pilot program.”

(c) REPORT.—Not later than 4 years after the date of implementation of the pilot program under section 24711, the Secretary, in consultation with the appropriate Committees of Congress, shall submit to Congress a report that—

(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 Corridor;
(G) the Chicago Hub Network;
(H) the Florida Corridor;
(I) the Keystone Corridor;
(J) the Northern California Corridor;
(K) the Southeast Corridor.

(b) SUBMISSION.—Proposals shall be submitted to the Secretary not later than 180 days after the publication of the request for proposals under paragraph (1).

(iii) PERFORMANCE STANDARD.—Proposals submitted under paragraph (1) shall meet any standards established by the Secretary. For corridors with existing intercity passenger rail service, proposals shall also be designed to achieve reductions of at least 25 percent in 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 Washington, District of Columbia, and New York City, New York.

(iv) CONTRACT.—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 Federal rail safety and security laws, orders, and regulations;
(D) the locations of proposed stations, which shall 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; and
(v) the financial 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;
(v) 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
(vi) committed funding for the full fair market compensation for any asset, property right or interest, or the right of way, 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 a national high-speed rail system or an inter-modal 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 sections 2101, 2103, and 2104 of title 45, 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 contribute to the Federal and State transportation 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.

(iii) 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 for each corridor with 1 or more proposals that the Secretary determines satisfy the requirements of paragraph (1), and, in consultation with the petitions forwarded to each commission established under paragraph (2) the applicable proposals for review and consideration.

(c) COMMISSIONS.—

(i) MEMBERS.—Each commission established under subsection (b)(2) shall include—

(A) the Governors of the affected States, or their respective designees;
(B) representatives of appropriate municipalities with stops along the proposed corridor, or their respective designees;
(C) representatives from each freight railroad carrier using the relevant corridor, if applicable;
(D) representatives 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.

(ii) APPOINTMENT AND SELECTION.—The Secretary shall appoint the members under paragraph (1). In selecting each commission’s members to fill the required positions under paragraphs (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.

(iii) CHAIRPERSON AND VICE-CHAIRPERSON SELECTION.—The Chairperson and Vice-Chairperson shall be elected from among members of each commission.

(d) QUORUM AND VACANCY.—

(i) QUORUM.—A majority of the members of each commission shall constitute a quorum.

(ii) 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.

(e) COMMISSION CONSIDERATION.—

(i) 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; and
(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 implementation, completion, safety, and security;
(G) a ranked list of the proposals recommended for further consideration under subsection (a) that ranks each proposal's projected positive impact on the Nation's transportation system;
(H) 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) 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 consistent with significant outcomes 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 detailing information regarding the proposal selected under subparagraph (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)(B) of this subsection, 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 submitted 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 until each proposal specifically authorized by this section, without explicit statutory authority enacted after the date of enactment of this Act.

(g) AGGREGATE RESOURCES.—Before taking any action authorized under this section the Secretary shall certify to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that the Secretary has sufficient resources that are adequate to undertake the program established under this section.

(h) DEFINITIONS.—In this section:
(1) INTERCITY PASSENGER RAIL.—The term "intercity passenger rail" has the meaning given the term 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. 11309. LARGE CAPITAL PROJECT REQUIREMENTS.

Section 24002 of title 49, United States Code, is amended by inserting after subsection (i) the following:

"(j) 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 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 identifies the sources of the non-Federal funding required for any subsequent phases of the project or 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; and
"(iii) the intercity passenger rail benefits anticipated to result from the grant, such as increased speed, improved on-time performance, reduced operating costs, new service, safety improvements, improved accessibility, or other significant enhancements, are detailed by the grantee and approved by the Secretary.
"(C) 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)(iii) is placed in service;
"(ii) the project is not maintained as required under clause (i) for a 12-month period, the grant recipient shall refund a pro-rata share of the grant amount 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. 11311. 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 and the Surface Transportation Board, 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 on 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) the strengths and weaknesses of the existing mechanisms described in paragraph (2) and possible approaches to address the weaknesses;
(4) mechanisms for maintaining public benefits resulting from publicly funded freight or passenger rail improvements, including improvements directed towards shared use of right-of-way by passenger and freight rail; and
(5) approaches to operations, capacity, and cost estimation modeling that—
(A) allow for transparent decisionmaking; and
(B) protect the proprietary interests of all parties;

SEC. 11310. SMALL BUSINESS PARTICIPATION.

(a) STUDY.—The Secretary shall conduct a nation-wide disparity and availability study on the availability and use of small business concerns under the Small Business Act (15 U.S.C. 632) and relevant subcontracting regulations issued pursuant to such Act, except that the term does not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual, that has demonstrated average annual gross receipts during the preceding 3 fiscal years in excess of $22,410,000, as adjusted annually by the Secretary for inflation.

(b) AREAS OF STUDY.—In conducting the study under subsection (a), the Secretary shall evaluate—
(1) the Federal procurement actions authorized under this section the Small Business Act (15 U.S.C. 632), and relevant subcontracting regulations issued pursuant to such Act, except that the term does not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual, that has demonstrated average annual gross receipts during the preceding 3 fiscal years in excess of $22,410,000, as adjusted annually by the Secretary for inflation.

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(B) whether to revise the current statutory liability limits;
(C) whether current insurance levels of passenger rail operators are adequate and whether to establish alternative requirements for such passenger rail operators; and
(D) whether to establish alternative insurance models, including other models administered by the Federal Government;
(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.
(3) REPORT.—Not later than 60 days after the study required under paragraph (2) 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—
(I) 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 all ticketing technologies, policies, and other relevant aspects on the Northeast Corridor; and the Commission shall submit to the Secretary a report that includes—
(A) consideration of the materials, assets, and equipment that are regularly purchased by Amtrak and such causes that are similar and could be jointly procured;
(B) the potential benefits of such joint procurements, including lower procurement costs, better price and quality, and better 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 coordination of Federal and State procurements or safety regulations and standards among States; and
(E) whether to create Federal incentives or require reporting to considering or carrying out joint procurements when expending Federal funds.
(2) CONTENTS.—In completing the study under paragraph (1), the Secretary shall consider—
(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 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. 11313. DATA AND ANALYSIS.
(a) DATA.—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 Transportation and Infrastructure of the House of Representatives a report that includes—
(I) the results of the study; and
(2) any recommendations for further action.
(3) REPORT.—Not later than 60 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 that includes—
(I) the results of the study; and
(2) any recommendations for further action.
(4) REVIEW.—Not later than 180 days after receipt of the report under paragraph (3), the Secretary shall submit to the Committee reports that recommend best practices in developing through ticketing for other areas outside of the Northeast Corridor. The Secretary shall transmit the best practices to the appropriate committees of the House of Representatives and the Senate that have jurisdiction over Amtrak, or such committees as the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate determine appropriate.
(b) JOINT PROCUREMENT STUDY.—
(1) IN GENERAL.—Not later than 3 years 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 includes—
(A) the results of the study; and
(2) any recommendations for further action, including any legislative proposals consistent with such recommendations.
(2) CONTENTS.—In completing the study under paragraph (1), the Secretary shall consider—
(A) the results of the study; and
(B) any recommendations for further action.
(4) CLARIFICATION.—

(1) AMENDMENT.—Section 20157(g) of title 49, United States Code, is amended by adding at the end the following new paragraph:

‘‘(4) CLARIFICATION.—

(A) PROHIBITION.—The Secretary is prohibited from approving or disapproving a revised plan submitted under subsection (a)(1); and

(B) REVISED PLAN.—In the case of a revised plan submitted under subsection (a)(1) as a request for amendment under section 236.1021 of title 49, Code of Federal Regulations; or

(C) INVOLVING THE SUBMISSION, AS PART OF THE REVISED PLAN SUBMITTED UNDER SUBSECTION (a)(1), OF—

(1) ONLY A SCHEDULING AND SEQUENCE UNDER SUBSECTION (a)(2)(A)(iii)(VII); or


(5) CIVIL PENALTY AUTHORITY.—Except as provided in paragraph (2) and this paragraph, nothing in this subsection shall be construed to limit the Secretary's authority to assess civil penalties pursuant to subsection (e), consistent with the requirements of this section.

(C) RETAINED REVIEW AUTHORITY.—The Secretary retains authority to require revised plans submitted under subsection (a)(1) and is authorized to require modifications of those plans to the extent necessary to ensure that such plans include the descriptions under subsection (a)(2)(A)(ii)(I) of the insurants under subsection (a)(2)(A)(iii), and the industry or years, totals, and summary under subsection (a)(2)(A)(iii)(I) through (VII).

(2) CONFORMING AMENDMENT.—Section 20157(g)(3) of title 49, United States Code, is amended by striking ‘‘paragraph (2) and subsection (h)’’ and inserting ‘‘to conform with this section’’.

SEC. 11316. TECHNICAL AND CONFORMING AMENDMENTS.

(a) ASSISTANCE TO FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.—Section 1119 of title 49, United States Code, 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 (i), by striking ‘‘railroad passenger accident’’ each place it appears and inserting ‘‘rail passenger accident’’.

(b) SOLID WASTE RAIL TRANSFER FACILITY LAND-USE EXEMPTION.—Section 10609 of title 49, United States Code, 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 paragraph (1), by striking ‘‘and incident reporting’’ and inserting ‘‘accident and incident reporting’’;

(3) in paragraph (2)(G), by inserting ‘‘at the end of’’ after ‘‘and’’;

(4) in paragraph (3)(B), by striking ‘‘Administrative Hearing Officer or Administrative Law Judge’’ and inserting ‘‘administrative hearing officer or administrative law judge’’;

(5) RAILROAD SAFETY RISK REDUCTION PROGRAM.—Section 20156 of title 49, United States Code, is amended—

(1) in subsection (c), by inserting a comma after ‘‘In developing its railroad safety risk reduction program’’ and

(2) by inserting ‘‘railway grade crossing’’ before ‘‘and inserting ‘‘nonprofit’’;

(6) ROADWAY USER SIGHT DISTANCE AT HIGHWAY-RAIL GRADE CROSSINGS.—Section 20159 of title 49, United States Code, is amended by striking ‘‘the Secretary’’ and inserting ‘‘the Secretary of Transportation’’;

(q) NATIONAL CROSSING INVENTORY.—Section 20160 of title 49, United States Code, is amended—

(1) in subsection (a)(1), by striking ‘‘concerning each previously unreported crossing through which it operates or with respect to the track where it operates as inserting ‘‘concerning each previously unreported crossing through which it operates with respect to the track where it operates’’;

(2) in subsection (b)(1)(B), by striking ‘‘concerning each crossing through which it operates or with respect to the track where it operates’’ and inserting ‘‘concerning each crossing through which it operates with respect to the track where it operates’’;

(h) MINIMUM TRAINING STANDARDS AND PLANS.—Section 20162(a)(3) of title 49, United States Code, is amended by striking ‘‘railroad carrier compliance with Federal standards’’ and inserting ‘‘railroad carrier compliance with Federal standards’’;

(i) DEVELOPMENT AND USE OF RAIL SAFETY TECHNOLOGY.—Section 20164(a) of title 49, United States Code, is amended by striking ‘‘(k) STATEMENTS OF FEDERAL FINDINGS’’ and inserting ‘‘(k) STATEMENTS OF FEDERAL FINDINGS; and’’;

(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, and

(2) CONTENT.—Section 20160(a) of title 49, United States Code, is amended by striking ‘‘Web page’’ and inserting ‘‘Web site’’;

(l) MISSION.—Section 24101(b) of title 49, United States Code, is amended by striking ‘‘(4) CLARIFICATION.—’’ and inserting ‘‘(4) CLARIFICATION.—’’;

(m) TABLE OF CONTENTS AMENDMENT.—The table of contents for chapter 243 of title 49, United States Code, 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.’’

(n) AMTRAK.—Chapter 247 of title 49, United States Code, is amended—

(1) in section 24709—

(A) in subsection (a)—

(i) in paragraph (1) by striking ‘‘a discontinuance under section 24704 or’’; and

(ii) in paragraph (2) by striking ‘‘section 24704 or’’; and

(B) in subsection (b) by striking ‘‘section 24704 or’’;

(2) in section 24709 by striking ‘‘The Secretary of the Treasury and the Attorney General,’’ and inserting ‘‘The Secretary of Homeland Security,’’

(o) RAIL COOPERATIVE RESEARCH PROGRAM.—Section 24910(b) of title 49, United States Code, is amended—

(1) in paragraph (12) by striking ‘‘and’’ and inserting ‘‘and’’;

(2) in paragraph (13) by striking the period at the end and inserting ‘‘;’’; and

(3) by adding at the end the following:

‘‘(14) to improve overall safety of intercity passenger and freight rail operations.’’.
way-rail grade crossing action plan; and

(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.

(b) C ONTENTS.—Each State shall submit a final State action plan under this subsection to the Administrator for publication. The Administrator 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 the State submitting an acceptable State action plan under this subsection.

(6) REVIEW OF ACTION PLANS.—Not later than 60 days after submission of a State action plan under this subsection, the Administrator shall—

(A) if the State action plan is approved, notify the State of the acceptance of the State action plan under paragraph (4); and

(B) if the State action 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) FAILING TO CORRECT PLAN.—If a State fails to meet the deadline under paragraph (7), the Administrator 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) REPORT.—Not later than the date that is 3 years after the Administrator publishes the final rule under subsection (b)(1), the Administrator 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—

(1) the specific strategies identified by States to improve safety at highway-rail grade crossings, including crossings with multiple accidents or incidents; and

(2) the progress each State described under subsection (b)(1)(B) has made in implementing its action plan.

(d) RAILWAY-HIGHWAY CROSSINGS FUNDS.—The Secretary may use funds made available to the United States or the District of Columbia.:

SEC. 11402. PRIVATE HIGHWAY-RAIL GRADE CROSSINGS.

(a) STUDY.—The Comptroller General of the United States shall submit a report to Congress containing the results of a study evaluating the final rule issued on August 17, 2006, entitled "Use of Locomotive Horns at Highway-Rail Grade Crossings" (71 Fed. Reg. 47614), including—

(1) the effectiveness of such final rule;

(2) the benefits and costs of establishing quiet zones; and

(3) any barriers to establishing quiet zones.

(b) SAVINGS CLAUSE.—Nothing in this section shall be construed to modify any other provision of law.

SEC. 11403. STUDY ON THE USE OF LOCOMOTIVE HORNS AT HIGHWAY-RAIL GRADE CROSSINGS.

(a) STUDY.—The Comptroller General of the United States shall submit a report to Congress containing the results of a study evaluating the final rule issued on August 17, 2006, entitled "Use of Locomotive Horns at Highway-Rail Grade Crossings" (71 Fed. Reg. 47614), including—

(1) the effectiveness of such final rule;
assistance to such State or political subdivision of a State to facilitate the understanding of a bridge inspection report.”

SEC. 11406. 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, shall conduct a survey of 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, bridge, or tunnel, the maximum authorized operating speed for passenger trains at that curve, bridge, or tunnel.

(b) Action Plan.—Not later than 120 days after the date that the survey under subsection (a) is complete, a railroad carrier described in subsection (a) 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, bridge, or tunnel and the maximum authorized operating speed for passenger trains at that curve, bridge, or tunnel;

(2) describes appropriate actions to enable warning and enforcement of the maximum authorized operating speed for passenger trains at each location identified under paragraph (1), including—

(A) modification to automatic train control system(s) of applicable, other signal systems; (B) increased crew size;

(C) installation of signage alerting train crews of the maximum authorized speed for passenger trains at each location identified under paragraph (1);

(D) installation of alerts;

(E) increased crew communication; and

(F) other practices;

(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 50 days after the date on which an action plan is submitted under subsection (b), 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 20305 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. 11408. INTERSTATE 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 is required for other commuter railroad lines.

(b) Rulemaking.—Considering safety, including railroad carrier employee and contractor safety, system security, and other relevant factors, 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 promulgate regulations under this section, the Secretary, not later than 18 months after the date of enactment of this Act, 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 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 existing law on track inspections.

SEC. 11410. POST-ACCIDENT ASSESSMENT.

(a) IN GENERAL.—The Secretary, in cooperation with the National Transportation Safety Board, 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 passengers 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 23910(a) of title 49, Code of Federal Regulations;

(3) a determination of any additional action 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 passenger 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 services referred to in paragraphs (1) and (2) and 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 enactment of this Act, Amtrak 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 describes—

(1) Amtrak’s plan to achieve the recommendations referred to in subsection (b)(4); and

(2) any steps that have been taken to address any deficiencies identified through the assessment.

SEC. 11411. RECORDING DEVICES.

(a) IN GENERAL.—Subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end 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 Passenger Rail Reform and Investment Act of 2015, the Secretary of Transportation shall promulgate regulations or issue any other necessary direction that require each passenger or commuter railroad to install audio and 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 image recordings only within a controlling locomotive cab or cab car operating compartment; and

(3) have recordings accessible for review during an investigation conducted by the Secretary.

(c) REVIEW.—The Secretary shall establish a process to review and approve or disapprove an inward- or outward-facing image recording device in accordance with the standards described in subsection (b).

(d) USES.—A railroad carrier subject to the requirements of subsection (a) that has installed any 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```
railroad carrier’s operating rules and procedures, including a system-wide program for such verification.

(2) Assisting in an investigation into the causation of a reported accident or incident.

(3) Documenting a criminal act or monitoring unauthorized occupancy of the controlling locomotive cab or operating compartment.

(4) Other purposes that the Secretary considers appropriate.

(c) 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 railroad carrier subject to the requirements of subsection (a) or any part of the carrier’s operations from the requirements under subsection (a) if the Secretary determines that the carrier has implemented an alternative technology or practice that provides an equivalent or greater safety benefit or that is better suited to the risks of the operation.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as superseding or affecting any State laws relating to or requiring the use of in-cab audio or image recording devices.

(d) INFORMATION PROTECTIONS.—The Secretary may disclose publicly any part of an in-cab audio or image recording or transcript of oral communications by or among train employees of a railroad carrier if the Secretary determines that such information is necessary to the accident or incident investigated by the Secretary. The Secretary may make public any part of a transcript or any written depiction of visual information that the Secretary determines is relevant to the accident at the time a majority of 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 officer 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, the railroad police officer directly employed by or contracted with a railroad carrier, and certified or commissioned by a police officer under the laws of a State shall enforce traffic safety regulations in the State in which the railroad police officer resides, to the same extent as provided in subsection (a).

(3) TRAINING.—If in any calendar year, a State may recognize as meeting that State’s basic police 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.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as superseding or affecting any State laws relating to or requiring the use of in-cab audio or image recording devices.

(5) INFORMATION PROTECTIONS.—The Secretary may disclose publicly any part of an in-cab audio or image recording or transcript of oral communications by or among train employees of a railroad carrier if the Secretary determines that such information is necessary to the accident or incident investigated by the Secretary. The Secretary may make public any part of a transcript or any written depiction of visual information that the Secretary determines is relevant to the accident at the time a majority of 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 officer under the laws of the State of new primary employment or residence.

SEC. 11413. REPAIR AND REPLACEMENT OF DAMAGED TRACK INSPECTION EQUIPMENT.

(a) IN GENERAL.—Subchapter I of chapter 201 of title 49, United States Code, is amended by adding at the end 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 paid into the Railway Safety and Operations account of the Federal Railroad Administration and shall remain available until expended for the repair, operation, and maintenance of such cars and equipment in connection with the automated track inspection program.”.

(b) CONFORMING AMENDMENT.—The table of contents of title 49, United States Code, is amended by adding at the end the following:

“§20121. Repair and replacement of damaged track inspection equipment”.

SEC. 11414. REPORT ON VERTICAL TRACK DEFLECTION.

(a) REPORT.—Not later than 9 months after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representa-
tives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing research conducted or procured by the Federal Railroad Administration on deflection in this section referred to as “VTD”) from a moving rail car, including the ability of such system to identify poor track support from fouled ballast, deteriorated cross ties, or other conditions.

(b) CONTENTS.—The report required under subsection (a) shall include:

(1) the findings and results of testing of VTD instrumentation during field trials on revenue service track;

(2) the findings and results of subsequent testing of VTD instrumentation on a Federal Rail-

road Administration automated track inspection program geometry car;

(3) a report appropriate by the Secretary based on the report and related research, a plan for developing quantitative inspection criteria for poor track support using existing VTD instrumentation on Federal Railroad Administration automated track inspection program geometry cars; and

(4) a plan for installing VTD instrumentation on all remaining Federal Railroad Administration automated track inspection program geometry cars not later than 3 years after the date of enactment of this Act.

SEC. 11415. RAIL PASSENGER LIABILITY.

(a) AMTRAK INCIDENT.—Notwithstanding any other provision of law, for any Amtrak incident involving Amtrak occurring on May 12, 2015, or any Amtrak incident occurring after May 12, 2015, and the adjustment shall become effective 30 days after such notice.

(b) DETERMINATION REQUIREMENTS.—Nothing in this section shall be construed as superseding or affecting any State laws relating to or requiring the use of in-cab audio or image recording devices.

(c) INFORMATION PROTECTIONS.—The Secretary may disclose publicly any part of an in-cab audio or image recording or transcript of oral communications by or among train employees of a railroad carrier if the Secretary determines that such information is necessary to the accident or incident investigated by the Secretary. The Secretary may make public any part of a transcript or any written depiction of visual information that the Secretary determines is relevant to the accident at the time a majority of 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 officer 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, the railroad police officer, and certified or commissioned by a police officer under the laws of a State shall enforce traffic safety regulations in the State in which the railroad police officer resides, to the same extent as provided in subsection (a).

(3) TRAINING.—If in any calendar year, a State may recognize as meeting that State’s basic police 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.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as superseding or affecting any State laws relating to or requiring the use of in-cab audio or image recording devices.

(5) INFORMATION PROTECTIONS.—The Secretary may disclose publicly any part of an in-cab audio or image recording or transcript of oral communications by or among train employees of a railroad carrier if the Secretary determines that such information is necessary to the accident or incident investigated by the Secretary. The Secretary may make public any part of a transcript or any written depiction of visual information that the Secretary determines is relevant to the accident at the time a majority of 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 officer under the laws of the State of new primary employment or residence.

“20121. Repair and replacement of damaged track inspection equipment.”.

SEC. 11414. REPORT ON VERTICAL TRACK DEVI-

FLECTION.

(a) REPORT.—Not later than 9 months after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transpor-

tation and Infrastructure of the House of Representa-
tives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing research conducted or procured by the Federal Railroad Administration on deflec-
tion in this section referred to as “VTD”) from a moving rail car, including the ability of such system to identify poor track support from fouled ballast, deteriorated cross ties, or other conditions.

(b) CONTENTS.—The report required under subsection (a) shall include:

(1) the findings and results of testing of VTD instrumentation during field trials on revenue service track;

(2) the findings and results of subsequent testing of VTD instrumentation on a Federal Rail-

road Administration automated track inspection program geometry car;

(3) a report appropriate by the Secretary based on the report and related research, a plan for developing quantitative inspection criteria for poor track support using existing VTD instrumentation on Federal Railroad Administration automated track inspection program geometry cars; and

(4) a plan for installing VTD instrumentation on all remaining Federal Railroad Administration automated track inspection program geometry cars not later than 3 years after the date of enactment of this Act.

SEC. 11415. RAIL PASSENGER LIABILITY.

(a) AMTRAK INCIDENT.—Notwithstanding any other provision of law, for any Amtrak incident involving Amtrak occurring on May 12, 2015, shall not exceed $295,000,000.

(2) ADJUSTMENT BASED ON CONSUMER PRICE INDEX.—The liability cap under section 2810(a)(2) of title 49, United States Code, shall be adjusted on the date of enactment of this Act to reflect the change in the Consumer Price Index—All Urban Consumers between such date and December 2, 1997, and the Secretary shall provide appropriate public notice of such adjust-

ment. The adjustment of the liability cap shall be effective 30 days after such notice.

(b) ADJUSTMENT BASED ON CONSUMER PRICE INDEX.—The liability cap under section 2810(a)(2) of title 49, United States Code, shall be adjusted on the date of enactment of this Act to reflect the change in the Consumer Price Index—All Urban Consumers between such date and December 2, 1997, and the Secretary shall provide appropriate public notice of such adjust-

ment. The adjustment of the liability cap shall be effective 30 days after such notice.

SEC. 11502. TREATMENT OF IMPROVEMENTS TO RAIL AND TRANSIT UNDER PRESER-

VATION REQUIREMENTS.

(a) Title 23 Amendments.—Notwithstanding any other provision of law, for any improvement to a historic site (as defined in section 4 of the National Historic Preservation Act), including a railroad or rail transit line or elements thereof that are in use or were historically used for the transportation of goods or passengers shall not be considered a use of a historic site under subsection (a) if the railroad or rail transit line or elements thereof is listed on, or
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eligible for listing on the National Register of Historic Places.

"(2) EXCEPTIONS.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to—

"(i) stations; or

"(ii) bridges or tunnels located on—

"(I) railroad lines that have been abandoned; or

"(II) transit lines that are not in use.

"(B) CLARIFICATION WITH RESPECT TO CERTAIN BRIDGES AND TUNNELS.—The bridges and tunnels referred to in subparagraph (A)(ii) do not include bridges or tunnels located on railroad or transit lines—

"(i) over which service has been discontinued; or

"(ii) that have been railbanked or otherwise reserved for the transportation of goods or passengers.

"(b) Title 49 Amendment.—Section 303 of title 49, United States Code, is further amended—

"(1) programs administered now and in the future by the Department of Transportation or its operating administrations under title 23, 49, United States Code, including direct and loan guarantees at future dates for a program of related projects on terms acceptable to the Secretary, and

"(2) any project subject to section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348).

"(c) Table of Chapters Amendment.—The table of chapters of subtitle V of title 49, United States Code, is amended by inserting after the item relating to chapter 241 the following:

"242. Project delivery

"24201. Efficient environmental reviews.

"(a) Amendment.—Title 49, United States Code, is amended by inserting after chapter 241 the following new chapter:

"CHAPTER 242—PROJECT DELIVERY

"Sec. 24201. Efficient environmental reviews.

"$24201. Efficient environmental reviews

"(a) Efficient environmental reviews.

"(1) IN GENERAL.—The Secretary of Transportation shall apply the project development procedures, to the greatest extent feasible, described in section 126 of title 23 to any railroad project that requires the approval of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(2) REGULATIONS AND PROCEDURES.—In carrying out this chapter (the Secretary shall incorporate into agency regulations and procedures pertaining to railroad projects described in paragraph (1) aspects of such project development procedures, or portions thereof, determined appropriate by the Secretary in a manner consistent with this section, that increase the efficiency of the review of railroad projects.

"(3) CATEGORICAL EXCLUSIONS.—The Secretary may choose not to incorporate into agency regulations and procedures pertaining to railroad projects described in paragraph (1) such project development procedures, or portions thereof, that are limited only to apply to highway projects, public transportation capital projects, and multimodal projects.

"(d) Application.—Subsection (b) of section 139 of title 23 shall apply to railroad projects described in paragraph (1), except that the limitations on claims of 150 days shall be 2 years.

"(e) Additional Exclusions.—Not later than 6 months after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary shall publish in the Federal Register for notice and public comment a review of the survey that includes a description of—

"(A) the types of actions categorically excluded; and

"(B) any actions the Secretary is considering for new categorical exclusions, including those that would conform to those of other modal administrations.

"(f) New Categorical Exclusions.—Not later than 1 year after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary shall publish a notice of proposed rulemaking to propose new and existing categorical exclusions for railroad projects that require the approval of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including those identified under subsection (b), and develop a process for considering new categorical exclusions to the extent that the Administrator determines that the criteria for a categorical exclusion under section 1508 of title 49, Code of Federal Regulations,

"TRANSPARENCY.—The Secretary shall maintain and make publicly available, including on the Internet, a database that identifies project-specific information on the use of a categorical exclusion on any railroad project carried out under this chapter,

"(2) PROTECTIONS FOR EXISTING AGREEMENTS AND NEPA.—Nothing in subtitle E of the Passenger Rail Reform and Investment Act of 2015, or any amendment made by such subtitle, shall affect any existing environmental review process, program, agreement, or funding arrangement approved by the Secretary under title 49, as that title was in effect on the day preceding the date of enactment of this Act.

"(3) SAVINGS CLAUSE.—Except as expressly provided in this Act, nothing in this Act shall apply to—

"(a) a railroad carrier in section 20202 of title 49, United States Code;

"(b) any project subject to section 2405 of the Water Resources Development Act of 2007 (33 U.S.C. 2348).

"(c) Table of Chapters Amendment.—The table of chapters of subtitle V of title 49, United States Code, is amended by inserting after the item relating to chapter 241 the following:

"242. Project delivery

"24201. Efficient environmental reviews.

SEC. 11504. RAILROAD RIGHTS-OF-WAY.

"(a) Amendment.—Title 49, United States Code, is amended by inserting after the item relating to chapter 241 the following:

"24202. Railroad rights-of-way.

"(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 debt obligations, the reference shall be considered to be made to a section or other provision of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.).

SEC. 11602. DEFINITIONS.

"(a) to the Council, the Council shall issue a final exemption of railroad rights-of-way from review under chapter 306 of title 49 consistent with the exemption for interstate highways approved on March 10, 2005 (70 Fed. Reg. 11,928).

"(b) Conforming Amendment.—The table of contents for chapter 242 of title 49, United States Code, is amended by adding at the end the following:

"24202. Railroad rights-of-way.”
SEC. 11605. PROGRAM ADMINISTRATION.

(a) APPLICATION PROCESSING PROCEDURES.—Section 502(g) (45 U.S.C. 822(g)) is amended by adding at the end the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may appoint a financial entity to assist in the underwriting, auditing, and exercise of rights with respect to direct loans and loan guarantees; and

"(2) 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 under that time limit.

"(3) SAFETY AND OPERATIONS ACCOUNT.—Amounts collected under this subsection shall—

"(A) be credited solely to the Safety and Operations Account of the Federal Railroad Administration; and

"(B) remain available until expended for the costs described in this subsection.

SEC. 11606. 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 following: "the lesser of—

"(A) 35 years after the date of substantial completion of the project; or

"(B) the estimated useful life of the rail equipment or facilities to be acquired, rehabilitated, improved, developed, or extended, if applicable.

(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 direct loan disbursement" and inserting "5 years after the date of substantial completion"; and

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

"(c) DEFERRED PAYMENTS.—(A) IN GENERAL.—If at any time after the date of substantial completion the obligor is unable to pay the scheduled payments of principal and interest on a direct loan provided under this section, the Secretary, subject to subparagraph (B), may allow, for a maximum aggregate amount 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) USE OF EXCESS REVENUES.—With respect to a direct loan provided by the Secretary under this section, 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 used to annually prepay the direct loan without penalty.

"(d) SALE OF DIRECT LOANS.—The direct loan may be prepaid at any time without penalty from the proceeds of a direct loan provided by the Secretary under this section.

"(e) NONSUBORDINATION.—Section 502 (45 U.S.C. 822) is further amended by adding at the end the following:

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

"(A) IN GENERAL.—The Secretary may waive the requirement under paragraph (1) for a public agency borrower that is financing ongoing obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

"(B) PREEXISTING INDENTURES.—(A) IN GENERAL.—The Secretary may modify the indentures of the obligor that have been approved by any trust agreement, bond resolution, or similar agreement securing project obligations based on the Secretary’s determination that the indenture requirements are contrary to the public interest.

"(c) 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 with written notice as to whether the application is complete or incomplete.

"(B) INCOMPLETE APPLICATIONS.—If the Secretary determines that an application is incomplete, the Secretary shall—

"(i) notify the applicant that the application is incomplete;

"(ii) specify in writing the information and material necessary to bring the application into compliance; and

"( iii) provide the applicant with a reasonable opportunity to correct incomplete information.

"(D) 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 under that time limit.

"(E) SAFETY AND OPERATIONS ACCOUNT.—Amounts collected under this subsection shall—

"(A) be credited solely to the Safety and Operations Account of the Federal Railroad Administration; and

"(B) remain available until expended for the costs described in this subsection.

"(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 nonsublicondition requirement under this paragraph if the Secretary determines that such limitations would mitigate the financial interest of the Federal Government.”.

SEC. 11607. CREDIT RISK PREMIUMS.

(a) INFRASTRUCTURE PARTNERS.—Section 502(f) (42 U.S.C. 8222) is amended—

(1) in paragraph (1) by striking the first sentence and inserting the following: “In lieu of or in combination with appropriations of budget authority to cover the costs of direct loans and loan guarantees required under section 504(b) 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) by adding “and” after the semicolon,

(B) by redesignating subparagraph (E) as subparagraph (F) and inserting “(F)” after “(E);” and

(C) by redesigning subparagraph (F) as paragraph (E);

(3) by striking paragraph (4);

(4) by redesigning paragraph (3) as paragraph (4); and

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

“(C) CREDITWORTHINESS.—An applicant may propose and the Secretary shall 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 the rating of any direct loan or loan guarantee 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 modifications of direct loans and loan guarantees.

(b) SAVINGS CLAUSES.—All provisions under sections 502 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq.) that existed on the day before enactment of this Act shall apply to direct loans provided by the Secretary prior to the date of enactment of this Act, and nothing in this title may be construed to limit the payback of a credit risk premium, with interest accrued therein, if a direct loan provided by the Secretary under such sections has been paid back in full, prior to the enactment of this Act.

SEC. 11608. MASTER CREDIT AGREEMENTS.

Section 502 (42 U.S.C. 8222) is further amended by adding at the end the following:

(m) MASTER CREDIT AGREEMENTS—

“Subject to subsection (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 master credit agreement.

“(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 upon 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. 11609. PRIORITIES AND CONDITIONS.

(a) PRIORITY PROJECTS.—Section 502(c) (42 U.S.C. 8222(c)) is amended—

(1) in paragraph (1), by inserting “, including projects for the installation of a positive train control system (as defined in section 20537(i) of title 49, United States Code)” after “public safety”;

(2) by moving paragraph (3) to appear before paragraph (2), and redesignating those paragraphs accordingly;

(3) in paragraph (5), by inserting “or chapter 207 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 (9) the following:

“(6) improve railroad stations and passenger facilities and increase transit-oriented development;

“(7) CONDITIONS OF ASSISTANCE.—Section 502(h)(2) (42 U.S.C. 8222(h)(2)) is amended by inserting “, if applicable’’ after ‘’project’’.

SEC. 11610. SAVINGS PROVISIONS.

(a) IN GENERAL.—Except as provided in subsection (b) and section 11607(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 is 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, an amount equal to the fair market value of any modification costs incurred by the Secretary or the obligor in the performance of this Act.

SEC. 11611. REPORT ON LEEERING RRIF.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the National Highway Traffic Safety Administration shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that analyzes how the Highway Rehabilitation and Improvement Financing Program can be used to improve passenger rail infrastructure.

(b) REPORT CONTENTS.—The report required under subsection (a) shall include—

(1) illustrative examples of projects that could be financed under this Act;

(2) potential repayment sources for such projects, including tax-increment financing, user fees, tolls, and other dedicated revenue sources; and

(3) estimated costs and benefits of using the Program relative to other options, including a comparison of the lengths of time such projects would likely be completed without Federal credit assistance.

DIVISION B—COMPREHENSIVE TRANSPORTATION AND CONSUMER PROTECTION ACT OF 2015

TITLE XXIV—MOTOR VEHICLE SAFETY

Subtitle A—Vehicle Safety

SEC. 24101. 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) $32,730,000 for fiscal year 2016;

(2) $35,517,339 for fiscal year 2017;

(3) $36,353,194 for fiscal year 2018;

(4) $37,238,251 for fiscal year 2019;


(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 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.

(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. 24102. 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, to the Committee on Energy and Commerce of the House of Representatives.

SEC. 24103. 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 to 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 recommendations on actions the Secretary can take to improve public awareness and use of the websites for safety recall information.

(c) PROMOTION OF PUBLIC AWARENESS.—Section 36001 of title 49, United States Code, is amended to read as follows:

"(e) VIN SEARCH.—Not later than 1 year after enactment of this Act, the Secretary shall make available to the public on the Internet detailed guidance for consumers submitting safety complaints, including—

(A) a description of what information a consumer should include in a complaint; and

(B) 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—

(1) the consumer records, such as photographs and police reports, that could assist with an investigation; and

(2) the length of time a consumer should retain the records described in subparagraph (A)."

(d) CONSUMER GUIDANCE.—Not later than 1 year after enactment of this Act, the Secretary shall—

(A) appropriately monitor recalls to ensure the appropriateness and adequacy of recall completion rates and remedies;

(B) ensure manufacturers provide safe remedies, at no cost to consumers;

(C) identify and coordinate recall remediation and processes; and

(D) improve its policy on consumer notice to combat effects of recall fatigue.

SEC. 24104. 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 517.7 of title 49, Code of Federal Regulations, regarding 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 30108(b) of title 49, United States Code, is amended by striking "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 the National Highway Traffic Safety Administration should take 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 brake linings or a brake fluid reservoir), type 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 the 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 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 remediation and processes; and

(D) can improve its policy on consumer notice to combat effects of recall fatigue.

SEC. 24105. 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 outstanding open 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 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 of a vehicle leasing or registered in the State of any open recall on that vehicle; and

(3) provide the open vehicle motor recall information at no cost to each owner or lessee of a motor vehicle presented for registration in the State and 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.

SEC. 24106. EXTENSION OF TIME PERIOD FOR OPEN RECALL.

Section 30120A of title 49, United States Code, is amended by striking "chapter 11 of title 11," and inserting "chapter 7 or chapter 11 of title 11".

SEC. 24107. DEALER REQUIREMENT TO CHECK FOR OPEN RECALL.

Section 30120(b) of title 49, United States Code, is amended—

(1) by inserting "(1) IN GENERAL. A manufactur—

(2) in paragraph (1), as redesignated, by striking the period at the end and inserting the follow—

(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 30108 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. 24108. EXTENSION OF TIME PERIOD FOR REMEDY OF TIRE DEFECTS.

Section 30109(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. 24109. 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 30120(a) of title 49, United States Code, is amended—
(1) by redesigning paragraphs (10) and (11) as paragraphs (12) and (13), respectively;
(2) by redesigning paragraphs (1) through (9) as paragraphs (2) through (10), respectively;
(3) by inserting at the end of paragraph (2), as redesignated, the following:

"(11) 'rental company' means a person—
(1) who is engaged in the business of renting covered rental vehicles;
(2) who leases or rents more than 5,000 motor vehicles in its fleet;
(3) who, if a rental company, whether by electronic means or first class mail.
(12) 'vehicle identification number' for the covered vehicle is 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”.
(13) by striking "the dealer may sell or lease," and inserting "or the manufacturer has sold, leased, or rented the vehicle";
(14) by inserting (A) and (B) four ems from the left margin;
(15) by striking "the vehicle identification number for the covered vehicle (A) by redesigning "sale, lease, or rental agreement";
(16) 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
(17) 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 company shall comply with the limitations on sale, lease, or rental set forth in paragraph (3), and paragraph (4) and (5) of section 204 of such Act (49 U.S.C. 30501); and
(18) by adding at the end the following:

"(B) Notwithstanding paragraph (1), the Secretary determines to be appropriate.''.

SEC. 24110. INCREASE IN CIVIL PENALTIES FOR VIOLATIONS OF MOTOR VEHICLE SAFETY.

(a) INCREASE IN CIVIL PENALTIES.—Section 30153(a) of title 49, United States Code, 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 shall take effect on the date 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). The United States Code is amended—

(1) in paragraph (1), by striking "subsection (b)(2)(F)," and inserting "subsection (b)(2)(A),";
(2) by redesigning paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;
(3) by striking "rental company," after "dealer," each place such term appears and inserting "rental company, or any other business entity that has the authority to repair or modify the vehicle on behalf of the manufacturer or a rental company (as defined in section 30102(a) of title 49, United States Code);
(4) by inserting "as appropriate, to implement this section and the amendments made by this section.

SEC. 24111. ELECTRONIC ODOMETER DISCLOSURES.

Section 32026(c) of title 49, United States Code, is amended—
(1) by inserting "(1) before "Not later than" and inserting appropriately; and
(2) by adding at the end the following:

"(3) DEADLINE.—Not later than 1 year after the date of enactment of this Act.

SEC. 24112. CORPORATE RESPONSIBILITY FOR NHSTA REPORTS.

Section 30166(c) of title 49, United States Code, is amended—
(1) by inserting "(1) before "Not later than" and inserting appropriately; 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).''.
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) SEC. 24201.—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 Energy and Commerce, 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 pursuant to 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, the role of the Federal 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. 24202. COOPERATION WITH FOREIGN GOVERNMENTS.

(a) TITLE 49 AMENDMENT.—Section 30182(b) of title 49, United States Code, 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”;

(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,”;

(2) in subsection (c), by striking “foreign governments,” after “local governments,”;


SEC. 24203. 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 promulgate regulations to establish the appropriate period during which 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 records installed in passenger motor vehicles may capture and retain vehicle-related information pertinent to crashes involving such motor vehicles.

PART II—SAFETY THROUGH INFORMED CONSUMERS ACT OF 2015

SEC. 24321. SHORT TITLE.

This part may be cited as the “Safety Through Informed Consumers Act of 2015”.

SEC. 24322. PASSENGER MOTOR VEHICLE INFORMATION FROM VEHICLE EVENT DATA RECORDERS.

Section 32302 of title 49, United States Code, 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 (as defined in section 563.5 of title 49, Code of Federal Regulations), regardless of when the vehicle in which it is installed was manufactured, is the property of the owner or lessee of the vehicle, the lessee of the motor vehicle in which the event data recorder is installed.

(d) PRIVACY.—Data recorded or transmitted by an event data recorder installed 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;

(2) the data is subject to the standards for admission into evidence required by that court or other administrative authority;

(3) 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

(4) by agreeing to a subscription that describes how data will be retrieved and used.

The data is retrieved pursuant to an investigation or inspection authorized under section 113(a) or 30106 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.

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. 24323. TIRE FUEL EFFICIENCY MINIMUM PERFORMANCE STANDARDS.

Section 32304A of title 49, United States Code, is amended.
(1) in the section heading, by inserting "AND STANDARDS" after "CONSUMER TIRE INFORMATION:";

(2) in subsection (a)

(A) by striking "Rulemaking" and inserting "Consumer Tire Information"; and

(B) in paragraph (1), by inserting "(referred to in this section as the 'Secretary')" after "Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives, shall promulgate regulations for tire fuel efficiency minimum performance standards for—

(i) passenger car tires with a maximum speed capability equal to or less than 149 miles per hour or greater than 149 miles per hour or greater than 240 kilometers per hour;

(ii) passenger car tires with a maximum speed capability greater than 149 miles per hour or 240 kilometers per hour.

(C) A STANDARDS BASED TEST PROCEDURE.—The Secretary shall ensure that the minimum performance standards promulgated under paragraph (1) shall be expressed in terms of peak coefficient of friction 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).

(2) NO DISPARATE EFFECT ON HIGH PERFORMANCE CARS.—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.

(3) APPLICABILITY.—

(A) IN GENERAL.—This subsection applies to all new pneumatic tires for use on passenger cars.

(B) 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) PROHIBITION OF REGULATIONS FOR TIRE WET TRACTION MINIMUM PERFORMANCE STANDARDS.—

(1) STANDARDS BASED.—The Secretary shall ensure that the minimum performance standards promulgated under paragraph (1) shall be expressed in terms of peak coefficient of friction.

(2) TEST PROCEDURE.—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) the needs of consumers in the United States; and

(ii) the needs of consumers in the United States.

(D) APPLICABILITY.—

(A) IN GENERAL.—This subsection applies to new pneumatic tires for use on passenger cars.

(B) EXCEPTIONS.—This subsection does not apply to light truck tires, deep tread tires, win-

ter-type snow tires, space-saver or temporary use spare tires, or tires with nominal rim diameters of 12 inches or less.

(d) COORDINATION AMONG REGULATIONS.—

(1) COMBINATION.—The Secretary shall ensure that the test procedures and requirements promulgated under subsections (a), (b), and (c) are compatible and consistent.

(2) COMBINATION 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 subsections (b) and (c) 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. 24333. TIRE REGISTRATION BY INDEPENDENT SELLERS.

Paragraph (3) of section 30117(b) of title 49, United States Code, is amended to read as follows:

"(3) RULEMAKING.—

(A) IN GENERAL.—The Secretary shall initiate a rulemaking to require a distributor or dealer of tires to electronically transmit the record to electronic databases owned or controlled by the manufacturer of tires to maintain records of—

(i) the name and address of tire purchasers and lessors;

(ii) information identifying the tire that was purchased or leased; and

(iii) 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), (ii), and (iii) 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. 24334. TIRE IDENTIFICATION STUDY AND REPORT.

(a) STUDY.—The Secretary shall conduct a study to examine the feasibility of requiring all manufacturers of tires subject to section 30117(b) of title 49, United States Code, to—

(1) include electronic identification on every tire that reflects the information currently required in the tire identification number; and

(2) ensure that the same type and format of electronic information technology is used on all tires.

(b) REPORT.—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 the results of the study required by paragraph (1).

SEC. 24335. 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 data base shall establish under subsection (a) shall be searchable by Tire Identification Number (TIN) and any other source, unless the individual is the original source of the information; and

(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) the needs of consumers in the United States; and

(ii) the needs of consumers in the United States.

(D) APPLICABILITY.—

(A) IN GENERAL.—This subsection applies to all new pneumatic tires for use on passenger cars.

(B) 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.

(d) COORDINATION AMONG REGULATIONS.—

(1) COMBINATION.—The Secretary shall ensure that the test procedures and requirements promulgated under subsections (a), (b), and (c) are compatible and consistent.

(2) COMBINATION 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 subsections (b) and (c) 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)."
(ii) the significance of the original information provided by the whistleblower to the successful resolution of the covered action; (iii) the degree of assistance provided by the whistleblower to the investigation or to the covered action; and (iv) such additional factors as the Secretary considers relevant.

(2) DENIAL OF AWARDS.—No award under subsection (b) shall be made—

(A) to any whistleblower who is convicted of a criminal offense in connection with a public proceeding that was brought or conducted entirely by the whistleblower.

(B) to any whistleblower who, acting without the applicable motor vehicle manufacturer, part supplier, or dealership, or agent thereof, deliberately causes or substantially contributes to the alleged violation of a requirement of this chapter.

(C) to any whistleblower who submits information to the Secretary that is based on the facts underlying the covered action submitted previously by another whistleblower.

(D) to any whistleblower who fails to provide the original information to the Secretary in such form as the Secretary may require by regulation.

(E) if the applicable motor vehicle manufacturer, parts supplier, or dealership has an internal mechanism in place to give employees from retaliation, to any whistleblower who fails to report or attempt to report the information internally through such mechanism, unless—

(i) the whistleblower reasonably believed that such an internal report would have resulted in retaliation, notwithstanding section 30717(a);

(ii) the whistleblower reasonably believed that the information—

(I) was already internally reported;

(II) was already subject to or part of an internal inquiry or investigation; or

(III) was otherwise already known to the motor vehicle manufacturer, part supplier, or dealership; or

(iii) the Secretary has good cause to waive this requirement.

(d) REPRESENTATION.—A whistleblower may be represented by counsel.

(e) NO CONTRACT NECESSARY.—No contract with the Secretary is necessary for any whistleblower to receive an award under subsection (b).

(f) PROTECTION OF WHISTLEBLOWERS; CONFOIDENTIALITY.—

(1) In general.—Notwithstanding section 30167, and except as provided in paragraphs (4) and (5) of this subsection, the Secretary, and any other officer or employee of the Department of Transportation, shall not disclose any information, including information provided by a whistleblower to the Secretary, which could reasonably be expected to reveal the identity of a whistleblower, except in accordance with the provisions of section 552a of title 5, unless—

(A) required to be disclosed to a defendant or respondent in connection with a public proceeding instituted by the Secretary or any entity described in paragraph (5);

(B) the whistleblower provides prior written consent to such disclosure; or

(C) the Secretary, or other officer or employee of the Department of Transportation, receives the information through another source, such as during an inspection or investigation under section 30166, and has authority under other law to release the information.

(2) Disclosures to the Secretary, and any officer or employee of the Department of Transportation, shall take reasonable measures to not reveal the identity of the whistleblower when disclosure is required under paragraph (1).

(3) SECTION 552a(b)(6).—For purposes of section 552a of title 5, paragraph (1) of this subsection shall be considered a statute described in subsection (b) of that section.

(4) EFFECT.—Nothing in this subsection is intended to limit the ability of the Attorney General to present such evidence to a grand jury or to share such evidence with potential witnesses or defendants in the course of an ongoing criminal investigation.

(g) AvAILABILITY TO GOVERNMENT AGENCIES.—

(1) In general.—Without the loss of its status as confidential in the hands of the Secretary, any information referred to in paragraph (1) may, in the discretion of the Secretary, when determined by the Secretary to be necessary or appropriate to accomplish the purposes of this chapter and in accordance with this subparagraph (B), be made available to the following:

(i) The Department of Justice.

(ii) Any other department or agency of the Federal Government, acting within the scope of its jurisdiction.

(2) MAINTENANCE OF INFORMATION.—Each entity described in subparagraph (A) shall maintain information described in that subparagraph as confidential, in accordance with the requirements in paragraph (1).

(h) VIOLATION OF FALSE INFORMATION.—A whistleblower who knowingly and intentionally makes any false, fictitious, or fraudulent statement or representation, or who makes or allows any falsifying to be made to the same to contain any false, fictitious, or fraudulent statement or entry, shall not be entitled to an award under this section and shall be subject to prosecution under section 1001 of title 18.

(i) APPEALS.—

(1) In general.—Any determination made under this section, including whether, to whom, or in what amount an award shall be, is de termined by the Secretary.

(2) APPEALS.—Any determination made by the Secretary under this section may be appealed by a whistleblower to the appropriate court of appeals of the United States not later than 30 days after the determination is issued by the Secretary.

(3) REVIEW.—The court shall review the determination made by the Secretary in accordance with section 706 of title 5.

(j) REGULATION.—Not later than 18 months after the date of enactment of this section, the Secretary shall promulgate regulations on the requirements of this section, consistent with this subsection.

(k) RULE OF CONSTRUCTION.—

(1) ORIGINAL INFORMATION.—Information submitted to the Secretary by a whistleblower, which is required to be disclosed by the Secretary under part 566 of title 49, Code of Federal Regulations, shall not lose its status as original information solely because the whistleblower substantially contributed to the same to contain any false, fictitious, or fraudulent statement or entry.

(2) DETERMINATION.—The court shall rescind the determination made by the Secretary in accordance with section 706 of title 5.

(l) ExEMPTION.—No award shall be made to any person who is an employee of the Department of Transportation or who is a principal bank customer of the United States, for any information derived from an examination by the department or agency of the Government, acting within the scope of its jurisdiction.

(m) VIOLATION OF FALSE INFORMATION.—A whistleblower who knowingly and intentionally makes any false, fictitious, or fraudulent statement or representation, or who makes or allows any falsifying to be made to the same to contain any false, fictitious, or fraudulent statement or entry, shall not be entitled to an award under this section and shall be subject to prosecution under section 1001 of title 18.

(n) APPEALS.—Any determination made by the Secretary under this section may be appealed by a whistleblower to the appropriate court of appeals of the United States not later than 30 days after the determination is issued by the Secretary.

(o) REVIEW.—The court shall review the determination made by the Secretary in accordance with section 706 of title 5.

(p) REGULATION.—Not later than 18 months after the date of enactment of this section, the Secretary shall promulgate regulations on the requirements of this section, consistent with this subsection.

(q) RULE OF CONSTRUCTION.—

(1) ORIGINAL INFORMATION.—Information submitted to the Secretary by a whistleblower, which is required to be disclosed by the Secretary under part 566 of title 49, Code of Federal Regulations, shall not lose its status as original information solely because the whistleblower substantially contributed to the same to contain any false, fictitious, or fraudulent statement or entry.

(2) DETERMINATION.—The court shall rescind the determination made by the Secretary in accordance with section 706 of title 5.

(r) ExEMPTION.—No award shall be made to any person who is an employee of the Department of Transportation or who is a principal bank customer of the United States, for any information derived from an examination by the department or agency of the Government, acting within the scope of its jurisdiction.
(A) exempt from section 30112(a) of this title not more than 325 replica motor vehicles per year that are manufactured or imported by a low-volume manufacturer, and
(B) issued in paragraph (4) of this subsection, limit any such exemption to the Federal Motor Vehicle Safety Standards applicable to motor vehicles and not motor vehicle equipment.

(2) REGISTRATION REQUIREMENT.—To qualify for an exemption under paragraph (1), a low-volume manufacturer shall register with the Secretary at such time, in such manner, and under such terms that the Secretary determines appropriate. The Secretary shall establish terms that exempting a person may register as a low-volume manufacturer if the person is registered under an importer under section 30141 of this title.

(3) PERMANENT LABEL REQUIREMENT.—

(A) IN GENERAL.—The Secretary shall require a low-volume manufacturer to affix a permanent label to a motor vehicle exempted under paragraph (1) that identifies the manufacturer, the vehicle model year, and the date of manufacture.

(B) WRITTEN NOTICE.—The Secretary may require a low-volume manufacturer of a motor vehicle exempted under paragraph (1) to deliver written notice of the exemption to—

(i) the dealer; and
(ii) the first purchaser of the motor vehicle, if the dealer is not an individual that purchases the motor vehicle for resale.

(C) REPORTING REQUIREMENT.—A low-volume manufacturer shall annually report to the Secretary including the number and description of the motor vehicles exempted under paragraph (1) and a list of the exemptions described on the label affixed under subparagraph (A).

(4) VEHICLES EXEMPTED FROM CERTAIN REQUIREMENTS.—Any motor vehicle exempted under this subsection shall also be exempted from sections 32304, 32502, and 32601 of this title and from section 3 of the Clean Air Act (42 U.S.C. 7525(a)) is amended by adding at the end the following new paragraph:

"(5)(A) A motor vehicle engine (including all engine emission controls) may be installed in an exempted specially produced motor vehicle if the motor vehicle that is intended to resemble the body of another motor vehicle manufactured not less than 25 years before the manufacture of the replica motor vehicle; and

(B) REPLICA MOTOR VEHICLE.—The term 'replica motor vehicle' means a motor vehicle produced by a low-volume manufacturer and that—

(i) is intended to resemble the body of another motor vehicle manufactured not less than 25 years before the manufacture of the replica motor vehicle; and

(ii) is manufactured under a license for the product configuration, trademark, or patent, for the motor vehicle that is intended to be replicated from the original manufacturer, its successors or assigns, or current owner of such product configuration, trademark, or patent rights.

(6) CONSTRUCTION.—Except as provided in paragraph (1), a registrant shall be considered a motor vehicle manufacturer for purposes of parts A and C of subtitle VI of this title. Nothing shall be construed to exempt a low-volume manufacturer from the motor vehicle safety standards under sections 30116 through 30120A of this title, whose annual worldwide production, including information regarding emissions, warranty information, and the like, is considered a motor vehicle manufacturer for purposes of parts A and C of subtitle VI of this title, whose annual worldwide production, including information regarding emissions, warranty information, and the like.

(7) DEFINITIONS.—In this subsection:

(A) LOW-VOLUME MANUFACTURER.—The term 'low-volume manufacturer,' other than a person who is registered as an importer under section 30141 of this title, whose annual worldwide production, including information regarding emissions, warranty information, and the like, is considered a motor vehicle manufacturer, if applicable, is not more than 3,500 motor vehicles.

(B) REPLICA MOTOR VEHICLE.—The term 'replica motor vehicle' means a motor vehicle produced by a low-volume manufacturer and that—

(i) is intended to resemble the body of another motor vehicle manufactured not less than 25 years before the manufacture of the replica motor vehicle; and

(ii) is manufactured under a license for the product configuration, trademark, or patent, for the motor vehicle that is intended to be replicated from the original manufacturer, its successors or assigns, or current owner of such product configuration, trademark, or patent rights.

(8) STATE REGISTRATION.—Nothing in this subsection shall be construed to preempt, affect, or supersede any State titling or registration law.

(9) CONSTRUCTION.—Nothing in this subsection shall be construed to preempt, affect, or supersede any State titling or registration law.

(10) VEHICLE EMISSION COMPLIANCE STANDARDS FOR LOW-VOLUME MOTOR VEHICLE MANUFACTURERS.—Section 206(a) of the Clean Air Act (42 U.S.C. 7525(a)) is amended by adding at the end the following new paragraph:

"(5)(A) A motor vehicle engine (including all engine emission controls) may be installed in an exempted specially produced motor vehicle if the motor vehicle that is intended to resemble the body of another motor vehicle manufactured not less than 25 years before the manufacture of the replica motor vehicle; and

(B) REPLICA MOTOR VEHICLE.—The term 'replica motor vehicle' means a motor vehicle produced by a low-volume manufacturer and that—

(i) is intended to resemble the body of another motor vehicle manufactured not less than 25 years before the manufacture of the replica motor vehicle; and

(ii) is manufactured under a license for the product configuration, trademark, or patent, for the motor vehicle that is intended to be replicated from the original manufacturer, its successors or assigns, or current owner of such product configuration, trademark, or patent rights.

(11) CONSTRUCTION.—Except as provided in paragraph (1), a registrant shall be considered a motor vehicle manufacturer for purposes of parts A and C of subtitle VI of this title. Nothing shall be construed to exempt a low-volume manufacturer from the motor vehicle safety standards under sections 30116 through 30120A of this title, whose annual worldwide production, including information regarding emissions, warranty information, and the like, is considered a motor vehicle manufacturer for purposes of parts A and C of subtitle VI of this title, whose annual worldwide production, including information regarding emissions, warranty information, and the like.

(12) DEFINITIONS.—In this subsection:

(A) LOW-VOLUME MANUFACTURER.—The term 'low-volume manufacturer,' other than a person who is registered as an importer under section 30141 of this title, whose annual worldwide production, including information regarding emissions, warranty information, and the like, is considered a motor vehicle manufacturer, if applicable, is not more than 3,500 motor vehicles.

(B) REPLICA MOTOR VEHICLE.—The term 'replica motor vehicle' means a motor vehicle produced by a low-volume manufacturer and that—

(i) is intended to resemble the body of another motor vehicle manufactured not less than 25 years before the manufacture of the replica motor vehicle; and

(ii) is manufactured under a license for the product configuration, trademark, or patent, for the motor vehicle that is intended to be replicated from the original manufacturer, its successors or assigns, or current owner of such product configuration, trademark, or patent rights.

(13) CONSTRUCTION.—Except as provided in paragraph (1), a registrant shall be considered a motor vehicle manufacturer for purposes of parts A and C of subtitle VI of this title. Nothing shall be construed to exempt a low-volume manufacturer from the motor vehicle safety standards under sections 30116 through 30120A of this title, whose annual worldwide production, including information regarding emissions, warranty information, and the like, is considered a motor vehicle manufacturer for purposes of parts A and C of subtitle VI of this title, whose annual worldwide production, including information regarding emissions, warranty information, and the like.

(14) DEFINITIONS.—In this subsection:

(A) LOW-VOLUME MANUFACTURER.—The term 'low-volume manufacturer,' other than a person who is registered as an importer under section 30141 of this title, whose annual worldwide production, including information regarding emissions, warranty information, and the like, is considered a motor vehicle manufacturer, if applicable, is not more than 3,500 motor vehicles.

(B) REPLICA MOTOR VEHICLE.—The term 'replica motor vehicle' means a motor vehicle produced by a low-volume manufacturer and that—

(i) is intended to resemble the body of another motor vehicle manufactured not less than 25 years before the manufacture of the replica motor vehicle; and

(ii) is manufactured under a license for the product configuration, trademark, or patent, for the motor vehicle that is intended to be replicated from the original manufacturer, its successors or assigns, or current owner of such product configuration, trademark, or patent rights.

(15) CONSTRUCTION.—Except as provided in paragraph (1), a registrant shall be considered a motor vehicle manufacturer for purposes of parts A and C of subtitle VI of this title. Nothing shall be construed to exempt a low-volume manufacturer from the motor vehicle safety standards under sections 30116 through 30120A of this title, whose annual worldwide production, including information regarding emissions, warranty information, and the like, is considered a motor vehicle manufacturer for purposes of parts A and C of subtitle VI of this title, whose annual worldwide production, including information regarding emissions, warranty information, and the like.

(16) DEFINITIONS.—In this subsection:

(A) LOW-VOLUME MANUFACTURER.—The term 'low-volume manufacturer,' other than a person who is registered as an importer under section 30141 of this title, whose annual worldwide production, including information regarding emissions, warranty information, and the like, is considered a motor vehicle manufacturer, if applicable, is not more than 3,500 motor vehicles.

(B) REPLICA MOTOR VEHICLE.—The term 'replica motor vehicle' means a motor vehicle produced by a low-volume manufacturer and that—

(i) is intended to resemble the body of another motor vehicle manufactured not less than 25 years before the manufacture of the replica motor vehicle; and

(ii) is manufactured under a license for the product configuration, trademark, or patent, for the motor vehicle that is intended to be replicated from the original manufacturer, its successors or assigns, or current owner of such product configuration, trademark, or patent rights.
a person who is registered as an importer under section 3014I of title 49, United States Code, whose annual worldwide production, including by a parent or subsidiary of the manufacturer, if applicable, is not more than 5,000 motor vehi-
cles.’’.

(c) IMPLEMENTATION.—Not later than 12 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, and the Administrator of the Environmental Protection Agency shall issue such regulations as may be necessary to implement the amendments made by subsections (a) and (b), respectively.

SEC. 24406. MOTOR VEHICLE SAFETY GUIDE-
LINES.

Section 3011I of title 49, United States Code, is amended by adding at the end the following new subsection:

‘‘(f) MOTOR VEHICLE SAFETY GUIDELINES.—

(1) IN GENERAL.—No guidelines issued by the Secretary with respect to motor vehicle safety shall confer any rights on any person, State, or locality, nor shall operate to bind the Secretary or any person to the approach recommended in such guidelines. In any enforcement action with respect to motor vehicle safety, the Secretary shall not be liable for damages or penalties under this title for any action based on a finding that a product complies with an applicable guideline.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require the Secretary to issue a guideline or to negate any authority of the Secretary to issue guidelines under this chapter.

SEC. 24407. 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 restraint system was used, and whether the child restraint system was forward-facing or rear-facing in the vehicle concerned.

(b) IN GENERAL.—In implementing subsection (a), the Secretary shall require all motor vehicle manufacturers to submit information that is capable of being used by the Secretary to develop the data required by subsection (a).

DIVISION C—FINANCE

TITLE XXXI—HIGHWAY TRUST FUND AND RELATED TAXES

Subtitle A—Extension of Trust Fund Expenditure Authority and Related Taxes

SEC. 31101. EXTENSION OF HIGHWAY TRUST FUND EXPENDITURE AUTHORITY

(a) HIGHWAY TRUST FUND.—Section 5903 of the Internal Revenue Code of 1986 is amended—

(1) by striking ‘‘December 5, 2015’’ in subsections (b)(6)(B), (c)(1), and (e)(3) and inserting ‘‘October 1, 2020’’, and

(2) by striking ‘‘Surface Transportation Extension Act of 2015, Part II’’ in subsections (c)(1) and (e)(3) and inserting ‘‘FAST Act’’.

(b) SPORTS FISH RESTORATION AND BOATING TRUST FUND.—Section 5904 of such Code is amended—

(1) by striking ‘‘Surface Transportation Extension Act of 2015, Part II’’ each place it appears in subsection (b)(2) and inserting ‘‘FAST Act’’, and

(2) by striking ‘‘December 5, 2015’’ in subsection (d)(2) and inserting ‘‘October 1, 2020’’.

SEC. 31102. 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, 2022’’ and inserting ‘‘October 1, 2022’’:

(A) Section 4941(a)(1)(H)(I).

(B) Section 4941a(c)(1)(B).

(C) Section 4991(d)(1).

(2) Each of the following provisions of such Code is amended by striking ‘‘October 1, 2016’’ and inserting ‘‘October 1, 2020’’:

(A) Section 4941(m)(1)(A).

(B) Section 4951(c).

(C) Section 4971(d).

(D) Section 4981(d)(3).

(e) EXTENSION OF CERTAIN EXEMPTIONS.—Tax—on USE OF CERTAIN HEAVY VEHICLES—Each of the following provisions of the Internal Revenue Code of 1986 is amended—

(1) by striking ‘‘October 1, 2016’’ each place it appears and inserting ‘‘October 1, 2022’’;

(2) by striking ‘‘March 31, 2017’’ each place it appears and inserting ‘‘March 31, 2023’’; and

(3) by striking ‘‘January 1, 2017’’ and inserting ‘‘January 1, 2023’’.

(f) EXTENSION OF CERTAIN TAXES.—

(1) IN GENERAL.—Section 5902 of the Internal Revenue Code of 1986 is amended—

(A) in subsection (b)—

(i) by striking ‘‘October 1, 2016’’ each place it appears and inserting ‘‘October 1, 2022’’;

(ii) by striking ‘‘March 31, 2017’’ each place it appears and inserting ‘‘March 31, 2023’’; and

(iii) by striking ‘‘January 1, 2017’’ and inserting ‘‘January 1, 2023’’;

(B) IN GENERAL.—There are hereby appropriated—

(i) by striking ‘‘Hereby’’ and inserting the following:

‘‘(A) IN GENERAL.—There are hereby’’, and

(ii) by adding at the end the following new paragraph:

‘‘(B) PENALTIES RELATED TO MOTOR VEHICLE SAFETY.—

‘‘(a) IN GENERAL.—There are hereby appropriated to the Highway Trust Fund amounts equivalent to covered motor vehicle safety penalty collections.

‘‘(b) COVERED MOTOR VEHICLE SAFETY PENAL-
TIES.—Each of the following subparagraphs of this sub-
paragraph, the term ‘‘covered motor vehicle safety penalty collections’’ means any amount collected in connection with a civil penalty under such subsection.

‘‘(C) on October 1, 2017, $100,000,000, and

‘‘(D) each of the following provisions 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. 31203. APPROPRIATION FROM LEAKING UNDERGROUND STORAGE TANK TRUST FUND

(a) IN GENERAL.—Subsection (c) of section 5908 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

‘‘(A) on the date of the enactment of the FAST Act, $100,000,000, and

(B) on October 1, 2016, $100,000,000, and

(C) on October 1, 2017, $100,000,000, to be transferred under section 9503(f)(9) to the Highway Account (as defined in section 9503(e)(5)(B) in the Highway Trust Fund.’’.

(b) CONFORMING AMENDMENT.—Section 9503(c)(15) of such title, if applicable, is amended by striking ‘‘paragraphs (2) and (3)’’ and inserting ‘‘paragraphs (2), (3), and (4)’’.

Denise E. H. Spencer
(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. 7341. REVOCATION OR DENIAL OF PASSPORT IN CASE OF CERTAIN UNPAID TAX DEPRECIENCIES.**

(a) IN GENERAL.—If the Secretary receives certification by the Commissioner of Internal Revenue that an individual has a seriously delinquent tax debt, the Secretary shall transmit such certification to the Secretary of State for action with respect to revocation or limitation of a passport pursuant to section 32101 of the FAST Act.

(b) SERIOUSLY DELINQUENT TAX DEBT.—For purposes of this section, the term ‘seriously delinquent tax debt’ means an unpaid, legally enforceable Federal tax liability of an individual—

(A) which has not been paid in full, or

(B) which is greater than $50,000, and

(C) with respect to which—

(i) a return has not been filed pursuant to section 6223 and the administrative rights under section 6320 with respect to such filing have been exhausted or have lapsed, or

(ii) a request pursuant to section 6331.

(2) EXCEPTIONS.—Such term shall not include—

(A) a debt that is being paid in a timely manner pursuant to an agreement to which the individual is party under section 6159 or 7122, and

(B) a debt with respect to which collection is suspended with respect to the individual.

(3) IN GENERAL.—If the process hearing under section 6330 is requested or pending, or

(ii) because an election under subsection (b) or (c) of section 6203, or in any other proceeding or under subsection (f) of section 102(b) is requested.

(c) REVERSAL OF CERTIFICATION.—

(1) IN GENERAL.—In the case of an individual with respect to whom the Commissioner makes a certification under subsection (a), the Commissioner shall notify the Secretary (and the Secretary shall subsequently notify the Secretary of State) if such certification is found to be erroneous or that the debt with respect to such certification is fully satisfied or ceases to be a seriously delinquent tax debt by reason of subsection (a)(2).

(2) TIMING OF NOTICE.—

(A) FULL SATISFACTION OF DEBT.—In the case of a debt that has been fully satisfied or has become unenforceable, such notification shall be made not later than the date required for issuing the certificate of release of lien with respect to such debt under section 6223(a).

(B) INNOCENT SPOUSE RELIEF.—In the case of an individual who makes an election under subsection (b) of section 6015, or requests relief under subsection (f) of such section, such notification shall be made not later than 30 days after such election or request.

(C) REMOVAL OR OFFER-IN-COMpromise.—In the case of an installment agreement under section 6159 or an offer-in-compromise under section 7122, such notification shall be made not later than 30 days after such agreement is entered into or such offer is accepted by the Secretary.

(D) ERRONEOUS CERTIFICATION.—In the case of a certification found to be erroneous, such notification shall be made as soon as practicable after such finding.

(e) JUDICIAL REVIEW OF CERTIFICATION.—

(1) IN GENERAL.—After the Commissioner notifies an individual under subsection (d), the taxpayer may bring a civil action against the United States in a district court of the United States or the Tax Court to determine whether the certification was erroneous or whether the Commissioner has failed to reserve the certification.

(2) DETERMINATION.—If the court determines that such certification was erroneous, then the court may order the Secretary to notify the Secretary of State that such certification was erroneous.

(f) 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—

(i) such dollar amount, multiplied by

(ii) the cost-of-living adjustment determined under section 1(f)(2) for the calendar year, determined by substituting ‘calendar year 2015’ for ‘calendar year 1992’ in subparagraph (B) thereof.

(g) DELETION OF CERTIFICATION.—A certification under subsection (a) or a revocation of certification under subsection (c) may only be delayed by the Commissioner of Internal Revenue to the Deputy Secretary of State, the Federal Bureau of Investigation, or the Commissioner of an operating division, of the Internal Revenue Service.

(h) INFORMATION INCLUDED IN NOTICE OF LIEN AND LEGY.—

(1) NOTICE OF LIEN.—Section 6320(a)(3) of such Code is amended by striking ‘and’ at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ‘; and’ and adding at the end the following new subparagraph:

‘(E) the provisions of section 7340 relating to the certification of seriously delinquent tax debts and the denial, revocation, or limitation of passports of individuals with such debts pursuant to section 32101 of the FAST Act.’.

(2) NOTICE OF LEGY.—Section 6331(d)(4) of such Code is amended by striking ‘and’ at the end of subparagraph (E), by striking the period at the end of subparagraph (F) and inserting ‘; and’ and adding at the end the following new subparagraph:

‘(G) the provisions of section 7340 relating to the certification of seriously delinquent tax debts and the denial, revocation, or limitation of passports of individuals with such debts pursuant to section 32101 of the FAST Act.’

(i) AUTHORITY FOR INFORMATION SHARING.—

(1) IN GENERAL.—Section 6103(k) of such Code is amended by adding at the end the following new paragraph:

‘(t) disclosure of return information to the Secretary of State, before revocation, may—

(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

(iii) 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 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) if—

(i) the Secretary of State deems it necessary to return travel to the United States; or

(ii) issue a limited passport that only permits return travel to the United States.

(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, the Secretary of State, and any of their designees shall not be liable to an individual described in such subparagraph for any action with respect to a certification by the Commissioner of Internal Revenue under section 7340 of the Internal Revenue Code of 1986.

(1) 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.

(B) REVOCATION.—

(A) IN GENERAL.—The Secretary of State may revoke a passport previously issued to any individual described in paragraph (1)(A) if—

(i) the Secretary of State deems it necessary to return travel to the United States; or

(ii) issue a limited passport that only permits return travel to the United States.
debt, the Secretary of State shall remove from the individual’s record the certification with respect to such debt.

(h) CLERICAL AMENDMENT.—The table of sections for 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 delinquency.”

(i) EFFECTIVE DATE.—The provisions of, and amendments made by, this section shall take effect on the date of the enactment of this Act.

SEC. 32102. RULES RELATING TO QUALIFIED TAX COLLECTION CONTRACTS.

(a) REQUIREMENTS 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 (j) 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) TAxPAYERS NOT ELIGIBLE FOR COLLECTION UNDER QUALIFIED TAX COLLECTION CONTRACTS.—Section 6306 of the Internal Revenue Code of 1986, as amended by redesignating subsection (a), is amended by redesignating subsections (d) through (g) as subsections (e) through (h), respectively, and by inserting after subsection (g) the following new subsection:

“(d) CERTAIN TAX RECEIVABLES NOT ELIGIBLE FOR COLLECTION UNDER QUALIFIED TAX COLLECTION 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 closed as an innocent spouse case,

“(3) involves a taxpayer identified by the Secretary as being—

“(A) deceased,

“(B) incapacitated at the age of 18, or

“(C) in a designated combat zone, or

“(D) a victim of tax-related identity theft,

“(4) is currently under examination, litigation, criminal investigation, 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 collection tools and techniques established therein, to the extent such private collection contractors and debt collection centers are appropriate to carry out the purposes of this section.”

“(i) DISCLOSURE OF RETURN INFORMATION.—Section 6103(k) of the Internal Revenue Code of 1986, as amended by section 32101, is amended by adding at the end the following new paragraph:

“(12) 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 contract. Disclosures under this paragraph shall be made only in such situations and under such conditions as have been approved by the Secretary.”

“(j) 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 inserting after subsection (i) 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 Federally declared disaster (as defined by section 52106) 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.”.

“(k) 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 (g) 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 Finance Committee 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 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 biennial report in a form similar to that required under section 6103(p)(5), and

“(2) biannually (beginning with the second report required under this subsection) with respect to such fiscal year—

“(A) an independent evaluation of contractor performance, and

“(B) a measurement plan that includes a comparison of the best practices used by the contractors to the techniques currently used by the Internal Revenue Service and a description of the collection techniques used by the contractors that could be adopted by the Internal Revenue Service.”

“(l) 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).

“(m) EFFECTIVE DATE.—

“(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 amendments 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 (i) shall take effect on the date of the enactment of this Act.

SEC. 32103. SPECIAL COMPLIANCE PERSONNEL PROGRAM ACCOUNT.

“(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 D of chapter 75 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 related to the Secretary’s (e)(2).

“(b) RESTRICTIONS.—The program described in subsection (a) shall be subject to the following restrictions:

“(1) 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 employed under such account, 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 hiring, training, and the recruiting and retraining of current non-collegiate 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) and the total number and amount of uncollected tax receivables transferred to such account and the number of special compliance personnel hired
and employed under the program, and the amount of revenue actually collected by such personnel.

(2) For the current fiscal year, 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 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.

(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 chapter A of chapter 64 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 6308 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. 32104. REPEAL OF MODIFICATION OF AUTOMATIC EXTENSION OF RETURN DUE DATE FOR CERTAIN EMPLOYEE BENEFIT PLANS.

(a) IN GENERAL.—Section 2006(b) of the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 is amended by striking paragraph (3).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns for taxable years beginning after December 31, 2015.

Subtitle B—Fees and Receipts

SEC. 32201. ADJUSTMENT FOR INFLATION OF FEES FOR CERTAIN CUSTOM SERVICES.

(a) IN GENERAL.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c), as amended by subsection (a) and (b), is further amended—

(1) in subparagraph (A), by inserting ‘‘(subject to adjustment under subsection (l))’’ after ‘‘fees’’;

(2) in subsection (b)(2), by inserting ‘‘(subject to adjustment under subsection (l))’’ after ‘‘in fees’’;

(b) EFFECTIVE DATE.—The amendments made by this subsection (a) shall take effect on January 1, 2016.

SEC. 32204. 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 shall draw down 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; and

(B) 16,000,000 barrels of crude oil during fiscal year 2023;

(C) 25,000,000 barrels of crude oil during fiscal year 2024; and

(D) 25,000,000 barrels of crude oil during fiscal year 2025.

(2) DEPOSIT OF AMOUNTS RECEIVED FROM SALES.—Amounts received from a sale under paragraph (1) shall be deposited in the general fund of the Treasury.

(c) CONFORMING AMENDMENTS.—Section 13033 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c), as amended by subsection (a) and (b), is further amended—

(1) in subsection (a) in the matter preceding clause (i), by inserting ‘‘and subject to adjustment under subsection (l)’’ after ‘‘in fees’’;

(2) in subsection (b), by inserting ‘‘(subject to adjustment under subsection (l))’’ after ‘‘in fees’’;

(3) in paragraph (6), by inserting ‘‘(subject to adjustment under subsection (l))’’ after ‘‘in fees’’;

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2016.

SEC. 32205. REPEAL.

Effective as of November 2, 2015, the date of the enactment of the Bipartisan Budget Act of 2015 (Public Law 114-74), section 201 of such Act (amending section 9022 of title 27, United States Code), is repealed, and the provisions of law amended by such section are hereby restored to appear as if such section had not been enacted into law.
(1) by striking subsections (h) and (i); (2) by redesignating subsections (j) through (l) as subsections (k) through (m), respectively; and (3) in subsection (h) (as so redesignated), by striking "by the responsible agency" and inserting in lieu thereof "by the agency 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 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 reviews and authorizations most commonly involved;" and (iii) add a covered project to the inventory after receiving a notice described in section 41003(g)(1).

(12) FACILITATING AGENCY.—The term "facilitating agency" means the agency that receives the initial notification from the project sponsor required under section 41003(g)

(13) INVENTORY.—The term "inventory" means a list of projects established by the Executive Director under section 41002(c)(1)(A).

(14) PROJECT SPONSOR.—The term "project sponsor" means an entity, including any private, public, or public-private entity, seeking an authorization for a covered project.

(B) EXCLUSION.—The term "covered project" means any project subject to NEPA; (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—

(1) authorization or environmental review involving more than 2 Federal agencies; or (II) a current or proposed environmental impact statement under NEPA.

(B) EXCLUSION.—The term "covered project" does not include—

(1) 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. 2284).

(B) DASHBOARD.—The term "Dashboard" means the Permitting Dashboard required under section 41003(b).

(B) 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).
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.

(2) GOVERNANCE.—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.

(3) DEFINITION.—Not later than 2 years after the date on which the performance schedules are established under this subparagraph, and each 2 years thereafter, the Executive Director, in consultation with the Council, shall review and revise the performance schedules.

(4) SUPPORT.—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 a review and audit 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).

(5) GUIDANCE.—The Executive Director, in consultation with the Council, shall issue guidance and technical assistance with regard to the designations under paragraph (2) and the performance schedules under paragraph (1).

(iv) UPDATE.—The Council may update the recommendations described in clause (i).

(v) 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 soliciting 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) implementing data 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.

(MEETINGS.—The Council shall meet not less than frequently as annually with groups or individuals involved with agencies, Federal, State, tribal, and local governments that are engaged in the infrastructure permitting process.

(3) AGENCY CERPO.—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 responsibilities of the agency, including supporting timely identification and resolution of potential disputes within the agency or between the agency and other Federal, State, tribal, and local governments;

(C) analyze agency environmental review and authorization processes, policies, and authorizations and make recommendations to the respective agency councilmember for ways to standardize, simplify, and improve the efficiency of the processes, policies, and authorizations, including by implementing recommenda-tions of the Council;

(D) GIVE MEETINGS.—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.

(E) DEFINITION.—Not later than 2 years after the date on which the performance schedules are established under this subparagraph, and each 2 years thereafter, the Executive Director, in consultation with the Council, shall review and revise the performance schedules.

(F) SUPPORT.—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 a review and audit 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).

(G) RECORD OF DETERMINATION.—The Council shall issue guidance and technical assistance with regard to the designations under paragraph (2) and the performance schedules under paragraph (3).

(H) UPDATE.—The Council may update the recommendations described in clause (i).

(I) 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 soliciting 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) implementing data 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 CERPO.—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 responsibilities of the agency, including supporting timely identification and resolution of potential disputes within the agency or between the agency and other Federal, State, tribal, and local governments;

(C) analyze agency environmental review and authorization processes, policies, and authorizations and make recommendations to the respective agency councilmember for ways to standardize, simplify, and improve the efficiency of the processes, policies, and authorizations, including by implementing recommendations provided in the best practices and recommendations of the Council described in paragraph (2).

(D) RECORD OF DETERMINATION.—The Council shall issue guidance and technical assistance with regard to the designations under paragraph (2) and the performance schedules under paragraph (1).

(E) UPDATE.—The Council may update the recommendations described in clause (i).

(F) BEST PRACTICES.—Not later than 1 year after the date of the 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 soliciting and, as appropriate, incorporating recommendations provided in public comments on any proposed covered project;

(ii) ensuring timely decisions regarding environmental reviews, and authorizations anticipated to be required to complete the proposed project; and

(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 41001 of this title and a statement of reasons supporting the assessment.

(3) 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), 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 41001.

(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.

(4) 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 any Federal environmental authority related to, or submit comments on, the proposed project.

(B) CHANGE CIRCUMSTANCES.—On request and in the event of changed circumstances, the Executive Director may designate an agency that has opted out under subparagraph (A)(i) to be a participating or cooperating agency, as applicable.

(4) EFFECT OF DESIGNATION.—The designation described in paragraph (3) shall not—

(A) affect the lead 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) DESIGNATION 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 request of the facilitating or lead agency for a particular covered project.

(B) RESOLUTION OF DISPUTE.—The Chairman of the Council on Environmental Quality 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 all Federal environmental reviews and authorizations for any covered project in the inventory described in section 41002(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 41002(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.

(iii) NEW PROJECTS.—(A) IN GENERAL.—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.

(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.
(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 AGENCY.
(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—
(1) the notification submitted under subsection (a)(1);
(2) 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); and
(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).

(5) CONSISTENCY WITH OTHER TIME PERIODS.—(I) A determination by 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 participating agencies to the dispute to resolve the dispute by the date specified in clause (III), as applicable, on the date of submission of the dispute to the Executive Director.

(II) MODIFICATION AFTER APPROVAL.—(a) If the Executive Director approves a timetable established under subparagraph (A) in accordance with paragraph (A), the facilitating or lead agency, as applicable, may modify the permitting timetable established under subparagraph (A) only if—
(1) the facilitating or lead agency, as applicable, establishes the modification on the record, and
(2) the modification is consistent with the relevant factors described under subparagraph (B), whether to grant the facilitating or lead agency, as applicable, authority to make such modification.

(iii) COMPLETION DATE.—A completion date in the permitting timetable may be extended, or modified within 30 days of the completion date.

(iii) LIMITATION ON LENGTH OF MODIFICATION.—(I) IN GENERAL.—Except as provided in subsection (II), the total length of all modifications to a permitting timetable authorized or made under this subparagraph, other than for reasons outside the control of Federal, State, local, or tribal governments, may not exceed the permitting timetable for a period of time greater than the original permitting timetable, as established under subparagraph (A) to the last final completion date originally established under subparagraph (A).

(III) ADDITIONAL EXTENSIONS.—The Director of the Office of Management and Budget, after consulting with the project sponsor, may permit the Executive Director to authorize additional extensions of a permitting timetable beyond the limit prescribed by subsection (I). In such a case, the Director of the Office of Management and Budget shall transmit, not later than 5 days after making a determination to permit an extension of authorization under this subparagraph, a report to Congress explaining why such modification is required. Such report shall emphasize how Congress can ensure that the project is completed on the date on which the permit review is completed or the project sponsor withdraws its notice or application. Such a report shall be made public.

(iv) LIMITATION ON JUDICIAL REVIEW.—The following shall not be subject to judicial review:
(I) A determination by the Executive Director under clause (ii)(II).

(II) A determination under clause (iii)(II) by the Director of the Office of Management and Budget to permit the Executive Director to authorize extensions of a permitting timetable.

(E) CONSISTENCY WITH OTHER TIME PERIODS.—A permitting timetable established under subparagraph (A) may be incorporated into a permitting timetable for any other relevant time periods established under Federal law and shall not prevent any cooperating or participating agency from discharging their responsibilities under Federal law in connection with the project.

(IV) CONFORMING TO PERMITTING TIMETABLES.—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).

(i) 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.

(III) no later than 5 days after making a determination to permit an extension of authorization under this subparagraph, a report to Congress explaining why such modification is required. Such report shall emphasize how Congress can ensure that the project is completed on the date on which the permit review is completed or the project sponsor withdraws its notice or application. Such a report shall be made public.

(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 or lead agency may request the project sponsor provide an updated statement regarding the ability of the project sponsor to complete the project.

(ii) Request.—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 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 covered 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 processes under this subsection and to make subject to the process all State agencies that—

(i) have jurisdiction over the covered project;

(ii) conducted or issued a state environmental analysis, opinion, or statement for the covered project; or

(iii) are required to make a determination on issues of State permit, license, or other approval 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 level or tribal agency necessary 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 cooperating or participating 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) Applicability.—The requirements under this title shall only apply to a State or an authorized entity issued by a State if the State has chosen to participate in the environmental review and authorization process pursuant to this paragraph.

(d) Early Consultation.—The facilitating or lead agency, as applicable, shall provide an early consultation 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 forecast-applications tools, 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 other designation described in subsection (a)(3).

(3) Limitation on Designation.—Any agency not designated as a participating agency under subsection (a)(3) shall not be designated as a cooperating agency under this subsection.

(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 the National Environmental Policy 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 affect those projects to any requirements of this title.

SEC. 41004. INTERSTATE COMPACTS.

(a) In General.—The consent of Congress is given for any or all States that are parties to the Compact 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 41006, 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. 41005. 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 by the lead or facilitating agencies, as applicable, or by the 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 compliance of the environmental review process in a timely, coordinated, and environmentally responsible manner.

(b) Adoption of Environmental Review 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 for and adopted by the State agency responsible for conducting the environmental review, the methodologies to be used in preparing the analysis and documentation referred to in subparagraph (A) when conducting any required environmental review, to the extent consistent with existing law.

(B) Environmental Review.—A cooperating or lead agency shall use the methodologies referred to in subparagraph (A) when conducting any required environmental review, to the extent consistent with existing law.

(C) Alternative Analysis.—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 and ensure concurrent compliance with other applicable laws if the lead agency determines that the development of the higher level of detail will not prevent—
(A) any other 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) Cooperating and participating agency and project sponsor as based on existing data sources, including geographic information systems, are cooperated and participating agency, extends the deadline for any cooperating agency agree to a longer deadline for 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.

(e) ISSUES 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.

(f) LEAD AGENCY RESPONSIBILITIES.—
(1) the lead agency shall make information available to each cooperating and participating agency and project sponsor as early as practicable in the environmental review process concerning physical, historical, and socioeconomic resources located within the project area and the general locations of the alternatives under consideration.

(g) SOURCES OF INFORMATION.—The information described in subparagraph (A) may be based on existing data sources, including geographic information systems, mapping.

(h) COOPERATING AND PARTICIPATING AGENCY RESPONSIBILITIES.—Each cooperating and participating agency shall—
(1) verify, as promptly and 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
(2) communicate any issues described in subparagraph (A) to the project sponsor.

(i) CATEGORIES OF PROJECTS.—The authorities granted under this section may be exercised for an individual covered project or a category of covered projects.

SEC. 41006. DELEGATED STATE PERMITTING PROGRAMS.

(a) IN GENERAL.—If a Federal statute permits a Federal officer 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 41002(c)(2)(B), initiate a national process for determining the applicability of versions of the applicable permit program to reflect the best practices described in section 41002(c)(2)(B), as appropriate.

(b) BEST PRACTICES.—Lead and cooperating agencies, including State, tribal, and local authorities best practices involved in review of covered projects and invite input from State, tribal, and local authorities regarding the environmental, historic, and so-

SEC. 41007. LITIGATION, JUDICIAL REVIEW, AND SAVINGS PROVISION.

(a) LIMITATIONS CLAIMED.
(1) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of any authorization the preparation of a supplemental environmental impact statement is allowed; and
(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 extend the 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.

(i) the action is filed by a party that submitted a comment during the environmental review; and
(ii) any commenter filed a sufficiently detailed comment so as to put the lead agency on notice of the issues on which the party seeks judicial review, or the lead agency did not provide a reasonable opportunity for such a comment on that issue.

(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 lead agency to consider or take action on an issue on which a party seeks judicial review, the lead agency shall—
(1) be developed in consultation with affected authorities required under sections 41002 and 41003, including the costs to implement the requirements and authorities required under sections 41002 and 41003, including the costs to agencies and the costs of operating the Council.

(c) FEES STRUCTURE.—The fee structure established under subsection (a) shall be developed in consultation with affected parties; industries, and other stakeholders.

(d) EXCLUDED ITEMS.—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.

(e) LIMITATIONS.—Nothing in this subsection—
(1) prevents a Federal officer to comply with or enforce any applicable law or result in the denial of any approval under applicable law.

(f) LEAD AGENCY RESPONSIBILITIES.—
(1) The lead agency shall make information available to each cooperating and participating agency and project sponsor as early as practicable in the environmental review process regarding applicable laws or result in the denial of any approval under applicable law.

(g) ISSUES 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.

(h) LEAD AGENCY RESPONSIBILITIES.—
(1) The lead agency shall make information available to each cooperating and participating agency and project sponsor as early as practicable in the environmental review process concerning physical, historical, and socioeconomic resources located within the project area and the general locations of the alternatives under consideration.

(i) SOURCES OF INFORMATION.—The information described in subparagraph (A) may be based on existing data sources, including geographic information systems, mapping.

(j) COOPERATING AND PARTICIPATING AGENCY RESPONSIBILITIES.—Each cooperating and participating agency shall—
(1) verify, as promptly and 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
(2) communicate any issues described in subparagraph (A) to the project sponsor.

(k) CATEGORIES OF PROJECTS.—The authorities granted under this section may be exercised for an individual covered project or a category of covered projects.

SEC. 41008. REPORTS.

(a) TO CONGRESS.—
(1) 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.

(f) REPORT TO CONGRESS.—
(1) IN GENERAL.—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 describes—
(1) agency progress in making improvements consistent with those best practices; and
(2) agency compliance with the performance schedules established under section 41002(c)(1)(C).

(g) OPPORTUNITY TO INCLUDE COMMENTS.—Each member, 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 paragraph (1).

(h) COMPROMISE GENERAL 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 describes—
(1) agency progress in making improvements consistent with the best practices issued under section 41002(c)(2)(B); and
(2) agency compliance with the performance schedules established under section 41002(c)(1)(C).

SEC. 41009. FUNDING FOR GOVERNANCE, OVER-SIGHT, AND PROCESSING OF ENVIRONMENTAL REVIEWS AND PERMITS.

(a) IN GENERAL.—The heads of agencies listed in section 41002(b)(2)(B) shall submit to the Comptroller General of the Office of Management and Budget and in consultation with the Executive Director, may, after public notice and opportunity for comment, establish a fee structure for project proponents to reimburse the United States for reasonable costs incurred in conducting environmental reviews and authorizations under this title.

(b) REASONABLE COSTS.—As used in this section, the term ‘reasonable costs’ shall include costs to agencies and the costs of operating the Council.

(c) FEES STRUCTURE.—The fee structure established under subsection (a) shall—
(1) be developed in consultation with affected parties; industries, and other stakeholders.

(d) EXCLUDED ITEMS.—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.

(e) LIMITATIONS.—Nothing in this subsection—
(1) prevents a Federal officer to comply with or enforce any applicable law or result in the denial of any approval under applicable law.

(2) the action is filed not later than 2 years after the date of publication in the Federal Register of a final environmental impact statement or other supplemental environmental impact statement or other supple-

(i) the action is filed by a party that submitted a comment during the environmental review; and
(ii) any commenter filed a sufficiently detailed comment so as to put the lead agency on notice of the issues on which the party seeks judicial review, or the lead agency did not provide a reasonable opportunity for such a comment on that issue.

(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 lead agency to consider or take action on an issue on which a party seeks judicial review, the lead agency shall—
(1) be developed in consultation with affected authorities required under sections 41002 and 41003, including the costs to implement the requirements and au-

(f) REPORT TO CONGRESS.—
(1) 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.

(f) REPORT TO CONGRESS.—
(1) 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.

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(f) REPORT TO CONGRESS.—
(1) 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.
to be known as the “Environmental Review Improvement Fund” (referred to in this section as the “Fund”).

(2) AVAILABLE.—Amounts in the Fund shall be available to the Executive Director, without appropriation or fiscal year limitation, solely for the purposes 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 42003(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 obligations and 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. 41002. GAO REPORT.

This title applies to any covered project for which:

(1) a notice is filed under section 41003(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. 41003. APPLICABILITY.

This title applies to any covered project for which:

(1) a notice is filed under section 41003(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. 41004. 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.

SEC. 41005. SAVINGS PROVISION.

Nothing in this title amends the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 41006. SUNSET.

This title shall terminate 7 years after the date of enactment of this Act.

SEC. 41007. PLACE.

The Office of the Law Revision Counsel is directed to place sections 41001 through 41013 of this title in chapters 55 of title 42, United States Code, as subchapter IV.

TITLE XII—ADDITIONAL PROVISIONS

SEC. 42001. GAO REPORT ON REFUNDS TO REGISTRED VENDORS OF KEROSENE USED IN NONCOMMERCIAL AVIATION.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study regarding payments made to vendors of kerosene used in noncommercial aviation under section 6247(l)(4)(C)(ii) of the Internal Revenue Code of 1986; and

(2) submit to the appropriate committees of Congress a report describing the results of such study, to include estimates of—

(A) the number of vendors of kerosene used in noncommercial aviation who are registered under section 4101 of such Code;

(B) the number of vendors of kerosene used in noncommercial aviation who are not so registered;

(C) the number of vendors described in subparagraph (A) who receive payments under section 6247(l)(4)(C)(ii) of such Code;

(D) the excess of—

(i) the amount of payments which would be made under section 6247(l)(4)(C)(ii) of such Code if all vendors of kerosene used in noncommercial aviation were registered and filed claims for such payments; and

(ii) the amount of payments actually made under such section; and

(E) the number of cases of diesel truck operators fraudulently using kerosene taxed for use in aviation.

TITILE XIII—PAYMENTS TO CERTIFIED STATES AND INDIAN TRIBES

SEC. 43001. PAYMENTS FROM ABANDONED MINE RECLAMATION FUND.

Section 411(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240(a)(4)) is amended—

(1) in paragraph (1)(C)—

(A) by striking “Payments” and inserting the following:

“(C) In general.—Payments;” and

(B) by adding at the end the following:

“(ii) Certain payments required.—Not withstanding any other provision of this Act, as soon as practicable but not later than December 10, 2015, of the 7 equal installments referred to in clause (i), the Secretary shall pay to any certified State or Indian tribe to which the total annual payment under this subsection was limited to $15,000,000 in 2013 and $20,000,000 in fiscal year 2014—

(1) the final 2 installments in 2 separate payments of $8,700,000 each; and

(2) 2 separate payments of $38,250,000 each.”; and

(2) by striking paragraphs (5) and (6).

DIVISION E—EXPORT-IMPORT BANK OF THE UNITED STATES

SEC. 50001. SHORT TITLE.

This division may be cited as the “Export-Import Bank Reform and Reauthorization Act of 2015”.

TITILE LI—TAXPAYER PROTECTION PROVISIONS AND INCREASED ACCOUNTABILITY

SEC. 51001. REDUCTION IN AUTHORIZED AMOUNT OF OUTSTANDING LOANS, GUARANTEES, INSURANCE.

Section 6(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 633(a)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by striking paragraph (3) and inserting the following:

“(3) APPLICABLE AMOUNT DEFINED.—In this section, the term ‘applicable amount’, for each of fiscal years 2015 through 2019, means $135,000,000,000.

“(4) FREEZING OF LENDING CAP IF DEFAULT RATE IS 2 PERCENT OR MORE.—If the rate calculated under section 6(g)(1) is 2 percent or more for a quarter, the Bank may not exceed the amount of loans, guarantees, and insurance under the standard on the last day of that quarter until the rate calculated under section 6(g)(1) is less than 2 percent.”.

SEC. 51002. INCREASE IN LOSS RESERVES.

(a) IN GENERAL.—Section 6 of the Export-Import Bank Act of 1945 (12 U.S.C. 633e) 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, maintain, and fund 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.

“(c) 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. 51003. 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 5 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 loan guarantees and insurance 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. 51004. 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—

“(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 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.).

“(d) 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 conduct established by the Chief Ethics Officer applicable to employees of the Bank under parts 2635 and 2631 of title 5, Code of Federal Regulations;

“(II) the standards of conduct applicable to employees under sections 2635a and 2621 of title 5, Code of Federal Regulations;

“(III) any other rules, laws, 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 or the discharge of official responsibilities that are applicable to employees of the Bank; and

“(D) render advisory opinions regarding the propriety of any current or proposed conduct of employees or contractors of the Bank, and issue general guidance on such matters as necessary.”.

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SEC. 51005. CHIEF RISK OFFICER.

Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a), as amended by section 91004 and 91005, is further amended by adding at the end the following:

“(I) 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 a list of candidates, including—
“(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.
“(2) MEMBERSHIP.—The membership of the
“(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 develop 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, including 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. 51006. 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, 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) coordinating with the 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 the
“(1) in clause (i), by striking ‘; and’ and inserting a semicolon; and
“(2) by adding at the end the following:
“(k) REPORT ON PROGRAMS FOR SMALL- AND MEDIUM-SIZED BUSINESSES.—The Bank shall in the annual report to Congress under subsection (a) a report on the programs of the Bank for United States businesses with less than $250,000 in annual export sales.
“(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal year 2016 and each fiscal year thereafter.

SEC. 52002. 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. 635p, and 2014) is amended by adding at the end the following:

“SEC. 52002. CERTAIN UPDATED LOAN TERMS AND AMOUNTS.

(a) LOAN TERMS FOR MEDIUM-TERM FINANCING.—Section 2(b)(1)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635b(1)) is amended—
“(1) by striking ‘$1,000,000,000’ and inserting ‘$25,000,000’;
“(2) by striking ‘25 percent’ and inserting ‘20 percent’;
“(3) by striking ‘$25,000,000’ and inserting ‘$1,000,000,000’; and
“(4) by striking ‘$10,000,000’ and inserting ‘$25,000,000’.

(b) DUAL-USE EXPORTS.—Section 1(c) of Public Law 103-428 (12 U.S.C. 635 note) is amended by adding ‘‘2014’’ and in the following:

“amended by striking ‘‘$5,000,000’’ and inserting ‘‘$10,000,000’’;
“amended by striking ‘‘2012, 2013, and 2014’’ and inserting ‘‘through 2019’’;
“amended by striking ‘‘September 30, 2014’’ and inserting ‘‘October 1, 2014’’;
“amended by striking ‘‘2014’’ and inserting ‘‘2015 through 2019’’;

(b) DUAL-USE EXPORTS.—Section 1(c) of Public Law 103-428 (12 U.S.C. 635 note) is amended by striking ‘‘2014’’ and inserting ‘‘through 2019’’.

“amended by striking ‘‘September 30, 2014’’ and inserting ‘‘October 1, 2014’’;
“amended by striking ‘‘2014’’ and inserting ‘‘2015 through 2019’’;

(b) DUAL-USE EXPORTS.—Section 1(c) of Public Law 103-428 (12 U.S.C. 635 note) is amended by striking ‘‘2014’’ and inserting ‘‘through 2019’’.

“amended by striking ‘‘September 30, 2014’’ and inserting ‘‘October 1, 2014’’;
“amended by striking ‘‘2014’’ and inserting ‘‘2015 through 2019’’.

(b) DUAL-USE EXPORTS.—Section 1(c) of Public Law 103-428 (12 U.S.C. 635 note) is amended by striking ‘‘2014’’ and inserting ‘‘through 2019’’.

“amended by striking ‘‘September 30, 2014’’ and inserting ‘‘October 1, 2014’’;
“amended by striking ‘‘2014’’ and inserting ‘‘2015 through 2019’’;

(b) DUAL-USE EXPORTS.—Section 1(c) of Public Law 103-428 (12 U.S.C. 635 note) is amended by striking ‘‘2014’’ and inserting ‘‘through 2019’’.

“amended by striking ‘‘September 30, 2014’’ and inserting ‘‘October 1, 2014’’;
“amended by striking ‘‘2014’’ and inserting ‘‘2015 through 2019’’;

(b) DUAL-USE EXPORTS.—Section 1(c) of Public Law 103-428 (12 U.S.C. 635 note) is amended by striking ‘‘2014’’ and inserting ‘‘through 2019’’.

“amended by striking ‘‘September 30, 2014’’ and inserting ‘‘October 1, 2014’’;
“amended by striking ‘‘2014’’ and inserting ‘‘2015 through 2019’’;
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, 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 LV—OTHER MATTERS

SEC. 55001. PROHIBITION ON DISCRIMINATION BASED ON INDUSTRY.

Section 2 of the Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) is amended by adding at the end the following:

(9) 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. 55002. NEGOTIATIONS TO END EXPORT CREDIT FINANCING.

(a) IN GENERAL.—Section 11 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a–5) is amended—

(1) in subsection (a)—

(A) 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 "(OECI)" and inserting "(in this section referred to as the "OECI")"; and

(ii) by striking "ultimately goal of eliminating" and inserting "the ultimate goal of eliminating";

(2) in subsection (b), by striking "Secretary" each place it appears and inserting "President"; and

(3) by adding at the end the following:

(c) 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 countries, to establish a system of not more than 10 years subsidized export-financing programs, tied aid, export credits, and all other forms of government-supported export subsidies.

(4) NEGOTIATIONS WITH NON-OECD MEMBERS.—The President shall initiate and pursue negotiations with countries that are not OECD members to bring those countries 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 2016, and each fiscal year thereafter, 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. 620(h)(5)(b)) after the date of the enactment of this Act.

SEC. 55003. 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 services provided by companies that export information and communications technology services and related goods.

(b) ELEMENTS.—In conducting the study required by paragraph (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 with State and local government officials and the private sector.

(2) The reduction in the financing by the Bank of exports of information and communications technology services from 2003 through 2014.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Bank shall submit to Congress a report describing the effectiveness of the activities authorized under this section.

SEC. 55004. COMMON APPROACHES TO ENFORCEMENT OF ENVIRONMENTAL LAWS WHILE UNDER EMERGENCY DISASTERS.

(a) COMPLIANCE WITH OR VIOLATION OF ENVIRONMENTAL LAWS WHILE UNDER EMERGENCY ORDER.—Section 202(c) of the Federal Power Act (16 U.S.C. 824a) is amended—

(1) by adding "(1)" after "(c)"; and

(2) by adding at the end the following:

(3) To the extent any omission or action taken by a party, that is necessary to comply with any applicable Federal, State, or local environmental law or regulation, the Commission shall ensure that such order requires generation, delivery, interchange, or transmission of electric energy only during hours necessary to meet the emergency and serve the public interest, and, to the maximum extent practicable, is consistent with any applicable Federal, State, or local environmental law or regulation and minimizes any adverse environmental impacts.

(b) Any order issued under this subsection that may result in a conflict with any environmental law or regulation, such omission or action shall not be considered a violation of such environmental law or regulation, or subject such party to any requirement, civil or criminal liability, or a citizen suit under such environment law or regulation.

SECTION 61003. RESOLVING ENVIRONMENTAL AND GRID RELIABILITY CONFLICTS.

(a) COMPLIANCE WITH OR VIOLATION OF ENVIRONMENTAL LAWS WHILE UNDER EMERGENCY ORDER.—Section 202(c) of the Federal Power Act (16 U.S.C. 824a) is amended—

(1) by adding "(1)" after "(c)"; and

(2) by adding at the end the following:

(3) To the extent any omission or action taken by a party, that is necessary to comply with an order issued under this subsection, including any omission or action taken to voluntarily comply with such order, results in non-compliance with, or causes such party to not comply with, any Federal, State, or local environmental law or regulation, the Commission shall ensure that such order requires generation, delivery, interchange, or transmission of electric energy only during hours necessary to meet the emergency and serve the public interest, and, to the maximum extent practicable, is consistent with any applicable Federal, State, or local environmental law or regulation and minimizes any adverse environmental impacts.

(4) An order issued under this subsection that may result in a conflict with any environmental law or regulation, such omission or action shall not be considered a violation of such environmental law or regulation, or subject such party to any requirement, civil or criminal liability, or a citizen suit under such environment law or regulation.

(b) AUTHORIZATION FOR ACTIVITIES TO ENHANCE EMERGENCY PREPAREDNESS FOR NATURAL DISASTERS.—The Secretary of Energy shall develop and adopt procedures to improve coordination and communication between the Department of Energy's energy response team, Federal partners, and industry.

(c) RESOLVING ENVIRONMENTAL LAW OR REGULATION.—The Commission shall submit to the Department's energy response team to improve supply chain situation assessments; establish company and direct communication with the Department's energy response team to improve supply chain situation assessments; and streamline and enhance processes for obtaining emergency approvals to allow for a timely and effective emergency response.

(d) RESOLVING ENVIRONMENTAL LAW OR REGULATION.—The Commission shall submit to Congress a report describing the effectiveness of the activities authorized under this section.

SEC. 61004. RESOLVING ENVIRONMENTAL AND GRID RELIABILITY CONFLICTS.

(a) COMPLIANCE WITH OR VIOLATION OF ENVIRONMENTAL LAWS WHILE UNDER EMERGENCY ORDER.—Section 202(c) of the Federal Power Act (16 U.S.C. 824a) is amended—

(1) by adding "(1)" after "(c)"; and

(2) by adding at the end the following:

(3) To the extent any omission or action taken by a party, that is necessary to comply with an order issued under this subsection, including any omission or action taken to voluntarily comply with such order, results in non-compliance with, or causes such party to not comply with, any Federal, State, or local environmental law or regulation, the Commission shall ensure that such order requires generation, delivery, interchange, or transmission of electric energy only during hours necessary to meet the emergency and serve the public interest.
the extent practicable. The conditions, if any, submitted by such Federal agency shall be made available to the public. The Commission may exclude such a condition from the reviewed or reissued order if the Commission determines that such condition would prevent the order from adequately addressing the emergency necessitating such order and provides in the order, or otherwise makes publicly available, an explanation of such determination.

(5) If an order issued under this subsection is subsequently stayed, modified, or set aside by a court or administrative agency, any omission or action previously taken by a party that was necessary to comply with the order while the order was in effect, including any action taken temporarily, shall comply with the order, shall remain subject to paragraph (3).

(b) Temporary Connection or Construction by Municipalities.—Section 215(a) of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding after section 215 the following new section:

SEC. 215A. CRITICAL ELECTRIC INFRASTRUCTURE SECURITY.

(a) CRITICAL ELECTRIC INFRASTRUCTURE SECURITY.—Section 215(d) of the Federal Power Act (16 U.S.C. 824a(d)) is amended by inserting "or municipality" before "entity." 

(b) AUTHORITY TO ADDRESS GRID SECURITY EMERGENCY.—

(1) AUTHORITY.—Whenever the President issues and provides to the Secretary a written directive or determination identifying a grid security emergency, the Secretary may, with or without notice, hearing, or report, issue such orders for emergency measures as are necessary in the judgment of the President to protect or restore the reliability of critical electric infrastructure or of defense critical electric infrastructure during such emergency. As soon as practicable after the date of enactment of this section, the Secretary shall, after notice and opportunity for comment, establish rules of procedure that ensure that such authority can be exercised expeditiously.

(2) NOTICE OF CONGRESS.—Whenever the President issues and provides to the Secretary a written directive or determination identifying a grid security emergency, the Secretary shall, promptly notify congressional committees of relevant jurisdiction, including the Committee on Energy and Commerce of the House of Representatives, the Committee on Environment and Public Works, the Committee on Appropriations, and the Committee on Homeland Security and Governmental Affairs of the Senate, of such determination.

(3) CONSULTATION.—Before issuing an order for emergency measures under paragraph (1), the Secretary shall, to the extent practicable, consult with appropriate governmental authorities regarding emergency measures under this subsection, and consistent with their obligations to protect classified information, provide temporary access to classified information, temporary access to classified information by the Commission or the Secretary pursuant to subsection (d), such entity, or any combination of such matters.

(c) CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION.—The term 'critical electric infrastructure information' means information related to critical infrastructure or proposed critical electrical infrastructure, generated by or provided to the Commission or other Federal agency, other than classified national security information that is designated critical electrical infrastructure information by the Commission or the Secretary pursuant to subsection (d). Such term includes information that the Secretary determines to be critical electrical infrastructure information under the Commission's regulations.

(4) DEFENSE CRITICAL ELECTRIC INFRASTRUCTURE.—The term 'defense critical electric infrastructure' means any electric infrastructure located in any of the 48 contiguous States or the District of Columbia that serves a facility designated by the Secretary pursuant to subsection (c), but that is not operated by the owner or operator of such facility.

(5) ELECTROMAGNETIC PULSE.—The term 'electromagnetic pulse' means 1 or more pulses of electromagnetic energy emitted by a device capable of disabling or disrupting operation of, or destroying, electronic devices or communications networks, including hardware, software, and data, by means of such a pulse, or by a geomagnetic storm.

(6) MAGNETIC STORM.—The term 'geomagnetic storm' means a temporary disturbance of the Earth's magnetic field resulting from solar activity.

(7) GRID SECURITY EMERGENCY.—The term 'grid security emergency' means the occurrence or imminent danger of a Federal order or action using electronic communication or an electromagnetic pulse, or a geomagnetic storm event, that could disrupt the operation of those electronic devices or communications networks, including hardware, software, and data, that are essential to the reliability of critical electric infrastructure or of defense critical electric infrastructure, or of electromagnetic energy emitted by a device capable of disabling or disrupting operation of, or destroying, electronic devices or communications networks, including hardware, software, and data.

(8) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

(9) AUTHORITY TO ADDRESS GRID SECURITY EMERGENCY.—

(1) AUTHORITY.—Whenever the President issues and provides to the Secretary a written directive or determination identifying a grid security emergency, the Secretary may, with or without notice, hearing, or report, issue such orders for emergency measures as are necessary in the judgment of the President to protect or restore the reliability of critical electric infrastructure or of defense critical electric infrastructure as a result of such physical attack.

(2) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

(10) AUTHORITY TO ADDRESS GRID SECURITY EMERGENCY.—

(1) AUTHORITY.—Whenever the President issues and provides to the Secretary a written directive or determination identifying a grid security emergency, the Secretary may, with or without notice, hearing, or report, issue such orders for emergency measures as are necessary in the judgment of the President to protect or restore the reliability of critical electric infrastructure or of defense critical electric infrastructure as a result of such physical attack.

(8) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

(9) AUTHORITY TO ADDRESS GRID SECURITY EMERGENCY.—

(1) AUTHORITY.—Whenever the President issues and provides to the Secretary a written directive or determination identifying a grid security emergency, the Secretary may, with or without notice, hearing, or report, issue such orders for emergency measures as are necessary in the judgment of the President to protect or restore the reliability of critical electric infrastructure or of defense critical electric infrastructure as a result of such physical attack.

(8) SECRETARY.—The term 'Secretary' means the Secretary of Energy.
(iii) regional entities;
(iv) information sharing and analysis centers established pursuant to Presidential Decision Directive 62;
(v) owners, operators, and users of critical electric infrastructure in the United States; and
(vi) other entities determined appropriate by the Commission.

(3) AUTHORITY TO DESIGNATE.—Information may be designated by the Commission or the Secretary as critical electric infrastructure information for the purposes of any other provisions of this title, determined necessary to comply with an order for emergency measures issued under subsection (b)(1), including any action or omission taken to voluntarily comply with such order, results in noncompliance with, or causes such entity not to comply with any rule, order, regulation, or provision of this Act, including any reliability standard approved by the Commission pursuant to section 215A of the Federal Power Act (16 U.S.C. 824o(a)).

(4) CONSIDERATIONS.—In exercising their respective authorities under this subsection, the Commission and the Secretary shall take into consideration the role of State commissions in reviewing and approving the cost and benefit of emergency measures, determining the rates and terms of conditions for electric services, and ensuring the safety and reliability of the bulk-power system and distribution facilities within their respective jurisdictions.

(5) PROTOCOLS.—The Commission and the Secretary shall, in consultation with Canadian and Mexican authorities, develop protocols for the voluntary sharing of critical electric infrastructure information with Canadian and Mexican authority and other pertinent entities.

(6) NO REQUIRED SHARING OF INFORMATION.—Nothing in this section shall require a person or entity in possession of critical electric infrastructure information to share such information with Federal, State, political subdivision, or tribal authorities or other pertinent entity.

(7) SUBMISSION OF INFORMATION TO CONGRESS.—Nothing in this section shall permit or authorize the voluntary sharing of information from the Commission, any committee or subcommittee thereof, or the Comptroller General.

(8) DISCLOSURE OF PROTECTED INFORMATION.—Nothing in this section shall create, in the course of complying with an order for emergency measures issued under subsection (b)(1), including any action or omission taken to voluntarily comply with such order, results in noncompliance with, or causes such entity not to comply with any rule, order, regulation, or provision of this Act, including any reliability standard approved by the Commission pursuant to section 215A of the Federal Power Act (16 U.S.C. 824o(a)).

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The term "critical electric infrastructure" means any electric infrastructure information regarding a grid or substation with appropriate key personnel of operators, owners, and users of the critical electric infrastructure.

(7) CLAIMS OF LIABILITY.—
(1) COMPLIANCE WITH OR VIOLATION OF THIS ACT.—Except as provided in paragraph (4), to the extent any action or omission taken by an entity that is necessary to comply with an order for emergency measures issued under subsection (b)(1), including any action or omission taken to voluntarily comply with such order, results in noncompliance with, or causes such entity not to comply with any rule, order, regulation, or provision of this Act, including any reliability standard approved by the Commission pursuant to section 215A of the Federal Power Act (16 U.S.C. 824o(a)).

(2) RELATION TO SECTION 202(c).—Except as provided in paragraph (4), an action or omission taken by an owner, operator, or user of critical electric infrastructure or of defense critical electric infrastructure shall not be considered a violation of such rule, order, regulation, or provision.

(3) SHARING OR RECEIPT OF INFORMATION .—Nothing in this subsection shall be construed to require disclosure of a cause of action or, in the course of complying with an order for emergency measures issued under subsection (b)(1) shall be treated as an action or omission taken to comply with an order issued under section 202(c) for purposes of such section.

(4) RULE OF CONSTRUCTION .—Nothing in this subsection shall be construed to require disclosure of a cause of action or, in the course of complying with an order for emergency measures issued under subsection (b)(1) shall be treated as an action or omission taken to comply with an order issued under section 202(c) for purposes of such section.

(5) DURATION OF DESIGNATION.—Information designated as critical electric infrastructure information under this subsection shall be subject to the requirements of this section, to enable the Department of Homeland Security under applicable law by providing, on an annual basis, sector-specific critical electric infrastructure information.

SEC. 61004. STRATEGIC TRANSFORMER RESERVE.

(a) FINDING.—Congress finds that the storage of strategically located spare large power transformers and emergency mobile substations will reduce the vulnerability of the United States to multiple risks facing electric grid reliability, including physical attack, cyber attack, electromagnetic pulse, geophysical, geomagnetic, and severe weather, and seismic events.

(b) DEFINITIONS.—In this section:
(1) BULK-POWER SYSTEM.—The term "bulk-power system" has the meaning given such term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(2) CRITICALLY DAMAGED LARGE POWER TRANSFORMER.—The term "critically damaged large power transformer" means a large power transformer that

(A) has sustained extensive damage such that—
(i) repair or refurbishment is not economically viable; or
(ii) the extensive time to repair or refurbish the large power transformer would create an extended period of instability in the bulk-power system; and

(B) prior to sustaining such damage, was part of the bulk-power system.

(3) CRITICAL ELECTRIC INFRASTRUCTURE.—The term "critical electric infrastructure" has the meaning given that term in section 215A of the Federal Power Act.

(4) ELECTRIC RELIABILITY ORGANIZATION.—The term "Electric Reliability Organization" has the meaning given such term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(5) EMERGENCY MOBILE SUBSTATION.—The term "emergency mobile substation" means a mobile substation or mobile transformer that is—
(A) assembled and permanently mounted on a trailer that is capable of highway travel and meets relevant Department of Transportation regulations; and

(B) intended for express deployment and capable of being rapidly placed into service.

(6) LARGE POWER TRANSFORMER.—The term "large power transformer" means a power transformer with a maximum nameplate rating of 10 megavolt-amperes or higher, including related critical equipment, that is, or is intended to be, a part of the bulk-power system.

(7) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(8) SPARE LARGE POWER TRANSFORMER.—The term "spare large power transformer" means a large power transformer that is stored within the Strategic Transformer Reserve to be available to temporarily replace a critically damaged large power transformer.

(c) STRATEGIC TRANSFORMER RESERVE PLAN.—
(1) PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Office of Electricity Delivery and Energy Reliability, shall, in consultation with the Federal Energy Regulatory Commission, the
Electricity Sub-sector Coordinating Council, the Electric Reliability Organization, and owners and operators of critical electric infrastructure and defense and military installations, prepare and submit to Congress a plan to establish a Strategic Transformer Reserve for the storage, in strategically located facilities, of spare large power transformers and emergency mobile substations in sufficient numbers to permanently provide or restore sufficient resiliency to the bulk-power system, critical electric infrastructure, and defense and military installations to mitigate significant impacts to the electric grid resulting from—
(i) physical attack;
(ii) cyber attack;
(iii) electromagnetic pulse attack;
(iv) geomagnetic disturbances;
(v) severe weather; or
(vi) economic events.

(B) other critical electric grid equipment for which an inventory of spare equipment, including emergency mobile substations, is necessary to provide sufficient resiliency to the bulk-power system, critical electric infrastructure, and defense and military installations;
(C) the degree to which utility sector actions or initiatives individualized utility ownership of spare equipment, joint ownership of spare equipment inventory, sharing agreements, or other spare equipment reserves or arrangements satisfy the needs identified under subparagraphs (A) and (B);
(D) the potential locations for, and feasibility and appropriate number of, strategic storage locations for equipment, including consideration of—
(i) the physical security of such locations;
(ii) the protection of the confidentiality of such locations; and
(iii) the proximity of such locations to sites of potentially critically damaged large power transformers and substations that are critical electric infrastructure or serve defense and military installations, so as to enable efficient delivery of equipment to such sites;
(E) the degree of flexibility of spare large power transformers to be included in the Strategic Transformer Reserve to conform to different substation configurations, including consideration of—
(i) power and voltage rating for each winding;
(ii) overload requirements;
(iii) impedance between windings;
(iv) configuration of windings; and
(v) tap requirements;
(F) an estimate of the direct cost of the Strategic Transformer Reserve, as proposed, including—
(i) the cost of storage facilities;
(ii) the cost of the equipment; and
(iii) management, maintenance, and operation costs;
(G) the funding options available to establish, stock, manage, and maintain the Strategic Transformer Reserve, including consideration of fees on owners and operators of bulk-power system facilities, critical electric infrastructure, and defense and military installations relying on the Strategic Transformer Reserve, use of Federal appropriations, and public-private cost-sharing options;
(H) the ease and speed of transportation, installation, and operation of spare large power transformers to be included in the Strategic Transformer Reserve, including consideration of factors such as—
(i) transformer transportation weight;
(ii) transformer size;
(iii) topology of critical substations;
(iv) availability of appropriate transformer mounting pads;
(v) flexibility of the spare large power transformers as described in subparagraph (E); and
(vi) ability to readily transition spare large power transformers from storage to energization;
(I) eligibility criteria for withdrawal of equipment from the Transformer Reserve;
(J) the process by which owners or operators of critically damaged large power transformers or substations that are critical electric infrastructure or defense and military installations may apply for a withdrawal from the Strategic Transformer Reserve;
(K) the process by which equipment withdrawn from the Transformer Reserve is returned to the Strategic Transformer Reserve or is replaced;
(L) possible fees to be paid by users of equipment withdrawn from the Strategic Transformer Reserve;
(M) possible fees to be paid by owners and operators of large power transformers and substations that are critical electric infrastructure or serve defense and military installations to cover operating costs of the Strategic Transformer Reserve;
(N) the domestic and international large power transformer supply chain;
(O) the potential reliability, cost, and operational advantages of using mobile substations in any Strategic Transformer Reserve established under this section; and
(P) other considerations for designing, constructing, stockpiling, and managing the Strategic Transformer Reserve.

(d) DISCLOSURE OF INFORMATION.—Any information included in the Strategic Transformer Reserve plan, or shared in the preparation and development of such plan, the disclosure of which could cause harm to critical electric infrastructure, shall be exempt from disclosure under section 552(b)(6) of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records.

SEC. 61005. ENERGY SECURITY VALUATION.
(a) ESTABLISHMENT OF ENERGY SECURITY VALUATION METHODS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, in collaboration with the Secretary of State, shall develop and transmit, after public notice and comment, to the Committee on Energy and Commerce and the Committee on Foreign Affairs of the House of Representatives and the Committee on Commerce, Science, and Technology of the Senate a report that includes recommendations by the Administration’s Quadrennial Energy Review released on April 21, 2015. The report shall—
(1) evaluate and define United States energy security to reflect modern domestic and global energy markets and the collective needs of the United States and its allies and partners;
(2) identify transparent and uniform or coordinated procedures and criteria to ensure that energy-related actions that significantly affect the supply distribution, or use of energy are evaluated with respect to their potential impact on energy security, including their impact on—
(A) consumers and the economy;
(B) energy supply diversity and resiliency;
(C) well-functioning and competitive energy markets;
(D) United States trade balance; and
(E) national security objectives; and
(3) include a recommended implementation strategy that identifies and aims to ensure that the procedures and criteria referred to in paragraph (2) are—
(A) evaluated consistently across the Federal Government; and
(B) weighted appropriately and balanced with environmental considerations required by Federal law.

(b) PARTICIPATION.—In developing the report referred to in subsection (a), the Secretaries may consult with relevant Federal, State, private sector, and international participants, as appropriate and consistent with applicable law.

DIVISION G—FINANCIAL SERVICES

TITLE XXXI—IMPROVING ACCESS TO CAPITAL FOR EMERGING GROWTH COMPANIES

SEC. 71001. FILING REQUIREMENT FOR PUBLIC FILING PRIOR TO PUBLIC OFFERING.
Section 6(e)(1) of the Securities Act of 1933 (15 U.S.C. 77f(e)(1)) is amended by striking “21 days” and inserting “15 days”.

SEC. 71002. GRACE PERIOD FOR CHANGE OF STATUS OF EMERGING GROWTH COMPANIES.
Title 6(e)(1) of the Securities Act of 1933 (15 U.S.C. 77f(e)(1)) is further amended by adding at the end thereof: “An issuer that was an emerging growth company on the date of enactment of this subsection, the Securities and Exchange Commission shall revise its general instructions on Forms S-1 and F-1 to indicate that a registration statement filed (or subsequently amended) by an issuer prior to an initial public offering may omit financial information for historical periods otherwise required by regulation S-X (17 CFR 210.1–0) after the date of enactment of this subsection but shall continue to be treated as an emerging growth company for purposes of this subsection through the earlier of the date on which the issuer consummates a public offering pursuant to such registration statement or the end of the 1-year period beginning on the date the company ceases to be an emerging growth company.

SEC. 71003. SIMPLIFIED DISCLOSURE REQUIREMENTS FOR EMERGING GROWTH COMPANIES.
Section 102(a) of the Jumpstart Our Business Startups Act (Public Law 112–106) is amended by adding at the end thereof: “(d) SIMPLIFIED DISCLOSURE REQUIREMENTS.—With respect to an emerging growth company (as such term is defined under section 2 of the Securities Act of 1933).

(i) REQUIREMENT TO INCLUDE NOTICE ON FORMS S–1 AND F–1.—Not later than 30 days after the date of enactment of this subsection, the Securities and Exchange Commission shall revise its general instructions on Forms S-1 and F-1 to indicate that a registration statement filed (or subsequently amended) by an issuer prior to an initial public offering may omit financial information for historical periods otherwise required by regulation S-X (17 CFR 210.1–0) after the date of filing (or confidential submission) of such registration statement, provided that—
(A) the omitted financial information relates to a historical period that the issuer reasonably believes will not be required to be included in the Form S-1 or F-1 at the time of the contemplated offering; and
(B) prior to the issuer distributing a preliminary prospectus to investors, such registration statement is amended to include all financial information required by such regulation S-X at the date of such amendment.

(ii) RELIANCE BY ISSUERS.—Effective 30 days after the date of enactment of this subsection, an issuer filing a registration statement (or subsequently amending the statement for confidential review) on Form S-1 or Form F-1 may omit financial information for historical periods otherwise required by regulation S-X (17 CFR 210.1–0 et seq.) as of the time of filing (or confidential submission) of such registration statement, provided that—
(A) the omitted financial information relates to a historical period that the issuer reasonably believes will not be required to be included in the Form S-1 or Form F-1 at the time of the contemplated offering; and
(B) prior to the issuer distributing a preliminary prospectus to investors, such registration statement is amended to include all financial information required by such regulation S-X at the date of such amendment.”.
TITLE LXVII—DISCLOSURE MODERNIZATION AND SIMPLIFICATION

SEC. 72001. SUMMARY PAGE FOR FORM 10-K.
Not later than the end of the 180-day period beginning on the date of the enactment of this Act, the Securities and Exchange Commission shall issue regulations to permit issuers to submit a summary page on form 10-K (17 CFR 249.250) that contains: each item in such summary page includes a cross-reference (by electronic link or otherwise) to the material contained in form 10-K to which such item relates.

SEC. 72002. IMPROVEMENT OF REGULATION S-K.
Not later than the end of the 180-day period beginning on the date of the enactment of this Act, the Securities and Exchange Commission shall issue regulations to allow issuers to take all such actions to revise regulation S-K (17 CFR 229.10 and seq.).

(1) to further scale or eliminate requirements of regulation S-K, in order to reduce the burden on emerging growth companies, accelerated filers, smaller reporting companies, and other smaller issuers, while still providing all material information to investors;

(2) to streamline provisions of regulation S-K, required for all issuers, that are duplicative, overlapping, outdated, or unnecessary; and

(3) for which the Commission determines that no further revisions to section 72203 are necessary to determine the efficacy of such revisions to regulation S-K.

SEC. 72003. STUDY ON MODERNIZATION AND SIMPLIFICATION OF REGULATION S-K.

(1) STUDY.—The Securities and Exchange Commission shall carry out a study of the requirements contained in regulation S-K (17 CFR 229.10 and seq.). Such study shall—

(1) determine how best to modernize and simplify such requirements in a manner that reduces the costs and burdens on companies while still providing all material information;

(2) emphasize a company by company approach that allows relevant and material information to be disseminated to investors without boilerplate language or static requirements while preserving completeness and comparability of information across issuers; and

(3) evaluate methods of information delivery and presentation and explore methods for discouraging repetition and the disclosure of immaterial information.

(b) CONSULTATION.—In conducting the study required under subsection (a), the Commission shall consult with the Investor Advisory Committee and the Advisory Committee on Small Business Development Companies.

(c) REPORT.—Not later than the end of the 360-day period on the date of enactment of this Act, the Commission shall issue a report to the Congress containing—

(1) all findings and determinations made in carrying out the study required under subsection (a);

(2) specific and detailed recommendations on modernizing and simplifying the requirements in regulation S-K in a way that reduces the costs and burdens on companies while still providing all material information; and

(3) recommendations for proposed rulemaking on ways to improve the readability and navigability of disclosure documents and to discourage repetition and the disclosure of immaterial information.

(d) RULEMAKING.—Not later than the end of the 360-day period beginning on the date that the report is issued to the Congress under subsection (c), the Commission shall issue a proposed rule to implement the recommendations of the report issued under subsection (c).

(e) RULE OF CONSTRUCTION.—Revisions made to regulations under this section that are required by the Commission in consultation with the National Commission on Public Company Financial Disclosure (the Commission shall issue a rule to implement the recommendations of the report issued under subsection (c)) shall not be construed as satisfying the rulemaking requirements under this section.

TITLE LXVIII—BULLION AND COLLECTIBLE CONSERVATION: EFFICIENCY AND COST SAVINGS

SEC. 73001. TECHNICAL CORRECTIONS.
Title 31, United States Code, is amended—

(1) in section 512—

(A) in subsection (a)—

(i) by striking paragraphs (3) and (8); and

(ii) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (3), (4), (5), and (6), respectively;

(B) in subsection (b)(6)(B), by striking “90 percent silver and 10 percent copper” and inserting “not less than 90 percent silver”;

(C) in subsection (v)—

(i) in paragraph (1), by striking “Subject to” and all that follows through “the Secretary shall” and inserting “To the greatest extent possible, the Secretary shall”;

(ii) in paragraph (2)(A), by striking “The Secretary” and inserting “To the greatest extent possible, the Secretary”;

(iii) in paragraph (2)(B), by striking after “may issue” the following: “collectible versions of”;

and

(iv) by striking paragraph (b); and

(E) in section 512(c)(2)(B)(i), by striking “90 percent silver and 10 percent copper” and inserting “not less than 90 percent silver”.

SEC. 73002. AMERICAN EAGLE SILVER BULLION COINS AND AMERICAN EAGLE COPPER BULLION COINS.

(a) AMERICAN EAGLE SILVER BULLION COINS.—

(1) DEFINITIONS.—In this section—

(A) the term “silver bullion coin” means a bullion coin—

(i) that is not less than 90 percent silver and not more than 10 percent copper;

(ii) that bears on its face the image of an eagle or a Lady Liberty and the inscriptions “United States of America,” “E Pluribus Unum,” “In God We Trust,” the year of minting, and the face value of the coin;

(iii) that shall have a smooth edge incused with a design that notes the 30th anniversary of the first issue of coins under such subsection;

(iv) that is issued by the Secretary of the Treasury pursuant to section 512 of the National Monetary System Act of 1940 (15 U.S.C. 6803) and bears on its face the image of an eagle and the inscriptions “United States of America,” “E Pluribus Unum,” “In God We Trust,” the year of minting, and the face value of the coin;

(v) that is issued by the Secretary of the Treasury pursuant to section 2303(a) of title 31 (relating to commemorative coins); and

(vi) that is issued by the Secretary of the Treasury pursuant to section 2304 of title 31 (relating to silver bullion coins issued in the form of bullion stock, bullion bars, bullion ingots, bullion rounds, or bullion tokens); and

(B) the term “American Eagle silver bullion coin” has the meaning given to such term in section 512(b)(2).

(b) MINTING.—

(1) IN GENERAL.—No investment adviser shall sell American Eagle silver bullion coins and American Eagle copper bullion coins to the public.

(2) EXEMPTIONS.—Notwithstanding subsection (a), the Secretary may, by regulation, authorize the sale of American Eagle silver bullion coins and American Eagle copper bullion coins to the public under such terms and conditions as the Secretary shall prescribe.

(c) CERTAIN ACCREDITED INVESTOR TRANSACTIONS.—

(1) IN GENERAL.—No investment adviser, or any person acting on the adviser’s behalf, shall sell American Eagle silver bullion coins or American Eagle copper bullion coins to an accredited investor under this section.

(2) CERTAIN EXEMPTIONS.—The Secretary may authorize the sale of American Eagle silver bullion coins or American Eagle copper bullion coins to an accredited investor in accordance with this section.
shall be deemed to be restricted securities within 6 months before the transaction date; and

(IV) if the balance sheet is not as of a date less than 6 months before the transaction date, be accompanied by additional statements of profit and loss for the period from the date of such balance sheet to a date less than 6 months before the transaction date.

(K) To the extent that the seller is a control person with respect to the issuer, a brief statement regarding the nature of the affiliation, and a statement certified by such seller that they have no reasonable grounds to believe that the issuer is in violation of the securities laws or regulations.

(4) ISSUERS DISQUALIFIED.—The transaction is not for the sale of a security where the seller is an underwriter or a subsidiary, either directly or indirectly, of the issuer.

(5) BAD ACTOR PROHIBITION.—Neither the seller, nor any person that has been or will be paid directly, indirectly, or by creating a fund, with remuneration or otherwise, for the purpose of participating in the offering or sale of the securities, including solicitation of purchasers for the seller is subject to any transaction that would disqualify an issuer or other covered person under Rule 506(d)(1) of Regulation D (17 CFR 230.506(d)(1)) or is subject to a statutory disqualification described under section 3(a)(39) of the federal Act of 1934.

(6) BUSINESS REQUIREMENT.—The issuer is engaged in business, is not in the organizational stage or in bankruptcy or receivership, and is not a blank check, blind pool, or shell company that has no specific business plan or purpose or has indicated that the issuer’s primary business plan is to engage in a merger or combination of the business with, or an acquisition of, an unidentified person.

(7) UNDERWRITER PROHIBITION.—The transaction is not for a security that constitutes the whole or part of an unsold allotment to, or a subscription or participation by, a broker or dealer as an underwriter of the security or a redemption.

(8) OUTSTANDING CLASS REQUIREMENT.—The transaction is with respect to a security of a class that has been authorized and outstanding for at least 90 days prior to the date of the transaction.

(e) ADDITIONAL REQUIREMENTS.—

(1) IN GENERAL.—With respect to an exempted transaction described under subsection (a)(7):

(A) Securities acquired in such transaction shall be deemed to be acquired in an offering not involving any public offering of the security or any transaction not involving any public offering of the security of such issuer or other person, directly or indirectly, of which the issuer is an underwriter or subsidiary; and

(B) Such transaction shall be deemed not to be a distribution for purposes of section 2(a)(11).

(C) In such a transaction, the transaction shall be deemed to be restricted securities within the meaning of Rule 144 (17 CFR 230.144).

(2) RULE OF CONSTRUCTION.—The exemption provided by subsection (a)(7) shall not be the exclusive means for establishing an exemption from the registration requirements of section 5.

(b) EXEMPTION IN CONNECTION WITH CERTAIN PROJECT-BASED RENTAL ASSISTANCE CONTRACTS.

(1) AUTHORITY.—The Secretary may, in the case of a contract for the rental of a property, continue to renew or extend any use agreement for the property for the remainder of the term, or for an additional term of not less than ten years, if the Secretary determines that the rental assistance contract for the property is necessary to carry out a project or tenant-based rental subsidy, and if the Secretary determines that any such extension will be in the public interest and will not result in a material reduction in the financial reserves of the property or the management company that manages the property.

(2) OPERATION OF PROPERTY.—An owner that distributes any amounts pursuant to paragraph (1) shall:

(A) continue to operate the property in accordance with the affordability provisions of the use agreement for the property for the remaining useful life of the property;

(B) as required by the plan of action for the property, continue to renew or extend any project-based rental assistance contract for a term of not less than ten years.

(3) for tenants of dwelling units not covered by a project- or tenant-based rental subsidy, any rent increases resulting from the refinancing transaction may not exceed 10 percent per year, except that:

(A) any tenant occupying a dwelling unit as of the time of the refinancing may not be required to pay for rent and utilities, for the duration of such tenancy, an amount that exceeds the greater of—

(i) 30 percent of the tenant’s income; or

(ii) the amount paid by the tenant for rent and utilities immediately before such refinancing; and

(B) this paragraph shall not apply to any tenant who does not provide the owner with proof of income.

(4) by adding at the end the following new subparagraph:

(G) section 4(a)(7).’’.

TITLE LXXVIII—PREPARATION ENHANCEMENT AND SAVINGS OPPORTUNITY

SEC. 77001. DISTRIBUTIONS AND RESIDUAL RECEIPTS.

(a) IN GENERAL.—The second sentence of paragraph (1) of section 3(a) of the United States Housing Act of 1937 (42 U.S.C. 1437f(a)(1)) is amended by inserting ‘‘before the end of’’ in the period at the end following ‘‘the’’; except that, in the case of any family with a fixed income, and as defined by the Secretary, the residual review of the family’s income, the public housing agency or owner shall not be required to conduct a review of the family’s income for any year for which such family certifies, in accordance with such requirements as the Secretary shall establish, which shall include policies to adjust for inflation-based income changes, that 90 percent or more of the income of the family consists of fixed income, and that the sources of such income have not changed since the previous year, except that the public housing agency or owner shall conduct a review of such family’s income not less than once every 3 years.

(b) HOUSING CHOICE VOUCHER PROGRAM.—

Subparagraph (a) of paragraph (1) of section 423 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11383(g)) is amended by inserting ‘‘private non-profit organization,’’ after ‘‘unit of general local government,’’.

SEC. 79002. REALLOCATION OF FUNDS.

Paragraph (1) of section 414(d) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11373(d)(1)) is amended by striking ‘‘twice’’ and inserting ‘‘once’’.

TITLE LXXIX—HOUSING ASSISTANCE EFFICIENCY

SEC. 79001. AUTHORITY TO ADMINISTER RENTAL ASSISTANCE.

Subsection (p) of section 423 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11383(g)) is amended by inserting ‘‘private non-profit organization,’’ after ‘‘unit of general local government.’’.

SEC. 79003. IMPLEMENTATION.

The Secretary of Housing and Urban Development shall issue any guidance that the Secretary considers necessary to carry out the provisions added by the section of this Act, such guidance shall be issued not later than 120 days after the enactment of this Act.

TITLE LXXX—TENANT INCOME VERIFICATION RELIEF

SEC. 78001. REVIEWS OF FAMILY INCOMES.

(a) IN GENERAL.—The second sentence of paragraph (1) of section 3(a) of the United States Housing Act of 1937 (42 U.S.C. 1437f(a)(1)) is amended by inserting ‘‘before the end of’’ in the period at the end following ‘‘the’’; except that, in the case of any family with a fixed income, and as defined by the Secretary, the residual review of the family’s income, the public housing agency or owner shall not be required to conduct a review of the family’s income for any year for which such family certifies, in accordance with such requirements as the Secretary shall establish, which shall include policies to adjust for inflation-based income changes, that 90 percent or more of the income of the family consists of fixed income, and that the sources of such income have not changed since the previous year, except that the public housing agency or owner shall conduct a review of such family’s income not less than once every 3 years.

(b) HOUSING CHOICE VOUCHER PROGRAM.—

Paragraph (1) of section 414(d) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11373(d)(1)) is amended by striking ‘‘twice’’ and inserting ‘‘once’’.

TITLE LXXX—CHILD SUPPORT ASSISTANCE

SEC. 80001. REQUESTS FOR CONSUMER REPORTS BY STATE OR LOCAL CHILD SUPPORT ENFORCEMENT AGENCIES.

Paragraph (4) of section 569(a) of the Fair Credit Reporting Act (15 U.S.C. 1681b(a)(4)) is amended—

(1) in subparagraph (A), by striking ‘‘or determining the appropriate level of such payments’’ and inserting ‘‘determining the appropriate level of such payments, or enforcing a child support order, award, agreement, or judgment’’;

(2) in subparagraph (A) by striking ‘‘paternity’’ and inserting ‘‘parentage’’; and

(3) by adding ‘‘and’’ at the end; and

(4) by redesignating subparagraph (D) as subparagraph (C); and

(5) by redesignating subparagraph (C) as paragraph (4).

TITLE LXXXI—PRIVATE INVESTMENT IN HOUSING

SEC. 81001. BUDGET-NEUTRAL DEMONSTRATION PROGRAM FOR ENERGY AND WATER CONSERVATION IMPROVEMENTS AT MULTIFAMILY RESIDENTIAL UNITS.

(a) ESTABLISHMENT.—The Secretary of Housing and Urban Development (in this section referred to as the Secretary) shall establish a demonstration program under which the Secretary may execute budget-neutral, performance-based agreements in fiscal years 2016 and 2017 that result in energy or water cost savings with such entities as the Secretary determines to be appropriate under which
the entities shall carry out projects for energy or water conservation improvements at not more than 20,000 residential units in multifamily buildings participating in—

(1) the project-based rental assistance program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), other than assistance provided under section 8(g) of that Act;

(2) the project-based rental assistance program under section 202 of the Housing Act of 1939 (12 U.S.C. 1710q); or

(3) the supportive housing for persons with disabilities program under section 811(d)(2)(C) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)).

(b) Date—The date to which the agreement under this section shall include—

(1) PAYMENTS CONTINGENT ON SAVINGS.—

(A) IN GENERAL.—The Secretary shall provide to an entity under an agreement under this section only during applicable years for which an energy or water cost savings is achieved with respect to the applicable multifamily portfolio of properties, as determined by the Secretary, in accordance with subparagraph (B).

(B) PAYMENT METHODOLOGY.—

(i) IN GENERAL.—Each agreement under this section shall include a pay-for-success provision that—

(I) shall serve as a payment threshold for the term of the agreement; and

(II) requires that payments shall be contingent on realized cost savings associated with reduced utility consumption in the participating properties.

(ii) LIMITATIONS.—A payment made by the Secretary under an agreement under this section—

(I) shall be contingent on documented utility savings; and

(II) shall not exceed the utility savings achieved by the date of the payment, and not previously paid, as a result of the improvements made under the agreement.

(C) REQUIREMENTS.—

(i) establishment of a weather-normalized and occupancy-normalized utility consumption baseline established pre-retrofit;

(ii) annual third-party verification of the tenant utility consumption in effect during the applicable year and vacancy rates for each unit type; and

(iii) annual third-party determination of savings to the Secretary.

An agreement under this section with an entity shall provide that the entity shall cover costs associated with third-party verification under this subparagraph.

(2) TERMS OF PERFORMANCE-BASED AGREEMENTS.—A performance-based agreement under this section shall include—

(A) the period that the agreement will be in effect and during which payments may be made, which may not be longer than 12 years;

(B) the performance measures that will serve as payment thresholds during the term of the agreement;

(C) an audit protocol for the properties covered by the agreement;

(D) a requirement that payments shall be contingent on realized cost savings associated with reduced utility consumption in the participating properties; and

(E) such other requirements and terms as determined to be appropriate by the Secretary.

(E) ENERGY EFFICIENCY.—The Secretary shall—

(A) establish a competitive process for entering into agreements under this section; and

(B) enter into such agreements only with entities that, either jointly or individually, demonstrate significant experience relating to—

(i) the provision of energy efficiency services and assistance under a program identified in subsection (a); and

(ii) oversight of energy or water conservation programs, including oversight of contractors; and

(iii) raising capital for energy or water conservation improvements from charitable organizations or private investors.

(F) GEOGRAPHICAL DIVERSITY.—Each agreement entered into under this section shall provide for the inclusion of properties with the greatest feasible regional and State variance.

(G) PROPERTIES.—A property may only be included in the demonstration under this section if the property is subject to affordability restrictions for at least 15 years after the date of the completion of any conservation improvements made to the property under the demonstration. Such conservation improvements may be made through an extended affordability agreement for the property under a new housing assistance payments contract with the Secretary of Housing and Urban Development or through an enforceable covenant with the owner of the property.

(3) PLAN AND REPORTS.—

(1) PLAN.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committees on Appropriations and Financial Services of the House of Representatives and Appropriations and Banking, Housing, and Urban Affairs of the Senate a detailed plan for the implementation of this section.

(2) REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall—

(A) conduct an evaluation of the program under this section; and

(B) submit to Congress a report describing each evaluation conducted under subparagraph (A).

(4) FUNDING.—For each fiscal year during which an agreement under this section is in effect, the Secretary may use to carry out this section any funds appropriated to the Secretary for the renewal of contracts under a program described in subsection (a).

TITLE LXXXII—CAPITAL ACCESS FOR SMALL COMMUNITY FINANCIAL INSTITUTIONS

SEC. 82001. PRIVATIY INSURED CREDIT UNIONS AUTHORIZED TO BECOME MEMBERS OF A FEDERAL HOME LOAN BANK.

(a) IN GENERAL.—Section 4(g) of the Federal Home Loan Bank Act (12 U.S.C. 1424(a)) is amended by adding at the end the following new paragraph:

"(5) CERTAIN PRIVATELY INSURED CREDIT UNIONS.—

(A) IN GENERAL.—Subject to the requirements of subparagraph (B), a credit union shall be treated as an insured depository institution for purposes of determining the eligibility of such credit union for membership in a Federal home loan bank under paragraphs (1), (2), and (3).

(B) CERTIFICATION BY APPROPRIATE SUPERVISOR.—

(i) IN GENERAL.—For purposes of this paragraph and subject to clause (ii), a credit union which lacks Federal deposit insurance and which has applied for membership in a Federal home loan bank may be treated as meeting all the eligibility requirements for Federal deposit insurance only if the appropriate supervisor of the State in which the credit union is chartered has determined that the credit union meets all the eligibility requirements for Federal deposit insurance as of the date of the application for membership.

(ii) CERTIFICATION DEEMED VALID.—If, in the case of any credit union to which clause (i) applies, the appropriate supervisor of the State in which such credit union is chartered fails to make a determination pursuant to such clause by the end of the 6-month period beginning on the date the application for membership is deemed to have met the requirements of clause (i),

"(C) SECURITY INTERESTS OF FEDERAL HOME LOAN BANK NOT AVOIDABLE.—Notwithstanding any provision of State law authorizing a conservator or liquidating agent of a credit union to repudiate contracts, no such provision shall apply with respect to—

(i) any extension of credit from any Federal Home Loan Bank to any credit union which is a member of any such bank pursuant to this paragraph; or

(ii) any security interest in the assets of such credit union securing any such extension of credit.

(D) PROHIBITION OF CERTAIN FEDERAL HOME LOAN BANK ADVANCES.—Notwithstanding any provision of State law authorizing a conservator or liquidating agent of a credit union to repudiate contracts, no such provision shall apply with respect to—

(i) any extension of credit from any Federal Home Loan Bank to any credit union which is a member of any such bank pursuant to this paragraph; or

(ii) any security interest in the assets of such credit union securing any such extension of credit.

TITLE LXXXIV—SMALL BANK EXAM CYCLE REFORM

SEC. 83001. SMALLER INSTITUTIONS QUALIFYING FOR 16-MONTH EXAMINATION CYCLE.

Section 10(d) of the Federal Deposit Insurance Act (12 U.S.C. 1828(d)) is amended—

(1) in paragraph (4),

(A) in subparagraph (A), by striking "$500,000,000" and inserting "$1,000,000,000"; and

(B) in subparagraph (C)(ii), by striking "$100,000,000" and inserting "$200,000,000"; and

(2) by adding at the end the following new paragraphs:

(A) by striking "$100,000,000" and inserting "$200,000,000"; and

(B) by striking "$500,000,000" and inserting "$1,000,000,000".

TITLE LXXXV—SMALL COMPANY SIMPLE REGISTRATION

SEC. 84001. FORWARD INCORPORATION BY REFERENCE FOR FORM S-1.

Not later than 45 days after the date of enactment of this Act, the Securities and Exchange Commission shall revise Form S-1 so as to allow a smaller reporting company (as defined in section 230.405 of title 17, Code of Federal Regulations) to incorporate by reference in
a registration statement filed on such form any documents that such company files with the Commission after the effective date of such registration statement.

TITLΕ XXI—HELPING EXPAND LEND-
PRODUCTS IN RURAL COMMU-
NITIES

SEC. 88001. SHORT TITLE. This title may be cited as the "Helping Expand Lending Practices in Rural Communities Act of 2015" or the "HELP Rural Communities Act of 2015".

SEC. 88002. DESIGNATION OF RURAL AREA. (a) APPLI-
cATION.—Not later than 60 days after the date of enactment of this Act, the Bureau of Consumer Financial Protection shall establish an application process under which a person who lives or does business in a State may, with respect to any area identified by the person in such State that has not been designated by the Bureau as a rural area for purposes of a Federal consumer financial law (as defined under section 1902 of the Consumer Financial Protection Act of 2010), apply for such area to be so designated.

(b) EVALUATION CRITERIA.—When evaluating an application submitted under subsection (a), the Bureau shall take into consideration the following factors:

(1) Criteria used by the Director of the Bureau of the Census for classifying geographical areas as rural or urban.

(2) Criteria used by the Director of the Office of Management and Budget to designate communities as metropolitan or micropolitan or neither.

(3) Criteria used by the Secretary of Agriculture to determine property eligibility for rural development programs.

(4) The Department of Agriculture rural-urban commuting area codes.

(5) A written opinion provided by the State’s bank supervisor, as defined under section 171(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)).

(6) Population density.

(c) RULE OF CONSTRUCTION.—If, at any time prior to the submission of an application under subsection (a), the area subject to review has been designated as nonrural by any Federal agency described under subsection (b) using any of the criteria described under subsection (b), the Bureau shall not be required to consider such designation in its evaluation.

(d) PUBLIC COMMENT PERIOD.—

(1) IN GENERAL.—Not later than 90 days after receiving an application submitted under subsection (a), the Bureau shall:

(A) publish such application in the Federal Register; and

(B) make such application available for public comment for not less than 90 days.

(2) LIMITATION ON ADDITIONAL APPLICA-
TIONS.—Nothing in this section shall be con-

strued to require the Bureau, during the public comment period with respect to an application submitted under subsection (a), to accept an additional application with respect to the area that is the subject of the initial application.

(e) DECISION ON DESIGNATION.—Not later than 90 days after the end of the public comment period under subsection (d)(1) for an application, the Bureau shall:

(1) grant or deny such application, in whole or in part; and

(2) publish such grant or denial in the Federal Register, along with an explanation of what factors the Bureau relied on in making such determination.

(f) SUBSEQUENT APPLICATIONS.—A decision by the Bureau under subsection (e) to deny an application for an area to be designated as a rural area shall not preclude the Bureau from accepting a subsequent application submitted under subsection (a) for such area to be so designated, so long as such subsequent application is made after the end of the 90-day period beginning on the date that the Bureau denies the application under subsection (e).

(g) SUNSET.—This section shall cease to have any force or effect after the end of the 2-year period beginning on the date of the enactment of this Act.

SEC. 89003. OPERATIONS IN RURAL AREAS. The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended—

(1) by section 129(b)(2)(E)(iv)(I), by striking "predominantly"; and

(2) in section 129D(c)(1), by striking "predomi-

nantly".

The House agree to the same.

From the Committee on Transportation and Infrastructure, for consideration of the House amendment and the Senate amendment, and modifications committed to conference:

BILLY HUSTER,
JOHN J. DUNCAN, Jr.,
STEVE COHEN,
MARKWAYNE MULLIN,
MAC THORNBERRY,
CORRINE BROWN,
REID J. RIBBLE,
SCOTT F. PERRY,
ROB WOODALL,
MARK TROY

As additional conferees from the Committee on Armed Services, for consideration of sec. 1111 of the House amendment, and modifications committed to conference:

SHAWN ROSS

As additional conferees from the Committee on Energy and Commerce, for consideration of secs. 1109, 1201, 1202, 3003, Division B, secs. 3101, 3120, and Division F of the House amendment, and modifications committed to conference:

MARKWAYNE MULLIN,
FRANK PALLONE, Jr.,
The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text. The House amendment struck out that portion with the Senate amendment and inserted a substituted text.

The Senate recedes from its disagreement to the amendment of the House with an amendment to the proposal for the House bill, the Senate amendment, and the House amendment. The differences between the House bill, the Senate amendment, and the House amendment. The conferees note the House amendment, the House amendment. The FAST Act improves the Nation’s infrastructure, reforming federal highways and rail projects. The Act also makes reauthorization of the surface transportation programs through FY 2020, emphasizing the importance of addressing national priorities, and makes other policy changes.

**DIVISION A—SURFACE TRANSPORTATION**

**TITLE I—FEDERAL-AID HIGHWAYS**

Title I of the FAST Act reauthorizes the Federal-aid Highway and highway safety construction programs through FY 2020. The FAST Act expands eligibility for intermodal and freight rail projects, builds key freight rail projects, and emphasizes the importance of address large-scale projects of national significance, and makes other policy changes and reforms.

The Senate recedes from its disagreement to the amendment of the House amendment, and modifications committed to conference: Dennis Petri, Sue Myrick, Joe Wilson, Pete Visclosky, Niki Tsongas, and Frank Pallone.

As additional conferees from the Committee on Ways and Means, for consideration of secs. 1114–16, 1120, 1301, 1304, 1307, 1308, 1310–13, 1316, 1317, 19001, and 10001 of the House amendment and secs. 11024–27, 11101–13, 11116–18, 15006, 31103–05, and 73103 of the Senate amendment and modifications committed to conference: Glenn Thompson, Darin LaHood, and C. A. Dutch Ruppersgerdts.

As additional conferees from the Committee on Science, Space, and Technology, for consideration of secs. 3006, 3015, 4083, and title VI of the House amendment and secs. 11003, 12001, 12002, 12004, 12005, 21009, 21017, subtitle B of title XXXI, secs. 31105 and 72003 of the Senate amendment, and modifications committed to conference: Lamar Smith, Barbara Comstock, Donna F. Edwards, and Frank Pallone.

As additional conferees from the Committee on Oversight and Government Reform, for consideration of secs. 21009, 21017, subtitle B of title XXXII, secs. 31103, 31105, 13006, 13007, and 13010 of the Senate amendment and modifications committed to conference: John L. Mica, Will Hurd, Gerald E. Connolly.

As additional conferees from the Committee on Homeland Security and Governmental Affairs, for consideration of secs. 70201, 70202, 70203, 70204, 70205, 70206, 70207, and 70208 of the Senate amendment, and modifications committed to conference: John Thune, Barbara Boxer, David V. Vitter, and Deb Fischer.

As additional conferees from the Committee on Homeland Security and Governmental Affairs, for consideration of secs. 31101, 31201, and 31203 of the House amendment, and secs. 51101, 51201, 51203, 20103–05, 20106, 20107, and 74001 of the House amendment, and modifications committed to conference: John Thune, Charles Grassley, David V. Vitter, and Deb Fischer.

As additional conferees from the Committee on Ways and Means, for consideration of secs. 3006, 3015, 4083, and title VI of the House amendment and secs. 11003, 12001, 12002, 12004, 12005, 21009, 21017, subtitle B of title XXXI, secs. 31105 and 72003 of the Senate amendment, and modifications committed to conference: John L. Mica, Will Hurd, Gerald E. Connolly.

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The Senate recedes from its disagreement to the amendment of the House amendment, and modifications committed to conference: Glenn Thompson, Darin LaHood, and C. A. Dutch Ruppersgerdts.

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As additional conferees from the Committee on Science, Space, and Technology, for consideration of secs. 3006, 3015, 4083, and title VI of the House amendment and secs. 11003, 12001, 12002, 12004, 12005, 21009, 21017, subtitle B of title XXXI, secs. 31105 and 72003 of the Senate amendment, and modifications committed to conference: John L. Mica, Will Hurd, Gerald E. Connolly.

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As additional conferees from the Committee on Homeland Security and Governmental Affairs, for consideration of secs. 31101, 31201, and 31203 of the House amendment, and secs. 51101, 51201, 51203, 20103–05, 20106, 20107, and 74001 of the House amendment, and modifications committed to conference: John L. Mica, Will Hurd, Gerald E. Connolly.

As additional conferees from the Committee on Science, Space, and Technology, for consideration of secs. 3006, 3015, 4083, and title VI of the House amendment and secs. 11003, 12001, 12002, 12004, 12005, 21009, 21017, subtitle B of title XXXI, secs. 31105 and 72003 of the Senate amendment, and modifications committed to conference: John L. Mica, Will Hurd, Gerald E. Connolly.
related to an approved state's implementation of NEPA that existed prior to the date of enactment of this Act.

Pursuant to section 1403 of the conference report, the conference report provides that additional funds deposited into the Highway Trust Fund by subsequent Acts shall automatically be made available for obligation to states, without further action by Congress. These adjustments to contract authority, which will be distributed among authorized programs in the same manner as set forth in the FAST Act, will enable Federal funds that are already available into the Highway Trust Fund can immediately be used to fund necessary surface transportation investments.

The conference report also directs USDOT to establish an expedited application process for use by an eligible applicant under certain circumstances. It also makes transit-oriented development projects eligible to apply for TIFIA loans and reinstates the ability of a state to capitalize their state infrastructure bank with their federal-aid highway funds for fiscal years 2016 through 2020.

Lastly, the conference report codifies an existing USDOT practice of allowing costs related to highway projects delivered by a public-private partnership that uses an advance construction authorization coupled with the availability payment concession model to be eligible for federal-aid reimbursement.

Title III—Public Transportation

Title III of the FAST Act reauthorizes the programs of the Federal Transit Administration (FTA) through FY 2020 and includes a number of adjustments to improve mobility, streamline capital project construction and acquisition, and increase the safety of public transportation systems across the country.

Invests in Public Transportation

The FAST Act provides stable, robust funding for FTA's state and local partners. The five years of predictable formula funding provided by this Act will enable recipients to better manage their long-term capital assets and address the backlog of state of good repair needs. It also includes funding for new competitive grant programs for buses and bus facilities, the national freight and shipment coordination, frontline workforce training, and public transportation research activities. Overall, the investments made by this Act will promote greater mobility and access to public transportation services throughout the Nation.

Improves Safety

The FAST Act clarifies FTA's safety authority and responsibility for the oversight of rail fixed guideway public transportation systems. It also requires the Secretary of Transportation (Secretary) to undertake a review of safety standards and protocols and evaluate the need to establish federal minimum public transportation safety standards. Finally, the Secretary is authorized to promote workforce safety through a rulemaking process.

Promotes Wise Investments

The FAST Act includes a number of reforms to the rolling stock procurement process in an effort to facilitate more cost-effective public transportation projects. The conferees are aware that one of the biggest challenges to capital asset acquisition, particularly for small and rural public transportation providers, is the high price attributable to the relatively small size of the procurement. The Act addresses current purchasing power issues for smaller public transportation providers by supporting cooperative procurements and leasing.

Additional Explanatory Language

The conference report includes language clarifying the interrelated projects under the Capital Investment Grant program. The conferees intend to ensure that project sponsors have the option to seek funding for a program that blends new fixed guideway capital projects, core capacity improvement projects, and small start projects as well as a program of projects that are only new fixed guideway capital projects, core capacity improvement projects, or small start projects.

The conferees note the ongoing efforts of the USDOT and the U.S. Department of Treasury to advance the Build America Investment Initiative (Initiative). This Initiative is intended to increase infrastructure investment growth by engaging with state and local governments and private sector investors to encourage collaboration, expand the market for public-private partnerships and put federal credit programs to greater use. The conferees encourage the USDOT to utilize all available tools, including the National Surface Transportation Infrastructure Finance Bank and the Expedited Project Delivery for Capital Investment Grants Pilot Program established in section 3006(b) for public transportation infrastructure projects.

Section 3006(b) establishes a program for the expedited project delivery of projects utilizing public-private partnerships. The program streamlines the project delivery process for up to eight grants for new fixed guideway capital projects, core capacity improvement projects, or small start projects. The conferees also note the need to encourage projects that are complete their due diligence for a project prior to their agreement to commit to the project. This pilot program maintains the Secretary's determination that the eligible project is a part of an approved transportation plan; that the applicant has the legal, financial, and technical capacity to carry out the project; that the project will be supported by a public-private partnership; that the project is supported by an acceptable degree of local financial commitment; and that the project is supported by existing public transportation providers. The conferees do not intend for public-private partnerships to be a means to privatization, rather to provide certainty in order to ensure that the FTA has all of the tools necessary to allow public transportation infrastructure projects to more effectively lever- age the public-private investment through an innovative expedited project delivery method.

The conferees expect that all projects receiving expedited process- es enter into revenue service. Therefore, the conference report includes a provision specifying that an applicant must repay all federal funds spent from all federal funding sources, for all eligible project activities, facilities, and equipment, plus interest and penalty charges allowed by law if a project is not completed. This provision is intended to ensure that all federal interest is protected and returned plus interest if a public-private partnership fails to deliver a project.

Section 3005(b) requires the Secretary to develop an annual report explaining project delivery for capital grants. With full funding grant agreements under section 5330, this pilot program requires each recipient to develop and submit with an additional description and analysis of predicted and actual benefits and costs of the innovative project delivery and financing methods.

The conference report includes a provision to promote the local coordination of all transportation services in an area. The purpose of this provision is that all transportation providers receiving federal assistance coordinate the provision of services to improve mobility for the transportation disadvantaged, achieve service efficiencies, and reduce or eliminate the duplication of transportation services. Section 3006(b) establishes the "Pilot Program for Innovative Coordinated Public-Private Mobility" to provide grants for innovative projects that improve the coordination of transportation services and non-emergency medical transportation, including the use of technology. In section 3006(c), the conferees direct the members of the Interagency Transportation Coordinating Council on Access, Connectivity, and Mobility (Council) to take action to improve local coordination, establish a cost-sharing policy, provide recommendations to Congress on eliminating federal barriers to local coordination, and address recommendations made previously to the Council by the Government Accountability Office (GAO).

Section 3011 of the conference report includes a provision to allow rolling stock manufacturers that procure iron and steel produced in the United States, as defined in 49 CFR 661.5(b), to include the cost of that iron and steel in the domestic content calculation made pursuant to section 5323(j)(2)(C), when such iron or steel is used in rolling stock frames and car shells.

The conferees intend for this provision to apply to rolling stock frames or car shells, regardless of whether the iron or steel is produced in the United States.

To increase accountability, section 3011 requires the Secretary, upon denial of a Buy America waiver, to issue a written certification that the item is produced in the United States in a sufficient and reasonably available amount, the item is of satisfactory quality, and includes a list of known manufacturers in the United States from which the item can be obtained. This section subse- quently requires the Secretary to rescind any waiver denial and subsequent written certification on the website of the USDOT.

The conference report also requires the Secretary to report the disposition of a small purchase to mean a purchase of not more than $150,000 for the application of Buy America requirements in section 5323(j).

Section 3013 provides the Secretary with increased authority to assist public transportation systems with severe safety needs. MAP-21 granted the Secretary permission to take enforcement actions against recipients that are noncompliant with federal transit safety law. The conferees expect the Secretary to utilize this authority to issue direct enforcement actions when necessary. They also direct the Secretary to impose more frequent reporting requirements, require that formula grant funds be spent to correct safety deficiencies before withdrawing funds, and authorize the Secretary to withdraw funds from a recipient, and provide direct safety oversight when deemed necessary. In
addition, the conferees intend to provide clarification that the FTA’s authority extends to each of the states in which a multi-state fixed guideway public transportation system operates.

Section 3017 amends FTA’s Buses and Bus Facilities grant program to reflect a number of changes that allows recipients in a state to pool formula funds to accommodate larger scale procurements. Subsection (b) reinitiates a competitive grant bus program that addresses capital investment needs of public transportation systems across the country. This competitive grant program includes a 10 percent rural set-aside and a limit of more than one percent of all grant amounts be awarded to a single grantee. States may also submit a statement for bus needs across the state, rather than the federal government to distribute competitively awarded grant funds.

The conference report also incorporates grants for low or no emission buses and bus facilities, previously included in the research program, into the competitive bus program. The conferees note that these grants are appropriately situated in the bus program and have included language to ensure that any vehicles or facilities funded under this program are ready for full integration into a public transportation system. Additionally, the new low or no emissions buses and bus facilities grant program includes provisions for the public view.

The conference report includes a provision allowing multiple states and providers to purchase capital assets through cooperative procurement programs. These procurements allow one state to act as a lead procurement agency in an administrative capacity on behalf of each participant to the contract. These voluntary cooperative procurements, in combination with providers purchasing similar capital assets to pool their procurement requests, which will increase the size of the request and result in the providers getting a more competitive bid from the manufacturers. This provision will not only support the needs of small and rural public transportation providers, but also provide additional purchasing opportunities for large and medium-sized public transportation providers.

At a minimum, the conference report creates a pilot program to allow up to three geographically diverse nonprofits to host cooperative procurement contracts. These are intended to exceed the states’ current purchasing contracts and provide another opportunity for public transportation systems of all sizes to enhance their purchasing capabilities.

Section 3019 of the conference report re- authorizes the programs of the Federal Motor Carrier Safety Administration (FMCSA) through FY 2020 and includes provisions to improve truck and bus safety, while reducing regulatory burdens.

**Title IV—Highway Traffic Safety**

Title IV of the FAST Act reauthorizes highway traffic safety programs administered by the National Highway Traffic Safety Administration (NHTSA) through FY 2020 and makes several reforms to existing law to help keep drivers, pedestrians, and our roads safer.

**Prioritizes Emerging Safety Needs**

The FAST Act enables states to spend more funds on the pressing safety needs unique to their states by realocating the Innovative Safety Program (NHTSA) funds and increasing the percentage of such funds that can be flexed to each state’s traditional safety programs. It also requires the Secretary to establish the feasibility of establishing a national impairment standard for drivers under the influence of marijuana and provide recommendations on how to implement such a standard.

**Provides Opportunities for Veterans**

The FAST Act authorizes grants for low or no emission buses and bus facilities grant program includes project eligibility for rehabilitating or improving existing public transportation facilities to accommodate low or no emission vehicles to accommodate small transportation providers, such as bus riders of rural school districts.

**Additional Explanatory Language**

The conferees are concerned about the dangers posed by unsecured loads on non-commercial vehicles. Federal grant funds for state-run safety campaigns raising awareness about the dangers posed by unsecured loads are currently funded under State Highway Safety Programs (23 U.S.C. 402). Therefore, the conferees encourage states to address unsecured loads the next time they submit their State Highway Safety Program for approval by the Secretary or through other state initiatives.

The conferees are concerned with the number of deaths due to impaired driving. The conference report includes Senate language to create an incentive grant for states that provide a 24-7 sobriety program available for use within a state.

As a condition of receiving grant funds, NHTSA currently requires states to sign certifications and assurances that they comply with applicable regulations and work with maintenance of effort requirements. The conference report provides additional flexibility to allow states to certify their compliance with federal effort requirements. Therefore, the conferees expect that NHTSA should reasonably defer to state interpretations and analyses that underpin such certifications.

**Title V—Motor Carriers**

Title V of the FAST Act reauthorizes the programs of the Federal Motor Carrier Safety Administration (FMCSA) through FY 2020 and includes provisions to improve truck and bus safety, while reducing regulatory burdens.

**Improves Safety**

The FAST Act incentivizes the adoption of innovative truck and bus safety technologies and accelerates the implementation of safety regulations required by law. The Act also authorizes a new testing method to detect the use of alcohol by commercial motor vehicle drivers.

**Reduces Regulatory Burdens**

The FAST Act reform the regulatory process by requiring FMCSA to use the best available data, in consultation with stakeholders, to establish reasonable expectations for data collection to focus inspections on actual safety risks identified by stakeholders. The Act also requires FMCSA to conduct a thorough review of all required federal regulations.

The FAST Act requires the Administrator of the FMCSA to conduct a study on the safety effects of a motor carrier operator commuting more than 150 minutes. On June 17, 2014, a tractor-trailer struck a van near Cranbury, New Jersey, killing one person and injuring several others. According to the National Transportation Safety Board, the truck driver had been awake more than 24 hours at the time of the crash. In addition, the driver—originally from Florida—spent hours overnight to get to his job in Delaware before starting his shift. The study shall address the prevalence of long commutes in the industry and the impact on public safety.

The conferees expect that the implementation of section 5516 will provide the maximum...
Title VI—Innovation

The FAST Act establishes a Competitive Deployment Program to promote innovative technologies that will enhance overall highway safety. The program is designed to encourage the deployment of innovative technology and techniques that will ensure private capital has an equal opportunity to participate, thereby ensuring financing is adequately leveraged. The conference report emphasizes the importance of states and local agencies to examine additional opportunities to engage in competitive market-based financing of these projects.

Title VII—Hazardous Material Policy and Regulation

Title VII of the FAST Act strengthens and advances the safe and efficient movement of hazardous materials through a number of reforms and safeguards. It also authorizes hazardous materials safety and grant programs for fiscal years 2016 through 2020.

Streamlines Processes and Creates Certainty and Transparency for Industry

The FAST Act reforms an underutilized grant program to get more resources to states and Indian tribes for emergency response. It also gives states more power to decide how to spend their planning and training grants to improve emergency response. It helps better leverage funding for hazardous materials employees and those enforcing hazardous material regulations.

Enhances Emergency Preparedness and Response

The FAST Act reauthorizes Class I railroads to use certain flammable liquid shipments to State Emergency Response Commissions (SERCs). It prohibits the withholding of train composition information from first responders in the event of an accident, incident, or emergency. The FAST Act and the DOT require USDOT to establish security and confidentiality protections for the release of any information intended for fusion centers, SERCs, or other authorizations under the terrorism and other minimum requirements imposed by state law or regulation. Section 5518 clarifies that states which enact laws or regulations that exempt or impose other minimum standards beyond those enumerated in subsection (a) for farm vehicles and the drivers of such vehicles will not lose federal transportation funds. FMCSA revised this

Titile VIII—Multimodal Freight Transportation

Title VIII of the FAST Act focuses attention on the important role of multimodal freight transportation as a foundation for the United States to compete in the global economy. It establishes a multimodal freight policy and a national multimodal freight strategic plan and designates a National Multimodal Freight Network to assist states in strategically directing resources and informing freight transportation planning.

The FAST Act authorizes hazardous materials safety and grant programs for fiscal years 2016 through 2020.

The conference report emphasizes the importance of the national strategic freight plan, which will now be multimodal in scope, and, among other things, will assess the conditions and performance of the National Multimodal Freight Network, and freight corridors. The conference intends to have these studies, including the development of the national strategic freight plan, which will now be multimodal in scope, and, among other things, will assess the conditions and performance of the National Multimodal Freight Network, and freight corridors. The conference intends to have these studies, including the development of the national strategic freight plan, which will now be multimodal in scope, and, among other things, will assess the conditions and performance of the National Multimodal Freight Network, and freight corridors.
and delays with environmental reviews and permitting; reduce costs and risks to taxpayers in project delivery; and procurement. The Act also gives the Secretary the authority to consolidate different offices within USDOT. These targeted improvements are based on previous congressionally initiated reforms, oversight, and USDOT reports that seek to reduce project delays and maximize taxpayer funding.

Finally, the FAST Act establishes a Council on Credit and Finance (Council) within USDOT. It requires the Council to review applications for various credit assistance programs and the NSPHP program, as appropriate, and then make recommendations to the Secretary about which applications should receive federal financing or funding assistance.

**Title X—SPORT FISH RESTORATION AND RECREATIONAL BOATING SAFETY**

Title X of the FAST Act authorizes expenditure authority for the Dingell-Johnson Sport Fish Restoration Act through FY 2020 and requires grant programs to reduce administrative costs and increase flexibility for states. The Act also provides parity for the Coast Guard by establishing a set-aside for the Coast Guard's operating expenses.

**Additional Explanatory Language**

The conferences understand that funds provided under section 10001 are sufficient to pay the salaries and expenses of some, but not all, of the personnel whose duties exclusively involve boating safety, but who are currently funded out of the Service's Operating Expenses account. Under the authority provided by section 10002, the conferences expect the Coast Guard to use any additional funds provided under section 10001 to pay only the salaries and expenses of personnel whose duties exclusively involve boating safety.

The majority of the U.S. Fish and Wildlife Service's (USFWS) grants management work with state fish and wildlife agencies occurs at the regional level. As a result, the conferences direct the USFWS to prioritize the use of administrative funds by regional offices to improve the efficiency and accessibility of the Service's Operating Expenses account. The conferences authorize the Coast Guard to use any additional funds provided under section 10001 to pay only the salaries and expenses of personnel whose duties exclusively involve boating safety.

**Title XI—RAIL**

Title XI of the FAST Act reauthorizes funding for projects that include the restoration of rail service and the development of new rail service in under-represented areas. The Act also expands the program to include funding for the expansion of new rail service and the restoration of rail service in under-represented areas.

**Amtrak Reforms**

The FAST Act makes significant reforms to the Amtrak law by creating a State-Supported Route Committee to encourage a more collaborative relationship between states, Amtrak, and the government. The Act also authorizes a State-Supported Route Program to provide funding for rail projects in states that have a State-Supported Route Committee.

The FAST Act also establishes a process for obtaining a public version of a bridge inspection report. However, it does not require a railroad to provide a report to the public unless the Secretary determines that the report is not authorized to be provided.

**Project Delivery**

Moving projects through the federal review process can be challenging given the number of agencies and entities involved. Title E of this title, the Train, Railroad, and Infrastructure Improvement Act of 2015, streamlines the process for approving rail projects without compromising our historic and natural resources. It does so by applying important provisions already in law for other modes of transportation to rail projects. It directs the Secretary to apply to rail—to the greatest extent feasible—the expedited environmental review procedures already used for highways and transit. It also requires the Secretary to engage in a process to identify additional congressional exclusions used in transportation projects and to propose new and existing exceptions, while ensuring that requirements for important historic sites, such as historic stations, are met. It also requires the Secretary to develop a program to make RRIF a more flexible lender;

**Innovative financing programs**

Innovative financing programs are a method to advance major infrastructure. The Railroad Rehabilitation Improvement and Financing (RRIF) program is authorized to provide direct or guaranteed loans for rail projects, ranging from short-line rail projects to passenger rail facilities. While this program provides attractive low-interest-rate, long-term financing, it has not been extensively utilized, and its inflexible terms and limited consideration of project-finance style lending features limit its utility to large-scale infrastructure improvements. Subtitle F of this title, the Railroad Infrastructure Financing Improvement Act (RIFIA), includes several provisions designed to unlock this program by streamlining USDOT's approval processes; mirroring programmatic features similar to the successful TIFIA program to make RRIF a more flexible lender; and creating partnerships that combine RRIF loans with other types of financing, including private financing. It also requires the Secretary to pay back the RRIF loan, regardless of whether the loan is or was included in a loan. The intent of this provision is for the Secretary to pay back the credit risk premium, with interest, to a borrower that has repaid its RRIF loan, regardless of whether the loan is or was included in a loan. The intent of this provision is for the Secretary to pay back the credit risk premium, with interest, to a borrower that has repaid its RRIF loan, regardless of whether the loan is or was included in a loan. The intent of this provision is for the Secretary to pay back the credit risk premium, with interest, to a borrower that has repaid its RRIF loan, regardless of whether the loan is or was included in a loan.

The FAST Act also establishes a process for obtaining a public version of a bridge inspection report, such as a summary form. However, it does not require a railroad to provide a report to the public unless the Secretary determines that the report is not authorized to be provided.
### Title I—Federal-Aid Highways

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**Subtitle B—Federal Motor Carrier Safety Administration Reform**

**Part I—Regulatory Reform**

| 5201 | 32601| Notice of cancellation of insurance | Senate recedes. |
| 5202 | 32601| Regulations | Senate recedes with modifications. |
| 5203 | 32601| Guidelines | Senate recedes with modifications. |
| 5204 | 32604| Petitions | Senate recedes with modifications. |
| 5205 | 32604| Senate recedes. | |

**Part B—Compliance, Safety, Accountability Reform**

| 5211 | 32601| Correlation study | Senate recedes with modifications. |
| 5212 | 32601| Beyond compliance | Senate recedes. |
| 5213 | 32601| Data certification | Senate recedes with modifications. |
| 5214 | 32604| Interim hiring standard | Senate recedes. |
| 5215 | 32604| Data improvement | House recedes. |
| 5216 | 32604| Accident report information | House recedes with modifications. |

**Subtitle C—Commercial Motor Vehicle Safety**

| 5301 | 32611| Update on statutory requirements | House recedes with modifications. |
| 5302 | 32611| Windshield technology | House recedes. |
| 5303 | 32611| Commercial statutory requirements | House recedes. |
| 5304 |        | Safety reporting system | Senate recedes. |
| 5305 | 32612| New entrant safety review program | Senate recedes. |
| 5306 | 32612| Ready mixed concrete trucks | House recedes. |
| 5307 | 32612| Post-accident report review | House recedes with modifications. |
| 5308 | 32612| Recognizing excellence in safety | Senate recedes. |
| 5309 | 32612| High risk carrier reviews | House recedes. |

**Subtitle D—Commercial Motor Vehicle Drivers**

| 5401 | 32613| Opportunities for veterans | Senate recedes with modifications. |
| 5402 | 32613| Drug-free commercial drivers | House recedes. |
| 5403 | 32613| Certified medical examiners | House recedes. |
| 5404 | 32613| Commercial driver access | House recedes with modifications. |
| 5405 | 32613| Veterans expanded trucking opportunities | Senate recedes with modifications. |

**Subtitle E—General Provisions**

| 5501 |        | Minimum financial responsibility | Senate recedes with modifications. |
| 5502 |        | Delays in goods movement | Senate recedes. |
| 5503 | 32614| Report on motor carrier financial responsibility | Senate recedes. |
| 5504 | 32614| Emergency route working group | Senate recedes with modifications. |
| 5505 | 32614| Household goods consumer protection working group | Senate recedes with modifications. |
| 5506 | 32614| Technology improvements | Senate recedes with modifications. |
| 5507 |        | Notification regarding motor carrier registration | Senate recedes. |
| 5508 |        | Report on commercial driver's license skills test delays | Senate recedes with modifications. |
| 5509 |        | Covered farm vehicles | Senate recedes. |
| 5510 |        | Operators of hi-rail vehicles | Senate recedes with modifications. |
| 5511 | 32615| Electronic logging device requirements | Senate recedes. |
| 5512 |        | Technical corrections | Senate recedes. |
| 5513 |        | Automobile transporter | Senate recedes. |
| 5514 |        | Ready mix concrete delivery vehicles | Senate recedes. |
| 5515 |        | Safety study regarding double-decker motorcoaches | Senate recedes. |
| 5516 |        | Transportation of construction materials and equipment | Senate recedes. |
| 5517 |        | Commercial delivery of light- and medium-duty trailers | Senate recedes. |
| 5518 | 32616| GAO Review of school bus safety | Senate recedes. |
| 5519 | 32616| Additional State Authority | House recedes with modifications. |
| 5520 | 32616| Access to National Driver Register | House recedes. |
| 5521 | 32616| Study on Commercial Motor Vehicle Driver Communication | House recedes. |
| 5522 | 32616| Intermode Van Operations | Senate recedes. |
| 5524 | 32616| Motorcoach Hours of Service Study | Senate recedes. |

**TITLE VI—INNOVATION**

| 6001 |        | Short title | Senate recedes. |
| 6002 |        | Authorization of appropriations | Senate recedes with modifications. |
| 6003 | 12002| Advanced transportation and congestion management technologies deployment | Senate recedes with modifications. |
| 6004 |        | Technology and innovation deployment program | Senate recedes with modifications. |
| 6005 |        | Intelligent transportation system goals | Senate recedes with modifications. |
| 6006 |        | Intelligent transportation system program report | Senate recedes with modifications. |
| 6007 |        | Intelligent transportation system national architecture and standards | Senate recedes. |
| 6008 |        | Communication systems deployment report | Senate recedes. |
| 6009 |        | Infrastructure development | Senate recedes. |
| 6010 | 31207| Departmental research programs | Senate recedes. |
| 6011 | 31207| Research and Innovative Technology Administration | Senate recedes. |
| 6012 | 31207| Office of Intermodalism | Senate recedes. |
| 6013 |        | University transportation centers | Senate recedes. |
| 6014 | 31208| Bureau of Transportation Statistics independence | House recedes. |
| 6015 | 31208| Surface transportation system funding alterations | Senate recedes with modifications. |
| 6016 | 31208| Future interstate study | Senate recedes. |
| 6017 |        | Highway efficiency | Senate recedes. |
| 6018 |        | Motorcycle safety | Senate recedes. |
| 6019 |        | Hazardous materials research and development | Senate recedes. |
| 6020 |        | Web-based training for emergency responders | Senate recedes with modifications. |
| 6021 |        | Transportation technology policy working group | Senate recedes. |
| 6022 |        | Collaboration and support | Senate recedes. |
| 6023 |        | Prize competitions | Senate recedes. |
| 6024 |        | GAO report | Senate recedes. |
| 6025 |        | Intelligent transportation system purposes | Senate recedes. |
| 6026 | 31209| Infrastructure integrity | House recedes with modifications. |
| 6027 | 31209| Consolidated research prospectus and strategic plan | Senate recedes with modifications. |
| 6028 |        | Traffic congestion | Senate recedes. |
| 6029 |        | Rail safety | Senate recedes. |
| 6030 |        | Study and report on reducing the amount of vehicles owned by certain Federal departments and increasing the use of commercial ridesharing by those departments | House recedes. |
| 6031 | 12001| Research, technology, and education | Senate recedes. |
| 6032 | 31201| Findings | Senate recedes with modifications. |
| 6033 | 31201| Modal research plans | Senate recedes. |
| 6034 | 31201| Research Observations | Senate recedes with modifications. |
| 6035 | 31201| Smart cities transportation planning study | Senate recedes. |
| 6036 |        | Short title | Senate recedes. |
TITLE VII—HAZARDOUS MATERIALS TRANSPORTATION

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7009 35305 Motor carrier safety permits
7008 35306 Improving the effectiveness of planning and training grants
7006 35307 Improving publication of special permits and approvals
7004 35308 Enhanced reporting
7005 35309 Rail safety
7007 35310 Rail safety grants
7018 35311 Hazardous materials transportation exemptions

Subtitle B—Hazardous Material Safety and Improvement

7012 35341 Community Safety Grants
7015 35342 Phase-out of all tank cars used to transport Class 3 flammable liquids
7010 35343 Thermal Blankets
7017 35344 Minimum requirements for top fittings protection for class DOT-117R tank cars
7011 35345 Railtrack safety
7019 35346 Hazardous materials by rail liability study
7013 35347 Study of the use of electronically controlled pneumatic brakes
7014 35348 Study on the efficacy and implementation of the European Train Control System

Subtitle C—Safe Transportation of Class 3 Flammable Liquids By Rail

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8002 41002
8003 41003
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8004 42005 Savings provision

TITLE VIII—MULTIMODAL FREIGHT TRANSPORTATION

8001 41001 Allocations
8002 41002 Multimodal freight transportation

TITLE IX—NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE FINANCE BUREAU

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9002 35308 Council on Credit and Finance

TITLE X—SPORT FISH RESTORATION AND RECREATIONAL BOATING SAFETY

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102 35303 Authorization of appropriations for Amtrak Office of Inspector General
104 35304 Definitions
501 35305 National infrastructure investments
502 35306 National infrastructure investments
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Subtitle B—Amtrak Reforms

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301 35310 Consolidated rail infrastructure and safety improvements
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306 35310 Small business participation study
307 35310 Shared-use study
308 35310 Northeast Corridor through-ticketing and procurement efficiencies
309 35310 Data and analysis
DIVISION B—COMPREHENSIVE TRANSPORTATION AND CONSUMER PROTECTION ACT OF 2015

The Motor Vehicle Safety Title of the conference report includes numerous provisions intended to improve vehicle and roadway safety over the next five years and into the future. The incorporated provisions establish a means of reducing fatalities, injuries, and the associated economic and societal costs resulting from motor vehicle defects and roadway accidents. Specifically, the Title would modernize and improve the National Highway Traffic Safety Administration (NHTSA) by improving the vehicle safety recall processes, enhancing agency transparency, and increasing efficiency in current regulatory processes. The Title would also increase accountability among automakers and other stakeholders in the automotive industry, promote entrepreneurship and innovation within the automotive industry, and foster greater attention to vehicle safety issues from both automakers and regulators.

To modernize and enhance transparency at NHTSA, the Title includes good-government provisions that would require the agency to submit an annual agenda to Congress on its activities for the upcoming year and authorizes additional funding for NHTSA’s vehicle safety program if the agency implements recommendations made by the Department of Transportation Inspector General to improve agency transparency.

The Title also incentivizes the development and utilization of new crash avoidance technologies that can help reduce the severity of accidents, or prevent accidents altogether. It also directs a study on unattended children warning systems. One section directs NHTSA to update standards related to Tire Pressure Monitoring Systems. This section should not be interpreted as precluding the use of indirect tire pressure monitoring systems or technologies. Both the House and the Senate have been informed that NHTSA has not identified any safety concerns with the indirect systems currently in use in the United States. The Title also requires NHTSA to promulgate a rule for registration of tires sold by independent retailers.

To improve the motor vehicle safety recall process, the Title expands the availability and accessibility of vehicle safety recall information to consumers and establishes a pilot grant program for States to notify consumers of vehicle recalls. These provisions are intended to help improve recall awareness among motorists and encourage quick repair of defective vehicles. In addition to these provisions, the Safety Title incentivizes dealers to check for open recalls at the time of service for all patrons and requires rental car companies to ground vehicles that are subject to an open safety recall until they are fixed. This rental car safety provision contains a rule of construction stating that this section should not be construed to create or increase liability under State and local law for damages related to the commercial loss of use of a recalled rental vehicle pending completion of the recall remedy. To encourage future adoption of direct vehicle notification of open recalls, the Title also includes a study on the feasibility of such technology.

The Safety Title includes a provision adopting regulatory parity between electric and internal combustion vehicles. This provision would modify the manner in which the fuel economy of natural gas dual-fueled vehicles is calculated, beginning in 2016, so as to more closely match the way it is done for electric vehicles.

An essential part of improving vehicle and roadway safety is increasing accountability among automotive companies. To that end, the Safety Title extends the time period for automakers to pay for defect remedies from 10 years to 15 years; it extends the period companies must retain safety records from 5 years to 10 years; and increases the maximum cap on civil penalties for violations of motor vehicle safety standards and laws from $35 million to $105 million upon NHTSA’s certification that its final rule on civil penalty factors has been completed. These provisions reflect the greater long-extendivity of cars on the road and will promptly NHTSA and automakers to identify safety issues earlier so that recalls can be issued to ensure that motor vehicle owners can have the necessary repairs made as quickly as possible. The Title also broadens a company’s recall obligations in the event of bankruptcy and increases corporate responsibility for documents submitted to NHTSA.

It also incentivizes industry employees to
Extension of Highway Trust Fund Expending

The Highway Trust Fund has a separate account for mass transit, the Mass Transit Account. The Highway Trust Fund and the Mass Transit Account are funding sources for specific programs.

Highway Trust Fund expenditure purposes have been revised with each authorization Act enacted since establishment of the Highway Trust Fund in 1956. In general, expenditures authorized under the Acts (as the Acts were in effect on the date of enactment of the most recent such authorizing Act) are specified by the Code as Highway Trust Fund expenditure purposes. The Code provides that the authority to make expenditures from the Highway Trust Fund expires after December 4, 2015. Thus, no Highway Trust Fund expenditures may occur after December 4, 2015, without an amendment to the Code.

Section 9503 of the Code authorizes the Highway Trust Fund amounts equivalent to the taxes received from the following: the taxes on diesel, gasoline, kerosene, and special motor fuel, the tax on tires, the annual heavy vehicle use tax, and the tax on the retail sale of heavy trucks and trailers. Section 9501 provides that amounts appropriated to a trust fund under sections 9501 through 9511 are to be transferred at least monthly from the General Fund of the Treasury to trust fund on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in the Code section appropriating the amounts to such trust fund. The Code requires that proper adjustments be made in amounts subsequently transferred to the extent prior estimates were in excess of, or less than, the amounts required to be transferred.

The expenditure authority for the Highway Trust Fund is extended through September 30, 2021. The Code provisions governing the purposes for which monies in the Highway Trust Fund may be spent are updated to include the reauthorization bill, the DRIVE Act.

Effective date.—The provision is effective on August 13, 2015.

HOUSE AMENDMENT

The expenditure authority for the Highway Trust Fund is extended through September 30, 2021. The Code provisions governing the purposes for which monies in the Highway Trust Fund may be spent are updated to include the reauthorization bill, the Surface Transportation and Reauthorization Reform Act of 2015.

Effective date.—The provision is effective November 21, 2015.

CONFERENCE AMENDMENT

The conference agreement provisions for expenditure authority through September 30, 2020. The Code provisions governing the purposes for which monies in the Highway Trust Fund may be spent are updated to include the reauthorization bill, the Surface Transportation and Reauthorization Reform Act of 2015.

Effective date.—The provision is effective November 21, 2015.

The House Committee on Ways and Means, or the Treasury Department) to provide a tax complexity analysis. The complexity analysis is required for all legislation reported by the Joint Committee on Taxation, the House Committee on Ways and Means, or any committee of conference if the legislation includes a provision that directly or indirectly amends the Internal Revenue Code and has widespread applicability to individuals or small businesses.

Pursuant to clause 11(a) of rule XXII of the Rules of the House of Representatives, the staff of the Joint Committee on Taxation has determined that a complexity analysis is not required under section 4022(b) of the IRS Reform Act because the bill contains no provisions that amend the Code and that have ‘‘widespread applicability’’ to individuals or small businesses, within the meaning of the rule.

TITLE XXXI—HIGHWAY TRUST FUND AND RELATED TAXES

Extension of Highway Trust Fund Expenditure Authority (sec. 3101) of the Senate amendment to the House amendment, sec. 31101 of the conference agreement, and secs. 9503, 9509, and 9508 of the Code.

Present Law Highway Trust Fund Expenditure Provisions in General

Under present law, revenues from the highway excise taxes, as imposed through October 1, 2016, generally are dedicated to the Highway Trust Fund. The Dedication of excise tax revenues to the Highway Trust Fund and expenditures from the Highway Trust Fund are governed by the Code. The Code authorizes expenditure purposes (subject to appropriations) from the Highway Trust Fund through December 4, 2015, for the purposes provided in authorizing legislation, as such legislation was in effect on the date of enactment of the Surface Transportation Extension Act of 2015, Part II.

Highway Trust Fund expenditure purposes

The Highway Trust Fund has a separate account for mass transit, the Mass Transit Account. The Highway Trust Fund and the Mass Transit Account are funding sources for specific programs.

Highway Trust Fund expenditure purposes have been revised with each authorization Act enacted since establishment of the Highway Trust Fund in 1956. In general, expenditures authorized under the Acts (as the Acts were in effect on the date of enactment of the most recent such authorizing Act) are specified by the Code as Highway Trust Fund expenditure purposes. The Code provides that the authority to make expenditures from the Highway Trust Fund expires after December 4, 2015. Thus, no Highway Trust Fund expenditures may occur after December 4, 2015, without an amendment to the Code.

Section 9503 of the Code authorizes the Highway Trust Fund amounts equivalent to the taxes received from the following: the taxes on diesel, gasoline, kerosene, and special motor fuel, the tax on tires, the annual heavy vehicle use tax, and the tax on the retail sale of heavy trucks and trailers. Section 9501 provides that amounts appropriated to a trust fund under sections 9501 through 9511 are to be transferred at least monthly from the General Fund of the Treasury to trust fund on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in the Code section appropriating the amounts to such trust fund. The Code requires that proper adjustments be made in amounts subsequently transferred to the extent prior estimates were in excess of, or less than, the amounts required to be transferred.

The expenditure authority for the Highway Trust Fund is extended through September 30, 2021. The Code provisions governing the purposes for which monies in the Highway Trust Fund may be spent are updated to include the reauthorization bill, the DRIVE Act.

Effective date.—The provision is effective on August 13, 2015.

HOUSE AMENDMENT

The expenditure authority for the Highway Trust Fund is extended through September 30, 2021. The Code provisions governing the purposes for which monies in the Highway Trust Fund may be spent are updated to include the reauthorization bill, the Surface Transportation and Reauthorization Reform Act of 2015.

Effective date.—The provision is effective November 21, 2015.

CONFERENCE AMENDMENT

The conference agreement provisions for expenditure authority through September 30, 2020. The Code provisions governing the purposes for which monies in the Highway Trust Fund may be spent are updated to include the reauthorization bill, the Surface Transportation and Reauthorization Reform Act of 2015.

Effective date.—The provision is effective November 21, 2015.

SENATE AMENDMENT

The expenditure authority for the Highway Trust Fund is extended through September 30, 2021. The Code provisions governing the purposes for which monies in the Highway Trust Fund may be spent are updated to include the reauthorization bill, the Surface Transportation and Reauthorization Reform Act of 2015.

Effective date.—The provision is effective November 21, 2015.

Non-fuel Highway Trust Fund excise taxes

In addition to the highway motor fuels excise tax revenues, the Highway Trust Fund receives revenues produced by three excise taxes imposed exclusively on heavy highway vehicles or tires. These taxes are:

A 12-percent excise tax imposed on the first retail sale of heavy highway vehicles, tractors, and trailers (generally, vehicles having a gross vehicle weight in excess of 33,000 pounds and trailers having such a weight in excess of 26,000 pounds);12

An annual use tax imposed on highway tires with a rated load capacity exceeding 3,500 pounds, generally at a rate of 0.945 cents per pound of excess weight;13

An annual use tax imposed on highway vehicles having a taxable gross weight of 55,000 pounds or more. (The maximum rate for this tax is $500 per year, imposed on vehicles having a taxable gross weight over 75,000 pounds.)

The taxable year for the annual use tax is from July 1st through June 30th of the following year. For the period July 1, 2016, through September 30, 2016, the amount of the annual use tax is reduced by 75 percent.14

Present-law taxes are generally extended through September 30, 2023. The heavy vehicle use tax is extended through September 30, 2024.

Effective date.—The provision is effective on October 1, 2016.

This provision was enacted as a deficit reduction measure in 1980. Receipts from it were retained in the General Fund until 1997 legislation provided for their transfer to the Highway Trust Fund.
The HIRE Act provisions generally transferred, out of money in the Treasury not otherwise appropriated, $14,700,000,000 to the Highway Trust Account in the Highway Trust Fund, and $2 billion from the General Fund to the Mass Transit Account.

The House amendment provides that out of money in the Treasury not otherwise appropriated, the following transfers are to be made from the General Fund to the Highway Trust Fund: $25,976,000,000 to the Highway Account and $9 billion to the Mass Transit account.

The Senate amendment provides that out of money in the Treasury not otherwise appropriated, the following transfers are to be made from the General Fund to the Highway Trust Fund: $51,900,000,000 to the Highway Account and $18,100,000,000 to the Mass Transit Account.

The administration of passports is the responsibility of the Department of State.

The Secretary of State may refuse to issue a passport to a person who owes child support in excess of $2,500 or owes certain types of Federal debts. The scope of this authority does not extend to rejection or revocation of a passport on the basis of delinquent Federal taxes. Although issuance of a passport does not require a social security number or taxpayer identification number ("TIN"), the application for a passport must include a personal identification number from the Internal Revenue Code to provide such number. Failure to provide a TIN is reported by the State Department to the Internal Revenue Service ("IRS") and may result in a $100 penalty.

Returns and return information are confidential and may not be disclosed by the IRS, other Federal employees, State employees, or certain other individuals having access to such information except as provided in the Code. There are a number of exceptions to the general rule of nondisclosure. The Secretary of State is authorized to deny a passport to delinquent taxpayers, and is permitted to revoke any passport previously issued to such person. In addition to the revocation or denial of passports to delinquent taxpayers, the Secretary of State is authorized to deny an application for a passport if the applicant fails to provide a social security number or TIN, or provides an incorrect or invalid social security number.

The HIRE Act also transferred $2.4 billion from the Leaking Underground Storage Tank Trust Fund to the Highway Account in the Highway Trust Fund. The HIRE Act provisions generally transferred $7.765 billion from the General Fund to the Highway Account in the Highway Trust Fund, $2 billion from the General Fund to the Mass Transit Account of the Highway Trust Fund, and $1 billion from the Leaking Underground Storage Tank Trust Fund to the Highway Account of the Highway Trust Fund.

The Senate amendment provides that out of money in the Treasury not otherwise appropriated, the following transfers are to be made from the General Fund to the Highway Trust Fund: $34,401,000,000 to the Highway Account and $2 billion from the General Fund to the Mass Transit Account of the Highway Trust Fund.
persons who have seriously delinquent Federal tax debts as defined in this provision, the Secretary of the Treasury or his delegate is authorized to transmit such certification to the State for use in determining whether to issue, renew, or revoke a passport. Applicants whose names are included on the certifications provided to the Secretary of State are ineligible for a passport. The Secretary of State and Secretary of the Treasury are held harmless with respect to any certification issued pursuant to this provision.

A seriously delinquent tax debt generally includes any outstanding debt for Federal taxes in excess of $50,000, including interest and additions to tax, and which is unassessed, liquidated, or a notice of levy has been filed. This includes any outstanding debt for Federal taxes due prior to December 1, 2015. The Secretary of the Treasury is required to consult with the Secretary of State before certifying or decertifying seriously delinquent debt. The Secretary of the Treasury is required to submit the records regarding that taxpayer to the Secretary of State for use in determining whether to issue, renew, or revoke a passport. The Secretary of State is required to provide contemporaneous notice to the Secretary of the Treasury of the decertification.

The House amendment is the same as the Senate amendment.

The provision is effective on January 1, 2015.

THE HOUSE AMENDMENT

The House amendment is the same as the Senate amendment.

The following changes are included in the conference agreement to ensure that there is a mechanism allowing the IRS to correct errors and to take into account actions taken by a taxpayer to come into compliance after processes established to inform the Secretary of the Treasury that the taxpayer is seriously delinquent. As explained below, these measures include clarification of the definition of a seriously delinquent tax debt, decertification requirements, standards under which the Commissioner may reverse the certification of serious delinquency, and limits on when the decertification process is allowed.

The provision includes the definition of “seriously delinquent tax debt” to permit revocation of a passport only after the IRS has followed its examination and collection process and determined that the taxpayer’s administrative and judicial rights have been exhausted or lapsed.

The provision requires notice to taxpayers regarding the procedures. First, the provision adds the possible loss of a passport to the list of matters required to be included in notices to taxpayers of potential collection activity under sections 6320 or 6331. Second, the provision requires that the Commissioner provide contemporaneous notice to the taxpayer before certifying seriously delinquent debt to the Secretary of the Treasury. Finally, in instances in which the Commissioner decertifies the taxpayer’s status as a delinquent taxpayer, he is required to provide notice to the taxpayer contemporaneously with the notice to the Secretary of the Treasury.

The decertification process included in the conference agreement provides a mechanism under which the Commissioner can correct an erroneous certification or end the certification if the tax debt is no longer seriously delinquent, due to certain events subsequent to the certification. If after certifying the delinquency to the Secretary of the Treasury, the IRS learns that the tax debt is no longer seriously delinquent, the IRS is required to provide contemporaneous notice to the taxpayer that certification is being revoked. If the IRS determines that the assessment or collection of tax will be jeopardized by delay, it has the authority to assess and collect, or to a Division Commissioner (the head of an IRS region), the amount payable. In general, an assessment is made at the conclusion of all examination and appeals processes within the IRS.

Several steps are involved in the deployment of private debt collection companies. First, the private debt collection company contacts the taxpayer by letter. If the taxpayer’s last known address is incorrect, the private debt collection company searches for the correct address. Second, the private debt collection company telephones the taxpayer to request full payment. If the taxpayer cannot pay in full immediately, the private debt collection company offers the taxpayer an installment agreement providing for full payment of the taxes over a period of as long as five years. If the taxpayer is unable to pay the outstanding tax liability in full over a five-year period, the private debt collection company obtains financial information from the taxpayer and will provide this information to the IRS for use in filing an action by the IRS. The Code specifies several procedural conditions under which the provision would operate. The Conference Agreement of the Fair Debt Collection Practices Act apply to the private debt collection company. Second, taxpayer protections that are statutorily applicable to the IRS are not applicable to employees of private sector debt collection companies. Third, subcontractors are prohibited from having contact with taxpayers, providing quality assurance services, and composing debt collection notices; any other service provided by a subcontractor must be performed by a certified private debt collection agency.

The Code creates a revolving fund from the amounts collected by the private debt collection companies. The private debt collection companies are paid out of this fund. The Code prohibits the payment of fees for all services in excess of 25 percent of the amount collected under a debt collection contract. The Code provides that up to 25 percent of the amount collected may be used for IRS collection enforcement activities.

The provision is effective December 1, 2015.
relief from immediate collection measures under the provision.

The provision requires the Secretary to give priority to private collection contractors and debt collection centers currently approved by the Treasury Department’s Bureau of the Fiscal Service (previously the Financial Management Service) on the schedule required under section 3711(c) of title 31 of the United States Code, to the extent appropriate to carry out the purposes of the provision.

The provision adds an additional exception to section 6103 to allow contractors to identify themselves as such and disclose the nature, subject, and reason for the contact. Disclosures made under the provisions, and under conditions approved by the Secretary.

The provision requires the Secretary to prepare two reports for the House Committee on Ways and Means and the Senate Committee on Finance. The first report is required annually and due not later than 90 days after each fiscal year and is required to include: (1) the total number and amount of tax receivables provided to each contractor for collection under this section, (2) the total amounts of installment agreements resulting from the collection efforts of each contractor and the collection costs incurred by the IRS in connection with each contact on the total number and amount of unpaid assessments, and on the number and amount of amounts collected by IRS personnel after initial contact by a contractor, (4) the amount of fees retained by the Secretary under subsection (e) and a description of the use of such funds; and (5) a disclosure safeguard plan similar to that required under section 6103(p)(6).

The second report is required biannually and is required to include: (1) an independent evaluation of the contractor’s performance, (2) a measurement plan that includes a comparison of the best practices used by private debt collectors to the collection techniques used by the IRS and mechanisms to identify and capture information on successful collection techniques used by the contractors that could be adopted by the IRS.

**Special compliance personnel program**

The provision requires that the amount that, under current law, is to be retained and used by the IRS for collection enforcement activities under section 6006 of the Code be instead transferred annually to install separate accounts for special compliance personnel. The provision also requires the Secretary to establish an account for the hiring, training, and employment of special compliance personnel and the retraining and reassignment of other personnel as special compliance personnel.

Special compliance personnel are individuals employed by the IRS and the PBGC who, in addition to the retraining and reassignment of other personnel as special compliance personnel. Special compliance personnel are individuals employed by the IRS for the purpose of ensuring that tax receivables identified by the Secretary after the date of enactment. The requirement to give priority to private collection contractors and debt collection centers applies to contracts and agreements entered into within three months after the date of enactment. The new exception to section 6103 applies to disclosures made after the date of enactment. The requirement of the reports to Congress is effective on the date of enactment.

The provision relating to the special compliance personnel program applies to amounts collected by the Secretary after date of enactment.

**HOUSE AMENDMENT**

The House amendment is the same as the Senate amendment.

**CONFERENCE AGREEMENT**

The conference agreement follows the House amendment and the Senate amendment provision. It is intended that the IRS will implement the proposal without delay to facilitate the collection of taxes, which are owed to the Government but are not being actively pursued by the IRS for collection, to protect the Government’s rights and privacy. To carry out these goals of expeditious tax collection and taxpayer rights, it is intended that the IRS will make it a priority to use collection contractors and debt collection centers currently approved by the Treasury Department.

C. Repeal of Modification of Automatic Extension of Due Date for Certain Employee Benefit Plans (sec. 5215(b)(3)) of the Senate amendment, sec. 32104 of the conference agreement and secs. 6058 and 6059 of the Conference Report

**PRESENT LAW**

An employer that maintains a pension, stock bonus, profit-sharing or other funded deferred compensation plan (or the plan administrator of the plan) is required to file an annual return containing information required under regulations with respect to the qualification, financial condition, and operation of the plan. The plan administrator of a defined benefit plan subject to the minimum funding requirements is required to file a report to the IRS and the PBGC. Under section 4065, the PBGC is required to work with the IRS to reduce duplication of effort, duplication of forms and instructions issued by the agencies. 29 C.F.R. sec. 2520.104(a)(1)(ii). The conference agreement follows the Senate amendment. The Senate amendment.

**HOUSE AMENDMENT**

No provision.

**CONFERENCE AGREEMENT**

The conference agreement does not include the Senate amendment provision. The conference agreement repeals the provision in the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 that provides for an automatic 3-month extension of the due date for filing Form 5500. Thus, the extended due date for Form 5500 is

**ERISA**

including the ERISA reporting requirements. ERISA section 3004 requires that, when the IRS and DOL carry out provisions relating to the same subject matter, they must consult with each other and develop rules, regulations, practices and forms designed to reduce duplication of effort, duplication of forms and instructions issued by the agencies. 29 C.F.R. sec. 2520.105(a)(1)(ii) and Treas. Reg. sec. 301.6058-1(a) and ERISA secs. 104(a)(1)(i) and 104(a)(2).

**No provision.**

**CONFERENCE AGREEMENT**

The conference agreement does not include the Senate amendment provision. The conference agreement repeals the provision in the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 that provides for an automatic 3-month extension of the due date for filing Form 5500. Thus, the extended due date for Form 5500 is

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**No provision.**

**CONFERENCE AGREEMENT**

The conference agreement does not include the Senate amendment provision. The conference agreement repeals the provision in the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 that provides for an automatic 3-month extension of the due date for filing Form 5500. Thus, the extended due date for Form 5500 is

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**No provision.**

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The conference agreement does not include the Senate amendment provision. The conference agreement repeals the provision in the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 that provides for an automatic 3-month extension of the due date for filing Form 5500. Thus, the extended due date for Form 5500 is

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**No provision.**

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The conference agreement does not include the Senate amendment provision. The conference agreement repeals the provision in the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 that provides for an automatic 3-month extension of the due date for filing Form 5500. Thus, the extended due date for Form 5500 is

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**No provision.**

**CONFERENCE AGREEMENT**

The conference agreement does not include the Senate amendment provision. The conference agreement repeals the provision in the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 that provides for an automatic 3-month extension of the due date for filing Form 5500. Thus, the extended due date for Form 5500 is

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including the ERISA reporting requirements. ERISA section 3004 requires that, when the IRS and DOL carry out provisions relating to the same subject matter, they must consult with each other and develop rules, regulations, practices and forms designed to reduce duplication of effort, duplication of forms and instructions issued by the agencies. 29 C.F.R. sec. 2520.105(a)(1)(ii) and Treas. Reg. sec. 301.6058-1(a) and ERISA secs. 104(a)(1)(i) and 104(a)(2).

**No provision.**
determined under DOL and IRS rules as in effect before enactment of the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015.

Effective date.—The provision in the conference agreement is effective for returns for taxable years beginning after December 31, 2015.

Section 32201.—Adjustment for Inflation of Fees for Certain Customs Services

PRESENT LAW

Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 establishes certain fees for customs services. These fees are not currently adjusted for inflation.

HOUSE BILL

The House bill provides that the Secretary of Treasury shall annually adjust the fees collected under Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 and the limitations on fees under paragraphs (2), (3), (5), (6), (8), and (9) of subsection (b), to reflect any increase in the average of the Consumer Price Index.

Effective date.—The provision is effective on October 1, 2015.

SENATE AMENDMENT

The Senate amendment is the same as the House bill.

Effective date.—The provision is effective on October 1, 2015.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment provision with two changes. First, changes to subsection (b) reaffirm Congressional intent that revenue from the adjustments are to be deposited into the Customs User Fee Account, subject to appropriations acts. Second, it sets the first adjustment on April 1, 2016 instead of October 1, 2015.

Effective date.—The provision is effective on April 1, 2016.

Extension of Enterprise Guarantee Fees

SENATE AMENDMENT

Section 52305 of the Senate amendment to H.R. 22 modifies Section 12975 of the Housing and Community Development Act of 1992 to extend enterprise guarantee fees from October 1, 2021 to October 1, 2025.

HOUSE AMENDMENT

The House amendment to the Senate amendment to H.R. 22 contains no provisions comparable to the Senate position.

CONFERENCE AGREEMENT

The Senate recedes from its position and concurs in the House position.

Section 32202.—Limitation on Surplus Funds of Federal Reserve Banks

HOUSE AMENDMENT

Section 32202 of the House amendment to the Senate amendment to H.R. 22 modifies Section 2 of H.R. 1215 (the Housing and Community Development Act of 1992) to require that the Secretary of the Treasury and the President of the United States shall annually adjust the Federal Reserve surplus account amount that is used in noncommercial aviation and subvert the $15,000,000.00 payment cap provided in Section 2101 of the Bipartisan Budget Act of 2015 and reduce the overall rate of return on the Federal Reserve System surplus account.

Effective date.—The provision is effective on October 1, 2015.

Section 32203.—Dividends of the Federal Reserve Bank

SENATE AMENDMENT

Section 52306 of the Senate amendment to H.R. 22 modified Section 1291(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 by reducing the interest rate from 6 percent to 1.5 percent on capital paid into the Federal Reserve System by member banks with consolidated assets over $1,000,000,000.

HOUSE AMENDMENT

The House amendment to the Senate amendment to H.R. 22 contains no provisions comparable to the Senate position.

The House recedes from its position and concurs in the Senate position with certain modifications. Specifically, the conference substitute retains the Federal Reserve surplus account cap at $15,000,000.00. Any amounts which exceed the cap are remitted to the U.S. Treasury.
ways for industry and government to communicate to address energy supply disruptions. This section also would direct the Secretary of Energy to develop and adopt procedures for communication and coordination between the Department of Energy (DOE), Federal partners, State and local government, and the private sector to improve emergency preparedness.

**Sec. 61002—Resolving Environmental and Grid Reliability Conflicts**

Section 61002 would resolve conflicts between provisions relevant to the Federal Power Act and compliance with environmental laws and regulations. Administration of section 202(c) has led owners of electric generating projects to delay projects because of stringent laws or regulations or subject to civil or criminal liability, or citizen enforcement actions. As a result, actions taken that are necessary to comply with a DOE-issued emergency order. The section further provides for certain reforms relating to environmental law and include in such order conditions determined by such agency to be necessary to minimize any adverse environmental impacts that may result from such order, to the extent practicable. DOE may exclude such a condition from the renewed or reissued order if it determines that such condition would prevent the order from adequately protecting or restoring electric reliability. The order shall specify such order and provides in the order, or otherwise makes publicly available, an explanation of such determination.

**Sec. 61003—Critical Electric Infrastructure Security**

Section 61003 would establish a new section 215A of the Federal Power Act that would provide the Secretary of Energy with the authority to address grid security emergencies if the President provides a written directive or determination identifying a grid security emergency. The Secretary would be authorized to order grid operators to take steps to protect the bulk power system or prevent critical electric infrastructure located in the contiguous 48 States and the District of Columbia. Critical electric infrastructure includes electric power facilities, substations, and transmission systems owned and operated by electric utility owners and operators to take appropriate actions, with such measures to expire no later than 15 days from issuance. The Secretary would also facilitate the protection and voluntary sharing of critical electric infrastructure information between private sector asset owners and the Federal government by: (1) exempting from civil penalties owners of critical electric infrastructure facilities from civil fines under 18 U.S.C. 1001 for submitting confidential information to the Secretary or the Department of Energy; and (2) permitting issuers to submit a summary of information shared with the Secretary of Energy and specify DOE’s duties with regard to such information.

**Sec. 61004—Strategic Transformer Reserve**

Section 61004 would require DOE to submit a plan to Congress evaluating the feasibility of establishing a Strategic Transformer Reserve for use in the event of an emergency to provide for the continued availability of transformers necessary for the continued delivery of electric service to critical facilities, including electric infrastructure that is critical to electric reliability. The plan shall include an evaluation of the adequacy of public and private resources, including transformers that are currently available, to meet the needs of the nation in the event of an emergency.

**Sec. 61005—Energy Security Evaluation**

Section 61005 would direct the Secretary of Energy, in collaboration with the Secretary of State, to establish U.S. energy security evaluation criteria that should be developed in consultation with the National Security Council and with the Secretary of Defense. The Secretary shall evaluate specific energy-related actions that significantly affect the supply, distribution, or use of energy and energy supply, diversity and reliability; well-functioning and competitive energy markets; United States trade balance; and national security objectives.

**DIVISION G—FINANCIAL SERVICES**

**HOUSE AMENDMENT**

Division G (Financial Services) of the House amendment to the Senate amendment to H.R. 22 is comprised of 15 titles that provide regulatory relief to facilitate capital formation, ensure greater consumer access to financial products and services, and provide for certain reforms relating to mint operations and housing. The titles within Division G are derived from measures passed by Congress.

**Title LXXI—Improving Access to Capital for Emerging Growth Companies**

Title LXXI makes changes related to the treatment of Emerging Growth Companies (EGCs), as defined under the JOBS Act of 2010. EGCs, for example, are companies that have completed a financing event within 3 years of the date of their initial public offering and have selected certain standards for financial reporting. The titles within Division G would, among other things, (1) exclude such a condition from the renewed or reissued order if it determines that such condition would prevent the order from adequately protecting or restoring electric reliability. The order shall specify such order and provides in the order, or otherwise makes publicly available, an explanation of such determination.
adhere to HUD’s affordability and compliance standards. This title also provides for certain reforms under HIIHRA relating to obtaining or refinancing a loan secured by a low-income housing project. The House passed legislation identical to the provisions contained in Title LXVIII by voice vote on July 14, 2015.

Title LXVIII—Tenant Income Verification Reforms

Title LXVIII permits HUD to allow public and assisted housing administrators to verify income once every three years—instead of every two years—by an easy-to-reach low-income tenant that have fixed incomes, such as incomes derived from social security payments. The House passed legislation identical to the provisions contained in Title LXVIII by voice vote on March 24, 2015.

Title LXVIX—Housing Assistance Efficiency

Title LXVIX amends the McKinney-Vento Homeless Assistance Act to allow a private nonprofit organization to administer permanent housing rental assistance provided through the Continuum of Care Program under the Act. This title also requires that the HUD Secretary reallocate, at least once every two years, any housing assistance provided from the Emergency Solutions Grants Program that is not used or returned to the agency that provides the funding for that year, the minimum allocation requirements under the Act. The House passed legislation identical to the provisions contained in Title LXVIX by voice vote on October 8, 2015.

Title LXXI—Private Investment in Housing

Title LXXI authorizes the HUD Secretary to establish a demonstration program under which the Secretary may enter into budget-neutral, performance-based agreements (for up to 12 years each) that result in a reduction in energy or water costs with appropriate entities. Specifically, such agreements shall facilitate energy or water conservation improvements at up to 20,000 residences in energy or water cost-intensive multifamily buildings participating in Section 8 rental assistance programs, supportive housing for the elderly, or supportive housing for people with disabilities. This title mirrors a request by the Administration in its 2015 Budget proposal. The House passed legislation identical to the provisions contained in Title LXXI by voice vote on October 8, 2015.

Title LXXII—Credit Assistance for Small Community Financial Institutions

Title LXXII amends the Federal Home Loan Bank Act to allow privately insured credit unions to be eligible for membership in the Federal Home Loan Bank (FHLB) System. In order to be eligible for membership, a privately insured credit union must receive a certain level of annual profit, and the state supervisor must certify that it is eligible to apply for Federal deposit insurance. Additionally, the private insuror of the credit union must provide a copy of the audit of the most recent fiscal year, which include an asset and liability report of the National Credit Union Administration (NCUA) and the Federal Housing Finance Agency. Further, a state supervisor must provide an annual report to the state government reporting on the results of any examination and reports concerning a private insuror of credit unions licensed in that state. The House passed legislation identical to the provisions contained in Title LXXII by voice vote on April 13, 2015.

Title LXXXIII—Small Bank Exam Cycle Reform

Title LXXXIII amends the Federal Deposit Insurance Act to increase the qualifying asset threshold for insured depository institutions eligible for 18-month on-site examination of $1.4 billion. The House passed legislation identical to the provisions contained in Title LXXXIII by a vote of 411–0 on October 6, 2015.

Title LXXXIV—Small Company Simple Registration

Title LXXXIV simplifies the registration process by amending the SEC’s Form S–1 registration statement, which is the basic registration form for new securities offerings, to allow smaller reporting companies to incorporate by reference any documents filed with the SEC after the effective date of the modifications. Specifically, the conference substitute identical to the provisions contained in Title LXXXIV by a vote of 426–0 on July 14, 2015.

Title LXXXV—Holding Company Registration Threshold Equalization

Title LXXXV amends Title VI of the JOBS Act to extend the mandatory SEC registration of savings and loan companies from 500 shareholders of record to 2,000 shareholders of record (with no limitation on the number of investors) and to raise the threshold for a savings and loan company to terminate its registration from 300 to 1,200 shareholders of record. The House passed legislation identical to the provisions contained in Title LXXXV by voice vote on July 14, 2015.

Senate Amendment

The Senate amendment to H.R. 22 contains no provisions comparable to the House position.

Conference Substitute

The Senate recedes from its position and concurs in the House position with certain modifications. Specifically, the conference substitute contracets the above-described fifteen titles, as adopted by the House without further modification, and five additional titles providing regulatory relief and related financial services reforms. These five titles are the following:

Title LXXXVI—Repeal of Indemnification Requirements

Title LXXXVI amends the Securities Exchange Act of 1934 and the Commodity Exchange Act to repeal the indemnification requirements added by the Dodd-Frank Wall Street Reform and Consumer Protection Act for regulatory authorities to obtain access to swap data. Foreign regulators and regulatory entities have indicated concerns regarding the indemnification requirements of Dodd-Frank. The title removes such requirements so that data can be shared with foreign authorities. The title would still require the regulatory authorities requesting the information to follow the prior indemnity requirements prior to receiving the data. The House passed legislation identical to the provisions contained in Title LXXXVI by voice vote on July 14, 2015.

Title LXXXVII—Treaty or Other International Agreement—Smaller Institutions

Title LXXXVII amends the Financial Stability Act of 2010 to adjust the date on which Tier 1 and Tier 2 capital are determined for purposes of exempting certain institutions from capital deductions. The purpose of this title is to provide regulatory relief to those institutions classified as Tier 1 capital so long as the company held less than $15 billion in assets as of either December 31, 2009 or March 31, 2010.

Title LXXXIX—State Licensing Efficiency

Title LXXXIX amends the Secure and Fair Enforcement for Mortgages (SAFE) Act by directing the Attorney General to provide appropriate state officials responsible for regulating financial service providers with reasonable access to criminal history background checks. To the extent that criminal history background checks are required under state law for the licensing of such party. In 2006, the states, the National Conference of State Bank Supervisors (NCSBS), developed the Nationwide Mortgage Licensing System and Registry (NMLS). According to CSBS, the number of mortgage brokers reduced by “improved coordination and information sharing among regulators, increased efficiencies for industry, and enhanced consumer protection.” The Senate amendment to H.R. 22 contains no provisions comparable to the House position.

Title LXXXIX—Helping Expand Lending Practices in Rural Communities

Title LXXXIX amends the Dodd-Frank Wall Street Reform and Consumer Protection Act to require the Bureau of Consumer Financial Protection (Bureau) to create a nationwide Mortgage Licensing System and Registry (NMLS). According to CSBS, the NMLS platform was designed to provide “improved coordination and information sharing among regulators, increased efficiencies for industry, and enhanced consumer protection.” The Senate amendment to H.R. 22 contains no provisions comparable to the House position.
does not operate predominantly in such areas. Finally, Title LXXXIX provides expanded authority for the Bureau to exempt creditors serving rural or underserved areas from requirements applicable to escrow and impound accounts relating to certain consumer credit transactions. The House passed legislation substantially similar to the provisions contained in Title LXXXIX by a vote of 401-1 on April 13, 2015.

**ADVISORY OF EARMARKS**

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, it shall not be in order in the House of Representative a conference report to accompany a bill or joint resolution unless the joint explanatory statement includes a list of congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives or a statement that the provision contains no congressional earmarks, limited tax benefits, or limited tariff benefits. No provision in the conference report accompanying H.R. 22 includes an earmark, limited tax benefit, or limited tariff benefit under clause 9(e), 9(f), or 9(g) of rule XXI.

From the Committee on Transportation and Infrastructure, for consideration of the House amendment and the Senate amendment, and modifications committed to conference:

BILL SHUSTER,
JOHN J. DUNCAN, Jr.,
SAM GRAVES,
CAESAR S. MILLER,
ERIC A. "RICK" CRAWFORD,
LOU BARLETTA,
BLAKE FARENTHOLD,
ROB GIBBS,
JEFF DENHAM,
REID J. RIBBLE,
SCOTT PERRY,
ROB WOODALL,
JOHN CATKO,
BRIAN BAHN,
CRESHENT HARDY,
GARRIT GRAVES,
PETE A. DEFazio,
ELEANOR HOLMES NORTON,
JERROLD NADLER,
CORRINE BROWN,
EDDIE BRENICE JOHNSON,
ELIJAH E. CUMMINGS,
RICK LARSEN,
MICHAEL E. CAPUANO,
ALBIO SIRES,
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