United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *114th* CONGRESS, FIRST SESSION

Vol. 161 WASHINGTON, TUESDAY, DECEMBER 1, 2015 *No. 173*

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. KELLY of Mississippi).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 1, 2015.

I hereby appoint the Honorable TRENT KELLY to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2015, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

NATIONAL FISH AND WILDLIFE FOUNDATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, a few weeks ago, I participated in a forum hosted by a Foundation created in the 1980s by Congress: the National Fish and Wildlife Foundation, or NFWF. The forum was on the connection between agriculture and the Chesapeake Bay.

The health of the bay is important in Pennsylvania's Fifth Congressional District, which I represent, since the streams and rivers in a large portion of the district drain into it. This is also a region which depends on agriculture, the Commonwealth's largest industry.

Among the topics of discussion at the forum were the Chesapeake Stewardship grants, which are funded by the U.S. Environmental Protection Agency and administered by the NFWF. This funding goes toward the restoration of streams which flow into the bay and to those that cut down on nutrient and sediment pollution.

This fall, I joined the NFWF in touring several sites across Pennsylvania's Fifth Congressional District, which were all funded by these grant programs. These sites show the direct connection between agriculture and the health of the Chesapeake Bay, with all of them located on farmland. The projects range from those which keep animal waste out of waterways to flood control and stream bank restoration, all of which improve the overall health of local streams, local watersheds, and, ultimately, the health of the Chesapeake Bay.

As chairman of the House Agriculture Subcommittee on Conservation and Forestry, as well as a member of the House National Resource Committee, the health of our watersheds is critically important. Healthy watersheds are needed for the sustainability of both agriculture and the land.

As I explained during the forum, the commitment to agriculture and healthy watersheds continues through passage last year of a 5-year farm bill and the various conservation programs contained within title II of that bill.

The tour of the National Fish and Wildlife Foundation watershed projects, along with this recent forum, gave me the opportunity to hear firsthand from farmers, agricultural leaders, and those involved in the restoration of streams and rivers on what can be done here in Washington to help improve the quality of water in our local rivers, streams, the Chesapeake Bay Watershed, and the bay itself. I look forward to working with the agriculture community and many conservationists as we prepare for the next reauthorization of the farm bill.

CLIMATE CHANGE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, the eyes of the world are on Paris as it recovers from one tragedy and when 150 world leaders gather to prevent another. They meet to secure a global agreement on climate change.

Reliance on fossil fuels, especially coal, and wasteful, expensive energy consumption shortchanges today's priorities and threatens our future. Ten years from now, even many of the current climate skeptics will wonder, ''What were we thinking?''

The scientific evidence and the overwhelming consensus it has created is clear. The immediate impacts of record temperatures, erratic, very dangerous weather patterns, ocean acidification, drought, disease, social disruption, and wildfires have predictable impacts that have already cost us dearly, with many more severe problems on the horizon.

It is sad that what should be a straightforward, scientific conclusion has become so emotionally charged and politically volatile. It is embarrassing and ironic that in the middle of this historic event on climate change, as the world consensus is strengthening and moving toward action, the best that our Republican Congress can do is voting on two pieces of legislation that would undo much of the progress we have already made.

The Republican leader in the Senate argues that the carbon rule of the administration is a vast overreach and

yet that the Obama policies won't accomplish anything, all while working to undermine their effectiveness. We will then vote on H.R. 8, a fossil fuel giveaway that will do nothing to combat climate change, but only accelerate the problem.

The best solution to the climate threat is not these foolish votes and obstructionism, but an action that has the potential to resolve other controversial issues while addressing our major climate challenges.

It is past time for the Federal Government to enact a revenue-neutral fee on carbon emissions. This would not be an excuse to expand government spending and new programs, but instead simplify and solve current problems in a cost-effective manner.

Consider for a moment that high on the list of problems, in addition to climate change, is that almost everyone thinks we should fix our broken corporate Tax Code, avoiding the looming Social Security deficit, and streamlining the patchwork of uneven energy subsidy provisions.

A revenue-neutral carbon tax is a proven market mechanism to reduce the devastating carbon pollution. We could sweep away expensive and often conflicting clean energy subsidies and replace them with something much more effective.

We could use the carbon revenues not for new programs, but to eliminate the looming 25 percent cut in Social Security, acting quickly while a solution is more affordable and less disruptive to the lives of our seniors.

At the same time, we could adjust the Social Security tax downward to protect middle and lower income people from impacts of the fee, and we could boost small business, shielding them from part of the cost and lowering the payroll tax they pay, making it cheaper for them to employ people.

Finally, a portion of the revenues could be used to buy down the world's highest corporate tax rate that the United States currently has, which distorts business decisions and places us at a competitive disadvantage with other developed countries.

Think about it. We could solve the existential climate threat, make the tax system simpler, more fair, and effective, avoid the looming Social Security crisis, and shield individuals and small business from the undue impact from the carbon fee, while making our businesses more competitive. That is about as close as can you get to a nonpartisan, nonideological, grand-slam policy home run.

Instead of policies of division and denial, it is time for us to come together to support a revenue-neutral carbon tax to solve multiple problems and meet our obligations to our children and grandchildren.

HONORING WILLIAM BOSTIC JR. AND DOUGLAS CLAYTON FARGO

The SPEAKER pro tempore. The Chair recognizes the gentleman from West Virginia (Mr. MOONEY) for 5 minutes.

Mr. MOONEY of West Virginia. Mr. Speaker, I rise today to recognize the lives of two outstanding Americans who passed away in October. Both men were part of the Greatest Generation and served our country honorably during the Second World War.

William Bostic Jr., also known as Bill, passed away on October 30. He was a native of West Virginia, born in Renick in 1922, lived most of his life in Ravenswood in the Second Congressional District, and was the son of William Bostic Sr. and Nancy Lou Dale Bostic.

In 1943, he was called to serve his country, and serve it well he did. Bill served in the Pacific Theater, where he was injured in the line of duty.

On February 8, 1945, Corporal Bostic was serving as a member of an artillery liaison party when the enemy began attacking with rocket, artillery, and mortars in support of demolition units. Bill, with complete disregard for his own safety, left his foxhole and crawled to a point where he could better communicate with the supporting artillery.

After establishing communications, he was struck by enemy mortar fragments and, though seriously wounded, refused to leave his post until the enemy attack had been repulsed. His utter disregard for his own personal welfare and his devotion to duty assisted materially in the adjustment of artillery fire that broke up the enemy attack.

For this act of gallantry, Bill was awarded the Silver Star. During his 11 years of service to our country, he also earned six Bronze Stars, a Purple Heart, and a Good Conduct ribbon, just to name a few.

Bill is survived by his wife of 65 years, Pauline Bostic. She still lives in Jackson County, West Virginia. He will be laid to rest at Arlington National Cemetery.

Mr. Douglas Clayton Fargo, Doug, is another true American hero who passed away.

Doug lived in Charles Town, West Virginia, for over 25 years. After graduating from high school, Doug enlisted with the U.S. Army and served from 1944 to 1946. He fought in nine major battles and was quickly elevated in rank from a private to a sergeant as he served under the great General George Patton. He was awarded the Bronze Star and the Combat Infantry Badge for his services.

In 1951, he was recalled to Active Duty and served another 2 years in the Korean war, where he received his field commission as a lieutenant. He led 11 combat patrols and was awarded a second Bronze Star and a second Combat Infantry Badge, as well as 18 other ribbons and decorations.

After his retirement, he remained active in the community and stayed involved with a number of veterans organizations, including the Korean War Veterans Association, Forty and Eight, Kiwanis, and Military Officers Association of America.

Doug was preceded in death by his first wife, Maria Laura Mae Fargo, and his second wife, Eileen Fargo, as well as the last love of his life, Eunice Steed. Additionally, Mr. Fargo lost his grandson, Adam Joseph Fargo, on July 22, 2006, when he was killed in action while fighting in Iraq.

Doug will also be buried in the Arlington National Cemetery.

Bill and Doug were fantastic men who served their country and their communities with honor.

PARIS CLIMATE TALKS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. QUIGLEY) for 5 minutes.

Mr. QUIGLEY. Mr. Speaker, this week, more than 40,000 negotiators from 196 governments have descended on the French capital for the Paris climate summit. This summit provides the world with a critical opportunity to take a significant step toward creating an ambitious and effective global framework for addressing climate change.

Climate change is no longer a problem for future generations. It is our problem, and we must act now. Paris gives us that opportunity.

The science demonstrating the reality of climate change advances by the day. In fact, 14 of the 15 warmest years on record have occurred since the year 2000, and 2015 is on track to be the warmest year of all.

No country, no matter how large or small, wealthy or poor, is immune to the detrimental effects we will face if we do not address this global climate crisis.

The good news is that there has been quite a bit of global action over the past few months leading up to the Paris summit. Nearly 180 countries, covering more than 95 percent of the global greenhouse gas emissions, have pledged to take steps to reduce CO_2 emissions.

A U.N. report shows that the pledges submitted so far represent a substantial step in global action that will significantly curtail the world's carbon trajectory.

□ 1015

If those pledges are implemented, global warming would slow to roughly 3 degrees by 2100. While this isn't enough to meet U.N. targets, it is better than the 4- to 5-degree increase if nothing were done.

With such a significant and impactful opportunity in front of us, many eyes are on the U.S. What will we do? How will we act?

As the world's largest economy and the second largest emitter of carbon dioxide, we cannot stand by and do nothing. Thanks to President Obama, we have made real progress in advancing our goals of reducing emissions and improving our air quality.

Earlier this year the administration finalized the Clean Power Plan, which establishes the first ever national standards to limit carbon pollution from existing power plants. This is a plan that will prevent up to 3,600 premature deaths, 90,000 asthma attacks in children, and 300,000 missed workdays and schooldays, all the while creating tens of thousands of jobs and saving American families money on their energy bills.

Right now world leaders at the Paris Climate Summit are working to forge international progress on the climate crisis. So it comes as no surprise that my colleagues here in Congress are taking action on this important topic as well. Not so much.

In Paris, they are developing a road map to gradually reduce greenhouse gas emissions. In Washington, we are voting on resolutions that would nullify the only national plan we have to address carbon pollution.

In Paris, the burden of slashing greenhouse gases is being shared by everyone, not just the wealthy countries. In Washington, some, the majority, are reluctant to take any blame for this growing crisis.

This all makes perfect sense. Right?

At a time when the world is coming together to address one of the defining issues of our lifetime, some of my colleagues have decided to sabotage American leadership on this critical topic.

This is not what American families need, and this is certainly not what the world needs to see from a global leader.

Theodore Roosevelt once said, ''Knowing what's right doesn't mean much unless you do what's right.''

We know we are running out of time to mitigate climate change. If we fail to take meaningful action now, that knowledge will mean nothing.

As with any global challenge, climate change will not be solved in one fell swoop. No single action, no single government, and no single summit will decisively address one of the greatest global threats our world has ever seen.

But Paris does allow us the opportunity to devise a common purpose to create a better world for future generations.

I urge my colleagues to do the right thing, vote against these harmful environmental riders on the floor this week, and allow America to be the leader on climate change.

HONORING THE LIFE OF OFFICER DANIEL N. ELLIS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kentucky (Mr. BARR) for 5 minutes.

Mr. BARR. Mr. Speaker, I rise today to celebrate the life and note the ''End of Watch'' for Officer Daniel Ellis, originally of Campbellsville, Kentucky, and more recently of Richmond, Kentucky.

On November 6, Officer Ellis was suddenly and tragically killed while on duty as an officer with the Richmond Police Department.

As a father of a young family, my heart breaks for his wife, Katie, and their 3-year-old son, Luke.

Officer Ellis was known by his friends and family to have a gentle spirit and a servant's heart. His death, while tragic, has united Kentuckians in honoring his service in Richmond.

My wife, Carol, and I were privileged to attend the memorial service for Officer Ellis on the campus of Eastern Kentucky University. Thousands of people lined the streets to show their support during his funeral procession.

Blue ribbons and wreaths adorned the windows of local businesses, and 7,000 mourners packed Eastern Kentucky University's Alumni Coliseum, including law enforcement officers from around the Commonwealth and the Nation, to honor the life of Officer Ellis, a life, as was noted during the service, that was devoted to justice, kindness, and service to others.

His death is a tragic reminder of the dangerous, selfless, and heroic work done by law enforcement officers and first responders each and every day.

I thank Officer Ellis for his service and devotion to our community. We celebrate and honor his life.

SYRIAN REFUGEE CRISIS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. VEASEY) for 5 minutes.

Mr. VEASEY. Mr. Speaker, I rise today to respectfully share with my colleagues some of the thoughts and concerns shared by residents in the Dallas-Fort Worth metroplex. These are heartfelt views expressed since we last met as a legislative body and voted on the passage of the American SAFE Act.

A passionate public discussion is underway about the role the United States should play during one of the greatest humanitarian crises of our time. I have received calls, emails, handwritten letters, texts, Facebook messages from fellow Texans back home.

Many have expressed clearly that they think that some of the enhanced security clearances for Syrian and Iraqi refugees really means that America's legacy as a Nation that shares its freedom and opportunity is in danger.

They have expressed their disappointment, sometimes anger, that we may be allowing our national security concerns to trump our Nation's history of standing for liberty and justice.

I will take a moment to share their thoughts and views to ensure my colleagues that we also consider their views when making any future decision about the Syrian refugee crisis.

One resident stated that voting for a pause in accepting refugees from Iraq and Syria may not slow down the trickle that arrives here, but it is a huge symbolic vote.

Another resident stated that the SAFE Act only makes it harder for good people to flee from danger and being used by ISIL, and his hope is that the Obama administration is able to provide what Congress needs to do its job and that good Members reconsider the SAFE Act and don't vote to override the President's impending veto.

Other residents, like one in Arlington, directly stated that this bill was wrong.

Let me be clear. I did not view the SAFE Act as a vote against Syrian or Iraqi refugees or the greater refugee community. But the constituents that I represent have sent a strong message that any action that does not effectively balance national security with our national values is off course.

We must remember that the Statue of Liberty is more than just a symbol of freedom. It is a symbol that America is committed to welcoming and protecting those who seek and need refuge.

Many of my Democratic colleagues have joined me in supporting legislation that echoes this sentiment. We have sent letters to the administration and agencies supporting refugees this past year.

I have cosigned a letter to President Obama urging him to convene international negotiations to stop the Syrian civil war.

I cosponsored the Protecting Religious Minorities Persecuted by ISIS Act of 2015. This legislation directs the Secretary of State to establish or use existing refugee processing mechanisms to allow those with a credible fear of persecution by ISIL for gender, religious, or ethnic membership to apply for refugee admission to the United States.

But we can do more, as a Congress, to support the goals of refugee resettlement and keep the American people safe at the same time.

If we vote to update the refugee resettlement program, we must also allocate appropriate funds to ensure that men, women, and children fleeing violence do not get caught in unnecessary bureaucracy.

As a Congress, we can give legislative teeth to security enhancements to the Visa Waiver Program implemented by the Department of Homeland Security earlier this year. We can fully fund the President's budget request for aviation security. We can support and expedite our efforts to expand preclearance capability of foreign airports around the world. Doing so will provide with us a greater ability to prevent those who should not be flying here.

I am committed to keeping Americans safe, but I know that doing so is not inconsistent with providing refuge to some of the world's most vulnerable people. To turn our backs on refugees would be to betray our values.

The United States is a welcoming country that knows diversity equals strength. Our resettlement program must continue to reflect this. Any legislation that challenges this legacy should be rejected.

I will continue to keep residents' thoughts and concerns at the forefront of my decisionmaking, and I thank them for reaching out to me over the last week. I urge my colleagues to do the same.

STUDENT SUCCESS ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. COSTELLO) for 5 minutes.

Mr. COSTELLO of Pennsylvania. Mr. Speaker, I rise today to speak about the issue of public education in America and what we need to do here in Washington, D.C., to improve our public education system.

I specifically rise today to urge passage of the Student Success Act in the name of putting students first.

The bottom line, Mr. Speaker, is that right now the Federal education bureaucracy has imposed more mandates on local classrooms, on students, on teachers, on administrators, than was ever intended or contemplated by our Constitution and essentially runs afoul of the principles of federalism. That being that, if power is not vested upon the Federal Government to do something, it should be left to the States or even more local subdivisions; in this case, our local school boards.

The Student Success Act seeks to empower teachers, administrators, parents, and students by sending control back to school boards and classrooms across this country.

Mr. Speaker, the Student Success Act accomplishes a great deal for the sake of the student. I am going to spend a minute explaining how and why that is. But it is also important to point out what happens if we do not pass this bill: more curriculum mandates out of Washington, D.C., more testing mandates out of Washington, D.C. If we do not pass this bill, we get more of that.

If we do not pass this bill, we have more power and control administered at the sole discretion of the Secretary of Education, as it stands right now. The Secretary of Education has the power of the purse at his disposal, and we have a waiver program that essentially plays out as follows:

If the Secretary of Education at the Federal level likes what you are doing with your curriculum and your accountability measures at the local level, you get grant money. If he doesn't like it, you don't get the grant money. There is way too much discretion in Washington, D.C., over how public education is managed and administered in this country. That is not the way it was intended to be.

The waiver program, which is in effect right now, is acting as a top-down lever to dictate what is taught in the classrooms, how it is taught, when and how much testing should be employed by teachers, how they teach in the classroom, and when students have to take tests.

I cannot tell you how often I hear from parents and students and teachers lamenting about not only the days spent testing, but the days spent preparing to test.

The effort with the Student Success Act is to roll that back and have States take a leadership role in that and the Federal Government retreat, reduce the Federal footprint in education in this country.

This is not a partisan issue. This is an issue of fairness. It is only fair that teachers and parents get more say over public education and Washington, D.C., gets less.

A vote against this bill is a vote for the status quo, and I don't think anyone really, truly wants public education coming more out of Washington, D.C.

The Student Success Act ensures that States cannot be coerced into Common Core. If we do not pass this bill, the Secretary of Education, through the waiver program, has more ability to impose Common Core. By passing this bill, States cannot be coerced into the Common Core curriculum.

The Student Success Act eliminates 49 duplicative, ineffective Federal programs. If we do not pass this bill, those 49 duplicative, ineffective programs stay on the books.

□ 1030

The Student Success Act provides more flexible funding for school districts to fund their priorities at the local level.

I want to thank Chairman KLINE, Mr. ROKITA, and all my colleagues on the Education and the Workforce Committee for their work on the Student Success Act.

Mr. Speaker, let's put children first and pass this bill.

ROSA PARKS DAY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Ohio (Mrs. BEATTY) for 5 minutes.

Mrs. BEATTY. Mr. Speaker, I rise today to honor and celebrate the memory of the great Rosa Parks, also known as the mother of the modern civil rights movement.

Today, December 1, marks the 60th anniversary of Rosa Parks' arrest for refusing to surrender her seat on a city bus in Montgomery, Alabama, to a White male. Her arrest on this date in 1955 put a face to Jim Crow and the disgrace of segregation in this country and, in many ways, united a nation in the struggle for civil rights for all.

As many of you know the story, Rosa Parks refused to give up her seat, sparking the peaceful Montgomery bus boycott, which lasted 381 days and led to the eventual desegregation of the public transportation system across this Nation.

Rosa Parks in every way embodies the tremendous difference a single person, Mr. Speaker, can make through the power of protest, nonviolence, and courage.

As a member of the Ohio General Assembly, where I served as House leader, I was proud to have led the efforts that resulted in the 2005 passage of House Bill 421 designating December 1 as Rosa Parks Day, the first State in the Nation to do so. Each year, the State of Ohio, spearheaded by the Central Ohio Transit Authority, proudly celebrates the life of Rosa Parks in our State capital, Columbus, Ohio.

It is important that we do not let her legacy of bravery die. I look forward to joining my constituents when I travel back to the district on December 3 to celebrate the 11th annual statewide tribute to Rosa Parks, ''The Power of One.''

Mr. Speaker, I would like to thank Congressman JOHN CONYERS, the dean of this House, for agreeing to participate in my Community Leaders Forum at this year's celebration.

For five decades, Congressman CONYERS has been a champion of civil rights and voting rights. His distinguished career is highlighted by his work on important civil rights legislation such as the Martin Luther King Holiday Act of 1983, the Motor Voter bill of 1993, and the Help America Vote Act of 2002. Today, he continues to fight for voting rights and civil rights as the ranking member on the House Judiciary Committee.

I look forward to welcoming him to our Rosa Parks celebration because he shared a personal relationship with her. She worked for Congressman CONYERS from 1964 until 1988. However, before working with Congressman CONYERS, she took a stand for justice and equality. The power of one person changed our Nation forever.

Our fight for racial equality and real inclusion is ongoing, as recently publicized tensions across our Nation have made clear. With the Supreme Court decision to strike down section 4 of the Voting Rights Act of 1965 in Shelby County v. Holder, we no longer have the safety net that ensures that Americans, especially minorities, are able to participate in our democratic process.

Mr. Speaker, we should not be rolling back voting rights protection. Instead, we should honor the progress our country has made to ensure and protect equal rights and equal treatment for all.

That is why I am the cosponsor of the Voting Rights Advancement Act of 2015, H.R. 2867, which enjoys bipartisan and bicameral support. Congress should immediately bring this legislation to the floor to ensure that all Americans may cast ballots to choose their leaders in public service.

Mr. Speaker, many of the policies being pushed by the House Republican leadership would adversely and disproportionally affect people of color and individuals in low-income communities.

When we talk about reform in Washington and starting with a clean slate

without consideration of how these policies will affect all communities, we do our Nation a disservice. I am confident we can do better. I am hopeful that we can do better. We have a responsibility to do better.

Today and every day, let us be inspired by Rosa Parks and remember that each person must live their life as a model for others.

Mr. Speaker, I thank you for the opportunity to speak on this important issue.

OUR VETERANS DESERVE BETTER

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Mr. Speaker, last month, we celebrated Veterans Day, a day where we rightly single out the members of our military, past and present, and pay tribute to their service and sacrifice.

When you stop to think about it, it is amazing that men and women choose to serve in our Armed Forces, knowing full well that their sacrifice could be tremendous and even require their life. But, still, they volunteer. They do so because America—her ideals, her people, and her way of life—are worth defending.

The entire Nation owes our military personnel and veterans a huge debt of gratitude, and ensuring that debt is properly repaid is one of my top priorities in Congress.

Mr. Speaker, as I travel North Carolina's Fifth District, I hear a similar refrain. No matter where I go, constituents tell me horror stories of their experiences with the Department of Veterans Affairs.

Veterans from my district and across the country are frustrated with the lack of service they are receiving. They are angry because they can't get an appointment or a phone call returned. And they are outraged, as I am, that the Obama administration is doing nothing to solve the multitude of problems that have been revealed.

My heart is always touched when veterans and their families describe their efforts to get service through the VA and how the VA wouldn't help them until my office intervened. These stories affect me more than words can say.

I am always happy to know that my office has helped, and my staff is encouraged when we get a problem solved. However, these veterans shouldn't have to contact their congressional office to access the benefits they have earned.

To say I am fed up with this administration's treatment of veterans is an understatement. How they can turn their backs on the veterans the way they do is unconscionable to me.

It is past time to put an end to the agency-wide pattern of mismanagement at the Department of Veterans Affairs. The bureaucratic incompetence is abominable, and there needs to be a shakeup at all levels. The agency needs to be led and staffed by people who believe America has a duty and an obligation to help our veterans.

Right now, it seems there is no sense of responsibility or concern from the Obama administration with the disgraceful way our veterans are being treated. It is time for President Obama to truly commit to reforming the VA and give America's veterans a meaningful, decisive plan to right the many wrongs.

Regardless of the outcome, my office will continue to leave no stone unturned when it comes to serving our veterans.

HIV/AIDS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. PELOSI) for 5 minutes.

Ms. PELOSI. Mr. Speaker, I come to the floor today to mark World AIDS Day.

I do so in great pride, following my colleague from Ohio, Congresswoman JOYCE BEATTY, who spoke on the floor about the 60th anniversary of what happened in Montgomery when Rosa Parks, with great courage, refused to give up her seat on the bus. The courage of that woman and all of those who supported her has made such an incredible difference in our country, and it is indeed related to what I want to say about HIV and AIDS.

Many of us had the privilege of knowing Rosa Parks when she worked for JOHN CONYERS. We honored her here in the House and are so proud that we have a statue of Rosa Parks in the Capitol of the United States.

We think of her and we think of the courage she had, which led to the Civil Rights Act, the Voting Rights Act. And that Voting Rights Act and Civil Rights Act led to our having a much more diverse Congress of the United States.

From there came our Congressional Black Caucus, the Hispanic Caucus, and the Asian Pacific Caucus. The Black Caucus directly related to Mr. CONYERS, who was a founding member, and Rosa Parks, who was an inspiration. They were responsible for so much change in the leadership of our Congress. And because so many issues spring from the Congressional Black Caucus, some say ''the conscience of the Congress.''

So the relationship from Rosa Parks, through the caucus, to now we are observing the 25th anniversary of World AIDS Day, the link is Congresswoman BARBARA LEE, who has been such a champion in the Congress on this subject. We take great pride in the accomplishments she has had in her capacity as a Member of Congress but also as our representative to the United Nations General Assembly.

Each year, World AIDS Day is observed internationally to reflect the progress that has been made in reaffirming our determination to banish AIDS to the annals of history. We recognize that achieving an AIDS-free generation requires our relentless, energetic, and undaunted commitment to testing, treatment, and finding a cure.

The World AIDS Day theme this year, ''The time to act is now,'' challenges us to act with the urgency that this global epidemic demands.

AIDS, as we know, and the HIV virus is a ferocious and resourceful disease, a resourceful virus, ever-mutating to escape our efforts to destroy it. Therefore, we have to be ferocious, resourceful, and adaptable in our effort to succeed to end HIV. We must bring bold thinking and deep commitment to testing, treatment, and the search for a cure and a vaccine to prevent.

President Bush, with his PEPFAR initiative, took a big advance in how we can help prevent the spread of AIDS in the rest of the world. He and Mrs. Bush, with their Pink Ribbon Red Ribbon Initiative to link cervical cancer prevention with HIV testing and treatment in Africa, was a remarkable initiative.

So we salute the bipartisanship. We supported, of course, President Bush with PEPFAR. We wanted it bigger, and he wanted it strong, and there we were with something that has saved millions of lives and given hope to people.

I visited some of the clinics in Africa where PEPFAR is being administered, and some of the people I met there said, ''I would never have come in to be tested before because there was no reason. I had no hope that there would be any remedy or any maintaining of a quality of life that would have encouraged me to risk the stigma of saying that I was HIV-infected.'' So, again, it is all about the people.

In New York today, Bono will be observing the 10th anniversary of the ONE and (RED) initiatives that have set out to alleviate poverty and eradicate disease, with a heavy focus on HIV/AIDS. We know the work of the Melinda and Bill Gates Foundation and what they have done on this issue, particularly in India.

I, today, also wish I could be in San Francisco, where amfAR will be saluting the work at University of California-San Francisco on HIV/AIDS by establishing a new initiative there.

I am just mentioning a few other observances of World AIDS Day. It is happening throughout the world.

If you go back a number of years, when I came to Congress, we were going to two funerals a day. It was the saddest thing. Now we are going to weddings and helping people make out their wills and all the rest because they have a longer life ahead.

The maintenance of life, the quality of life is really important, but we do want a cure.

So I said it was the 25th anniversary of World AIDS Day; I meant to say the 25th anniversary of the Ryan White CARE Act. That young man, whose

name is something that is iconic to all of us, left us, but his mother carries on the tradition, and it has made such a tremendous difference.

My colleague Henry Waxman, who is no longer in the Congress but is still a champion on HIV/AIDS, was so instrumental in leading us to passing that legislation.

So it has been bipartisan. It is global. It is personal. It is urgent that we continue so that, one day, 50 years from now, people will say, ''What was AIDS? What was that?'', and the books will show that it was a terrible, terrible tragedy that befell the world's population regardless of status, of wealth, of gender or of race, and something that is now buried in the news somewhere as a terrible memory but not a part of our future.

Again, as we observe World AIDS Day, may we all wear our red ribbons in sympathy with those who have lost their lives, sadly, before the science took us to a better place on this.

That is what we are counting on, research and science to take us to a better place on this, and also the enthusiasm, determination, and relentlessness of so many people throughout the world to make HIV/AIDS a horrible, horrible memory, again, but not part of our future.

□ 1045

THE RIGHT OF PRIVACY MUST EXTEND TO ELECTRONIC COMMUNICATIONS

The SPEAKER pro tempore. The chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, like most Americans, I store a lot on my computer and on my phone: family photographs, personal calendars, emails, schedules, and even weekend to-do lists or, as my wife calls them, honey-do lists.

But this information stored on a phone, like the one I have here in my hand, is not private from the prying, spying eyes of government—our government. Most Americans have no idea that Big Brother can snoop on tweets, Gchats, texts, Instagrams, and even emails.

Anything that is stored in the cloud for over 6 months is available to be spied on by government as long as it is older than 180 days. Now, why is that? Well, it goes all the way back to the outdated Electronic Communications Privacy Act of 1986. That act protects privacy of emails that are less than 6 months old.

In 1986, those were the days before the World Wide Web even existed. Many of us have staff that weren't even born before 1986. We stored letters in folders, filing cabinets, and desk drawers. No one knew what the cloud was because the cloud did not exist. There was not any broadband, no social media, no tablets, or no smartphones. So, in 1986, lawmakers tried to protect emails but only did so for 180 days.

Under current law, every email, every text, every Google doc and Facebook message, every photograph of our vacation is subject to government inspection without a warrant, without probable cause, and without our knowledge if it is older than 6 months.

This is an invasion of privacy. Constitutional protection for 6 months only? That is nonsense, Mr. Speaker.

What is worse, some government agencies don't want the law changed. The Securities and Exchange Commission is lobbying to keep the same law on the books so they can snoop around in emails after 6 months without a warrant. The SEC is not even a law enforcement agency, but yet they want to keep the ability to look at emails.

I suspect they want to be able to read personal financial records and communications without a warrant. Spying on citizens by government sounds like conduct reminiscent of the old Soviet Union.

The SEC is not the only government agency that has access to emails over 6 months old. Any government agency can go in, confiscate emails that are older than 6 months without a warrant, without probable cause, and without knowledge of the person that they are snooping on. To me, this is a clear violation of the spirit of the United States Constitution.

Mr. Speaker, if we go back to the days of snail mail and you write a letter and you put it in an envelope and you put it in a mailbox and it floats around the country from place to place and finally ends up in somebody else's mailbox, government cannot go and grab that letter and search it without a warrant under most circumstances, no matter where it goes in the U.S., because it is protected. It is the privacy of the person who wrote the letter and the person who is receiving the letter.

Why should government have the ability to snoop around in our personal emails? They don't have that right, even though they have the ability to do so.

Mr. Speaker, the Fourth Amendment makes us, the U.S., different than any nation on Earth to protect the privacy of American citizens. Government agencies can't raid homes or tap into phones or read mail without showing a judge they have probable cause that a crime was committed. They must obtain a search warrant.

Mr. Speaker, I was a judge in Texas for 22 years, a criminal court judge, and saw 20,000 cases or more. Police officers would come to me at all times, day or night, with a search warrant. If it stated probable cause, I would sign the warrant, and then they would be instructed to go search whatever it was that they had probable cause to search.

That is what the Constitution requires before you can snoop around and spy on Americans. If you want to search, get a warrant. That is the rule under our law.

Why should our possessions and communications be less private because they are online? Well, they shouldn't be. That is why I have teamed up with Representative ZOE LOFGREN on the other side and lots of other Members of Congress in both parties to introduce legislation to update the outdated ECPA law.

There are several bills pending. In fact, these bills have over 300 sponsors right now, bipartisan, to restore ECPA's original purpose to protect the privacy of American citizens.

This legislation would protect the sacred right of privacy from ever-increasing spying government trolls on Americans. Our mission is simple: extend constitutional protections to communications and records that Americans store online for any amount of time.

Mr. Speaker, technology may change, but the Constitution remains the same. Thomas Jefferson said in the Declaration of Independence, government is created to ensure our rights, not violate those rights.

It is about time we make government protect the right of privacy rather than violate the right of privacy. We need to pass this ECPA law and get privacy back in America.

And that is just the way it is.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 51 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. STEWART) at noon.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Loving God, we give You thanks for giving us another day.

As we face a new day, help us to discover the power of resting in You. Send Your Spirit down upon the Members of the people's House.

Grant them wisdom, insight and vision that the work they do will be for the betterment of our Nation during a time of struggle for so many Americans.

In extraordinary times, people from around the world are coming together and recognizing shared threats to peace and prosperity among all people of goodwill. May the men and women of this House emerge as leading statesmen and women to address issues that transcend the here and now of political tides.

Help them to identify policies that will redound to the benefit of our children and grandchildren.

May all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. DOLD) come forward and lead the House in the Pledge of Allegiance.

Mr. DOLD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches from each side of the aisle.

POSITIVE IMPROVEMENTS TO MENTAL HEALTH

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, millions of Americans across the country know the benefits of evidence-driven mental health care; yet, our national mental health system has been harmed after years of bad policy.

Yesterday The Wall Street Journal stated, ''As it happens, this month a House subcommittee passed one of the more consequential bills of this Republican majority—the Helping Families in Mental Health Crisis Act. Recent mass killers have nearly all had some kind of mental illness; yet, few receive proper treatment. Representative TIM MURPHY spent more than a year investigating dysfunction and writing an overhaul.''

I am grateful to be a cosponsor of the Helping Families in Mental Health Crisis Act developed by a dedicated professional, TIM MURPHY. This legislation helps States to modernize involuntary commitment laws and encourages assisted outpatient treatment for patients to remain active in their communities.

This legislation determines funding based on evidence-based care, putting critical resources into programs we know work, not into vague or untested theories. As the former president of the Mid-Carolina Mental Health Association myself, I appreciate this reform.

In conclusion, God bless our troops. May the President by his actions never forget September the 11th in the global war on terrorism.

THE POLICE TRAINING AND INDEPENDENT REVIEW ACT

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, in the wake of the shocking video from Chicago showing the brutal shooting of Laquan McDonald by a Chicago police officer, I rise today to encourage my colleagues to pass H.R. 2302, the Police Training and Independent Review Act.

Congressman LACY CLAY and I introduced this bill earlier this year to stop local prosecutors from being tasked with investigating and prosecuting the same local police with whom they work so closely.

This is an inherent conflict of interest. What happened in Chicago is just the latest evidence that it needs to end.

If enacted, the Police Training and Independent Review Act would condition the receipt of full Byrne-JAG funding on States adopting laws to require independent investigation and, if necessary, prosecution of law enforcement officers in cases involving the use of deadly force.

If we are serious about restoring a sense of fairness and justice, we need to pass this bill and remove this conflict.

Law enforcement, police, and sheriffs have a tough job, a dangerous job, and they bring cases to DAs and serve as witnesses. This hand-in-glove relationship shouldn't be upset, but it also shouldn't upset justice.

We have seen charges brought against officers in certain cities, but more would be brought if there were independent prosecutions.

CONGRATULATING PRINCIPAL STEVE HOPE, 2015 INDIANA HIGH SCHOOL PRINCIPAL OF THE YEAR

(Mrs. WALORSKI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. WALORSKI. Mr. Speaker, I rise today to recognize Principal Steve Hope of Penn High School in Mishawaka for earning the 2015 Indiana High School Principal of the Year Award by the Indiana Association of School Principals.

For nearly 20 years Principal Hope has been more than just a teacher. He has been a mentor, support system, and friend to countless people.

His passion for education has been instrumental in preparing young Hoosiers for so much success later in life. Since he became the principal in 2008, Indiana's Department of Education has named Penn an A-rated school and a 4–Star Award winner.

He has taught students more than just curriculum. He has taught students life lessons they will remember forever.

On behalf of the people of the Second Congressional District of Indiana, I heartily want to thank Principal Hope for being an inspiration to students and teachers alike. His dedication to providing a quality education to each Hoosier that crosses his path is such an inspiration to all of us in Indiana.

Mr. Speaker, please join me in congratulating Penn High School Principal Steve Hope on receiving this prestigious award.

CONGRATULATIONS TO SOUTH PARK HIGH SCHOOL

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, last Friday my alma mater, South Park High School, made history as their football team, the Sparks, brought home the New York State Public High School Athletic Association Championship to Buffalo.

The Sparks played in front of a crowd of 3,000 at the Carrier Dome in Syracuse. The team capped off a record-breaking 12–1 season by defeating Our Lady of Lourdes by a score of 49–46.

The team's win was a storybook ending to a historic season. Most members of the team have been playing together since Little League, and this close-knit group became the first ever Buffalo City School to win a State championship.

I stand today as a proud South Park graduate to congratulate the team, coaches, parents, and Principal Terri Schuta, my friend and classmate, for claiming the State title for Buffalo and South Park High School.

PRESIDENT OBAMA'S TIMID RESPONSE TO ISIS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, it is so disappointing that President Obama believes a climate change summit is somehow a rebuke of international terrorism. Think about that.

The President's timid response about how to take on ISIS and how to define our enemy has emboldened our enemy, radical Islamists extremists.

But he has not been timid in his response on global warming. At a meeting of world leaders right now in Paris, President Obama is choosing to pursue his climate change agenda instead of addressing how we are going to destroy ISIS.

In fact, our President seems to believe that global warming is a greater threat than international terrorism. It is clear, in the wake of the horrific attacks in Paris, that his priorities are gravely misplaced.

When discussing ISIS, the President reminded the Nation that ''we've faced greater threats to our way of life before.'' True. But that doesn't change the fact that radical Islamic extremism is the threat we face now.

HONORING THE LIFE OF ROSA PARKS

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. Mr. Speaker, 60 years ago today Rosa Parks was arrested for refusing to give up her bus seat to a White man. Her simple act of defiance and her quiet dignity in the face of daily injustice grabbed the attention of activists and launched the civil rights movement.

In 2013, we unveiled a statue of Rosa Parks that stands just outside these doors in the U.S. Capitol Statuary Hall. This year I took my 11-year-old granddaughter to Rosa Parks Museum in Montgomery, Alabama, so that the next generation of young Americans can understand the role that she played in shaping the history of our country.

I actually got the great honor of meeting Rosa Parks at an event once that my father held at the Martin Luther King, Jr. Community Hospital in Watts. What thrill it was to hold her hand as the audience sang ''We Shall Overcome.''

It has been 60 years, but, unfortunately, we know that the discrimination Rosa Parks faced still faces minorities communities in this country today.

On this anniversary, I hope we can look to her example for inspiration in the ongoing struggle for justice for every American.

HONORING MIAMI DADE COLLEGE WOLFSON CAMPUS PRESIDENT DR. JOSE A. VICENTE

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to honor Dr. Jose A. Vicente, who is retiring from his post as president of Wolfson Campus of Miami Dade College, where each year 27,000 students receive a high-quality education in the heart of downtown Miami.

Dr. Vicente's retirement marks the end of an amazing 42-year career at my alma mater, Miami Dade College. Dr. Vicente's commitment to education is evident not only from his varied teaching and administrative roles at Miami Dade College, but also through his active involvement as a board member in national education groups, including the American Association of Community Colleges and the Hispanic Association of Colleges and Universities, known as HACU.

Congratulations to Dr. Jose Vicente on his well-deserved retirement. I thank him for his wonderful legacy of enhanced educational opportunities that will continue to benefit our South Florida community for years to come.

Godspeed, Jose.

□ 1215

WORLD AIDS DAY

(Ms. LEE asked and was given permission to address the House for 1 minute.)

Ms. LEE. Mr. Speaker, I rise today to commemorate World AIDS Day. The theme this year is: The Time to Act is Now.

First, I would like to thank Leader PELOSI for her steadfast commitment to fighting HIV and AIDS and for guaranteeing strong United States leadership in this area.

As the cofounder and cochair along with my good friend from Florida, Congresswoman ILEANA ROS-LEHTINEN of the bipartisan Congressional HIV/AIDS Caucus, we have seen the significant progress that we have made in the global fight against HIV.

From PEPFAR and the Global Fund to Fight AIDS, TB, and Malaria, which we were very proud to cosponsor, to the Ryan White CARE Act and the Minority AIDS Initiative, the U.S. has been a global leader in committing the critical resources needed to end this disease.

Thanks to the leadership of people like Congresswoman MAXINE WATERS, former Congresswoman Donna Christensen, and the Congressional Black Caucus, we are turning the tide in providing lifesaving prevention and treatment services to disproportionately affected communities here at home. This has been a bipartisan effort which we must continue because we still have a lot of work to do.

Mr. Speaker, in the United States, southern States are now the epicenter of the HIV/AIDS epidemic. Stigma, discrimination, and lack of education about the disease continue to be significant barriers to care and prevention. The time to act is now.

EPILEPSY AWARENESS MONTH

(Mr. DOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOLD. Mr. Speaker, I rise to highlight November as Epilepsy Awareness Month. Tragically, across the country today thousands of families dealing with epilepsy and other debilitating seizure disorders have been forced to uproot their families as they travel to States where CBD oil is already legalized.

Especially in children, CBD oil helps reduce the amount and the duration of seizures. But over and over again the government has stood in the way of access to lifesaving care for these children.

Children across the country, like Sophie Weiss, deserve better. Sophie is an inspiring young girl from the Tenth Congressional District in Illinois. She suffers from a severe form of epilepsy and, without CBD oil, suffers upwards of 200 seizures each and every day.

Mr. Speaker, for Sophie and children suffering like her, I helped introduce a bill to stop the government from standing in the way of this lifesaving relief.

In honor of Epilepsy Awareness Month, I call on my colleagues to join me so we can pass the Charlotte's Web Medical Hemp Act of 2015 and ensure that no family has to endure the loss of a child as they wait for approval of this natural, lifesaving option.

9/11 HEALTH AND COMPENSATION ACT

(Mrs. CAROLYN B. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, let's not play politics with the health and compensation bill for the 9/11 heroes and heroines. There are over 70,000 9/11 first responders and survivors, the veterans of our war on terror. They come from every single State in the Union, and they are waiting to see if Congress will act for their health care.

There is broad bipartisan, bicameral support for a permanent reauthorization. There are 259 House cosponsors, including 67 Republicans. Both Chairman GOODLATTE and Chairman UPTON, along with Ranking Member CONYERS and Ranking Member PALLONE, support this bill and want to pass it.

There are just 7 legislative days left. This is something we all agree on, something that is clearly the right thing to do.

I urge my colleagues, Mr. Speaker, to get this done this year. Let's keep our promise to the 9/11 heroes and heroines, to the first responders, to the victims, and to the survivors. Let's pass this bill this year.

THE PROMISE ACT

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, I rise on behalf of our true American heroes, our veterans, to highlight important legislation that will help those who need it most. Last month I introduced the PROMISE Act to continue my efforts to promote safety, patient advocacy, and better access to quality care for our veterans.

The PROMISE Act will increase safety for opioid therapy and pain management, encourage more transparency at the VA, encourage more outreach and awareness of the Patient Advocacy Program for veterans, and help provide alternative forms of care to address veterans' health needs.

Our veterans sacrificed so much for our country. It is up to us to provide them with the care they have earned and deserve. We must encourage safe, quality care for those who have fought for our freedoms.

Mr. Speaker, I urge my colleagues to support this bill and help fulfill our promise to our veterans.

BOKO HARAM

(Ms. ADAMS asked and was given permission to address the House for 1 minute.)

Ms. ADAMS. Mr. Speaker, I rise today to shed light on the hundreds of Chibok schoolgirls who were abducted by Boko Haram nearly 600 days ago. Some girls have been recovered, but many more are still missing.

Boko Haram is now the most dangerous terrorist organization in the world, killing more than 6,000 people in 2014 alone.

While our Nation and the world are reeling from the death and destruction ISIS has caused in recent weeks, we must not forget the terror that Boko Haram brings every single day.

Mr. Speaker, I applaud our government's efforts in helping provide Nigeria with the support they need to fight these militants. But there is more to be done. We cannot turn a blind eye to the destruction and bloodshed they have caused. We must continue to dedicate resources and support to wipe out the world's deadliest terror organizations.

There also needs to be a continuous effort to save so many lives from falling into Boko Haram's hands.

I thank Representative WILSON of Florida for leading the charge on this issue here in Congress. I am proud to stand with you in the fight to Bring Back Our Girls and stop Boko Haram.

PROPER PROCESS FOR THE 9/11 HEALTH AND COMPENSATION ACT

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, today I want to address the importance of passing the reauthorization of the James Zadroga 9/11 Health and Compensation Act, H.R. 1786, and this needs to be done as a standalone bill. The reauthorization of this bill is far too important to be rolled into a package at the end of the year.

Our country was attacked 14 years ago, and these Americans responded without hesitation. First responders are undoubtedly heroes in the eyes of America. They at least deserve to have their bill heard individually.

Five years ago, in the last days of the 111th Congress, this bill was passed. It was the last bill that Congress passed that year in the lame-duck 2010 year.

It is important that this bill be brought up. It is important that each of us put our cards in. Vote your conscience. Vote ''yes'' or ''no.'' But we deserve a chance to vote on this bill as a standalone bill.

WORLD AIDS DAY

(Ms. CLARKE of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CLARKE of New York. Mr. Speaker, I rise in commemoration of World AIDS Day and to honor those who labor to end its spread.

Today is the day to raise our awareness of HIV/AIDS and our unwavering fight against it. New infections worldwide are down 35 percent since 2000, and AIDS-related deaths have been reduced by 42 percent since 2004.

Though HIV and AIDS are now considered chronic illnesses, like with any chronic illness, first you must know that you have it in order to treat it.

We know that 35 million people are living with HIV/AIDS globally, and that is unacceptable. My own district, the Ninth District of Brooklyn, New York, has been particularly hard hit over the past three decades by HIV/AIDS.

Nearly 29,000 Brooklyn residents were living with HIV/AIDS since June of 2014. Over 30 percent of new HIV diagnoses in the first half of 2014 were made concurrent with AIDS diagnoses and years after infection. Surveys suggest that 40 percent of Brooklyn adults have yet to receive an HIV screening.

Mr. Speaker, in the first half of 2014, Brooklyn had the highest percentages of HIV/AIDS, so now is the time for us to act. Let us end HIV/AIDS. Help stop the spread today.

CADILLAC TAX LETTER

(Mr. GUINTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUINTA. Mr. Speaker, I rise to request the President's timely response to a bipartisan, bicameral letter from congressional Members willing to work with him to repeal the Affordable Care Act's tax on middle class families' healthcare benefits.

This month I joined House and Senate Members, both Democrat and Republican, to express our constituents' extreme concern about the 40 percent tax on employer-sponsored benefits coming in 2018. Public and private employers and employees tell me that the tax will cost jobs and incomes across New Hampshire as they cope with higher taxes and premiums.

Companies and municipalities are planning for the worst. Families will face lower wages and higher prices as organizations shift costs to pay for new taxes. Our coalition asks the President to meet with us as soon as possible so we can find a solution to this so-called Cadillac tax by the end of this year.

I would like to thank Senators HELLER, BROWN, and HEINRICH, as well as Representative JOE COURTNEY, for their help.

Mr. President, please respond to our request to work together. If we act now, we can avoid more unintended consequences of the Affordable Care Act.

WEAR RED WEDNESDAY

(Ms. WILSON of Florida asked and was given permission to address the House for 1 minute.)

Ms. WILSON of Florida. Mr. Speaker, tomorrow is Wear Red Wednesday to Bring Back Our Girls.

Boko Haram has been declared the world's deadliest terrorist organization. Boko Haram has actually murdered more people than ISIS. This means that Boko Haram's attacks are more lethal and more devastating than anything we have seen in the history of modern terrorism.

Mr. Speaker, Boko Haram's January attack on Baga was the second deadliest terrorist attack in modern history after 9/11. An organization capable of this level of death and destruction must be eradicated.

I urge Congress to pass my bill, H.R. 3833, which would require the U.S. Government to develop a regional strategy to assist Nigeria in defeating Boko Haram. Please continue to tweet, tweet, tweet #bringbackourgirls and remember to wear something red tomorrow, Wednesday, a tie, a pin, a flower. Just wear something red and tweet, tweet, tweet #bringbackourgirls, #joinrepwilson. Tweet, tweet, tweet.

IMPORTANT ISSUES OF THE DAY

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE. Mr. Speaker, first of all, let me say that I join my colleagues in asking for the James Zadroga bill to be passed in honor and tribute to our first responders after the tragedy and heinous terrorist act of 9/11.

And then, of course, today is World AIDS Day. I want to congratulate my constituents. I join the city of Houston, Harris County, in honoring the President's 2020 initiative, which is to encourage all of us to surge back into education and prevention of HIV/AIDS.

So many of us have lost too many. Today in my district as well, the Thomas Street Clinic and a number of other organizations will be acknowledging those who still live with AIDS. It is certainly our responsibility to fight to ensure the stopping of HIV/AIDS in this Nation.

I also rise to speak of the intelligence bill that will be on the floor today. What I would like to note is that I am glad that some of the issues have been resolved.

Particularly, I am concerned and glad that it will provide critical resources for the fight against ISIL, emphasize collection to monitor and ensure compliance with the Iranian nuclear agreement, which some have been very concerned about, that intelligence is very important, and as well it promotes foreign partner capabilities such as helping our allies in France.

Mr. Speaker, as I close, let me say my concern, however, still remains on

the authority limited of the Privacy and Civil Liberties Oversight Board. It is a bill that we all should consider.

PROVIDING FOR CONSIDERATION OF H.R. 8, NORTH AMERICAN ENERGY SECURITY AND INFRASTRUCTURE ACT OF 2015; PROVIDING FOR CONSIDERATION OF S.J. RES. 23, PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE ENVIRONMENTAL PROTECTION AGENCY; AND PROVIDING FOR CONSIDERATION OF S.J. RES. 24, PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE ENVIRONMENTAL PROTECTION AGENCY

Mr. BURGESS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 539 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 539

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 8) to modernize energy infrastructure, build a 21st century energy and manufacturing workforce, bolster America's energy security and diplomacy, and promote energy efficiency and government accountability, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate, the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House any joint resolution specified in section 3 of this resolution. All points of order against consideration of each such joint resolution are waived. Each such joint resolution shall be considered as read. All points of order against provisions in each such joint resolution are waived. The previous question shall be considered as ordered on each such joint resolution and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce; and (2) one motion to commit.

SEC. 3. The joint resolutions referred to in section 2 of this resolution are as follows:

(a) The joint resolution (S.J. Res. 23) providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Environmental Protection Agency relating to ''Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units''.

(b) The joint resolution (S.J. Res. 24) providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Environmental Protection Agency relating to ''Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units''.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 1 hour.

□ 1230

Mr. BURGESS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. BURGESS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BURGESS. Mr. Speaker, H. Res. 539 provides for a rule to consider three important bills that will help millions of Americans and their families who are having to pay or will soon be paying higher energy costs due to the administration's misguided and ill-conceived energy policies. The rule provides for 1 hour of debate, equally divided between the majority and the minority of the Energy and Commerce Committee, on each of the pieces of legislation before us, including S.J. Res. 23, a resolution of disapproval of a rule promulgated by the Environmental Protection Agency on greenhouse gases from new stationary sources; S.J. Res. 24, a resolution of disapproval of a rule promulgated by the Environmental Protection Agency on greenhouse gases from existing stationary sources; and H.R. 8, the North American Energy Security and Infrastructure Act of 2015, which will move this country in a direction of greater energy independence.

The rule before us today provides for a closed rule on both resolutions of disapproval, as is standard for such measures, allowing for 1 hour of debate equally divided between the majority and minority of the Committee on Energy and Commerce, while allowing the minority a motion to commit on each of the resolutions.

Further, the rule provides for 1 hour of debate on H.R. 8, also equally divided between the chair and ranking member of the Committee on Energy and Commerce. A subsequent order from the Committee on Rules will likely address any amendments to be made in order later in the week.

The House, in taking up these measures, is doing so to reflect the will of the people so many of us represent who are opposed to the administration's actions and wish to stop this out-of-control Environmental Protection Agency from doing further damage to the economy. Further, H.R. 8 reflects a broad consensus of energy stakeholders who are ready and willing to move the country's energy future into high gear.

S.J. Res. 23, disapproving of the Environmental Protection Agency's new greenhouse gas rules on new stationary sources—loosely translated, that means the Nation's power plants, keeping the lights on in your home, the heat on in the winter, and the air-conditioning on in the summer—and S.J. Res. 24, disapproving of the EPA's new greenhouse gas rules on existing stationary sources, both of these joint resolutions passed in the Senate in October by a majority vote of 52–46. The Congressional Review Act, the law which allows for the process of disapproval by Congress when an administration goes too far with one of its rules, allows us an up-or-down vote on the resolution, which cannot be filibustered, thus allowing the measure to be considered in the Senate. It is now time for the House to be heard on this measure as well.

Mr. Speaker, the Environmental Protection Agency's overreaching greenhouse gas rules have had an extensive number of hearings in the Energy and Commerce Committee over the last few years. The committee reviewed all aspects of the proposed rules, including the impacts on reliability and the impacts on consumer costs, including bringing the Federal Energy Regulatory Commission to discuss possible impacts on reliability around the country due to these rules.

Already, in many States across the Nation, coal-fired power plants are closing because they see that the Obama administration's EPA has made it clear that it will go after them relentlessly until they are shuttered. This means fewer cost-effective options for consumers and also the potential for brownouts and blackouts during high-consumption times, like during the peak of the summer in Texas, where rolling brownouts are already not uncommon. The Environmental Protection Agency's new rules will only exacerbate this issue.

Whether Members of this body support these rules or oppose them, the measures before us today will provide each Member the opportunity to be officially registered on where they stand on these EPA rules, and that is what we are all here to do.

H.R. 8, in contrast to the EPA's regulations, moves the country to a place of greater energy security and abundance. Over the past several years, the Energy and Commerce Committee has worked towards modernizing the Nation's energy laws, making the government more accountable, more accountable to the people it is meant to represent as it makes decisions which affect literally every citizen in this country and their pocketbooks.

The free market has long been the guiding force in moving this country ahead in the energy sector. Texas was one of the first major beneficiaries, with the oil boom in the last two centuries. Now, as new technologies and innovations emerge, Congress must stand on the side of the free market

again, stopping the executive branch from picking winners and losers in the energy market and allowing consumers—allowing consumers—to make those decisions for themselves.

When consumers choose what energy sources and what technologies work best for them, the economy grows faster and grows more efficiently than ever the government could possibly drive it. That is what the Architecture of Abundance is all about.

This country has the resources to be energy independent. It has the ability to end our reliability on oil and gas from the Middle East, a region that is perpetually in turmoil. But the Obama administration has stymied much of the progress that was made in the first decade of this century, slowing or stopping leases on public lands for new exploration of our own resources and putting up red tape and numerous barriers to allowing Americans to tap into what is rightfully theirs. This is a bill that is long overdue, and I certainly thank Chairman UPTON for his work on the bill, H.R. 8.

I encourage all of my colleagues to vote ''yes'' on the rule and ''yes'' on the three underlying bills. They are an important first step in setting this country on the path to a modern, stable, and abundant energy future.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. MCGOVERN asked and was given permission to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from Texas (Mr. BURGESS) for yielding me the customary 30 minutes.

Mr. Speaker, I rise in opposition to this closed rule and the underlying legislation.

I want to begin by congratulating the Republican majority for breaking a record today. Through their exemplary, heavyhanded, undemocratic leadership, this is now officially the most closed session of Congress in the entire history of the United States of America. I am not sure that is something to be proud of, but that is the title that they have earned.

Today, we are debating the 47th and 48th closed rules of the 114th Congress. We are in our third legislative week since Speaker RYAN took the gavel, and we are already debating our third and fourth closed rules during his short tenure.

Speaker RYAN promised a more open, more inclusive, more deliberative, more participatory process. I think he must have misspoken because, by any measure, the Republican leadership has already fallen short of that commitment.

Today, we are considering three bills: two that seek to undermine the EPA's ability to protect our public health and environment and a third that offers many troubling provisions, including one which would hastily rush the natural gas pipeline approval process and allow pipelines to be built and run right through our magnificent national parks.

On December 11, our government will run out of money. During the 114th Congress, we have stood in this Chamber debating Republican messaging bills to repeal the Affordable Care Act, undermine the Dodd-Frank financial reform law, and weaken public health and environmental regulations while failing to consider meaningful legislation that would create jobs, boost the economy, and help vulnerable Americans rise out of poverty. Instead of focusing on these priorities, this majority will bring to the floor three bills intended to prevent the EPA from effectively doing its job.

Now, if anyone is feeling déjà vu, that is probably because what I just said is from a floor speech I gave on a rule for three antiscience bills that the Republicans brought before us last November. The only difference is I changed 113th to 114th Congress. And while I hate to repeat myself, unfortunately, the majority is in a rut of bringing before us the same old same old: unproductive legislation that is going nowhere.

We have 6 legislative days left to ensure that the government doesn't run out of money, just 6 days; but instead of focusing on that, instead of working to ensure the government is funded, we are on the floor debating more Republican messaging bills that I think were written in the National Republican Congressional Committee because they are poorly drafted. These bills have drastic and devastating effects on public health and the environment, and they will be vetoed by the President of the United States.

I include in the RECORD the Statements of Administration Policy on these bills, expressing the administration's intent to veto these bills.

STATEMENT OF ADMINISTRATION POLICY

H.R. 8—NORTH AMERICAN ENERGY SECURITY AND INFRASTRUCTURE ACT OF 2015

(Rep. Upton, R–MI, Nov. 30, 2015)

The Administration is committed to taking responsible steps to modernize the Nation's energy infrastructure in a way that addresses climate change, promotes clean energy and energy efficiency, drives innovation, and ensures a cleaner, more stable environment for future generations. The Administration strongly opposes H.R. 8 because it would undermine already successful initiatives designed to modernize the Nation's energy infrastructure and increase our energy efficiency.

Increased energy efficiency offers savings on energy bills, provides opportunities for more jobs, and improves industrial competitiveness. H.R. 8 would stifle the Nation's move toward energy efficiency by severely hampering the Department of Energy's (DOE) ability to provide technical support for building code development and State implementation. In addition, the bill would undercut DOE's ability to enforce its appliance standards and would weaken section 433 of the Energy Independence and Security Act of 2007, which requires a reduction in fossil fuel-generated energy in Federal buildings.

H.R. 8 includes a provision regarding certain operational characteristics in capacity markets operated by Regional Transmission Organizations (RTO5) and Independent System Operators (ISOs). The Federal Energy Regulatory Commission (FERC) and RTOs and ISOs are already well positioned, especially as technologies change over time, to ensure that capacity market structures adequately provide for the procurement of sufficient capacity to efficiently and reliably fulfill the resource-adequacy function that these markets are intended to perform.

H.R. 8 includes new, unnecessary provisions that would broaden FERC's authority to impose deadlines on other Federal agencies reviewing the environmental implications of natural gas pipeline applications. H.R. 8 also would unnecessarily curtail DOE's ability to fully consider whether natural gas export projects are consistent with the public interest.

Further, H.R. 8 would undermine the current hydropower licensing regulatory process in place under the Federal Power Act that works to minimize negative impacts associated with the siting of hydropower projects, including negative impacts on safety, fish and wildlife, water quality and conservation, and a range of additional natural resources and cultural values. Among the ways that H.R. 8 would undermine this process would be by creating a new exemption from licensing that would undercut bedrock environmental statutes, including the Clean Water Act, the National Environmental Policy Act, and the Endangered Species Act.

Finally, H.R. 8 presents certain constitutional concerns. Sections 1104 and 3004 would impermissibly interfere with the President's authorities with regard to the conduct of diplomacy and in some cases diplomatic communications, and sections 1109 and 1201 raise concerns under the Recommendations Clause.

If the President were presented with H.R. 8, his senior advisors would recommend that he veto the bill.

STATEMENT OF ADMINISTRATION POLICY

S.J. RES. 23—DISAPPROVING EPA RULE ON GREENHOUSE GAS EMISSIONS FROM NEW, MODIFIED, AND RECONSTRUCTED ELECTRIC UTILITY GENERATING UNITS

(Sen. McConnell, R–KY, Nov. 17, 2015)

The Administration strongly opposes S.J. Res. 23, which would undermine the public health protections of the Clean Air Act (CAA) and stop critical U.S. efforts to reduce dangerous carbon pollution from power plants. In 2007, the Supreme Court ruled that the CAA gives the U.S. Environmental Protection Agency (EPA) the authority to regulate greenhouse gas (GHG) pollution. In 2009, EPA determined that GHG pollution threatens Americans' health and welfare by leading to long-lasting changes to the climate that can, and are already, having a range of negative effects on human health and the environment. This finding is consistent with conclusions of the U.S. National Academy of Sciences, the Intergovernmental Panel on Climate Change, and numerous other national and international scientific bodies. Power plants account for roughly one-third of all domestic GHG emissions. While the United States limits dangerous emissions of arsenic, mercury, lead, particulate matter, and ozone precursor pollution from power plants, the Carbon Pollution Standards and the Clean Power Plan put into place the first national limits on power plant carbon pollution. The Carbon Pollution Standards will ensure that new, modified, and reconstructed power plants deploy available systems of emission reduction to reduce carbon pollution.

S.J. Res. 23 would nullify carbon pollution standards for future power plants and power

plants undertaking significant modifications or reconstruction, thus slowing our country's transition to cleaner, cutting-edge power generation technologies. Most importantly, the resolution could enable continued build-out of outdated, high-polluting, and long-lived power generation infrastructure and impede efforts to reduce carbon pollution from new and modified power plants—when the need to act, and to act quickly, to mitigate climate change impacts on American communities has never been more clear.

Since it was enacted in 1970, and amended in 1977 and 1990, each time with strong bipartisan support, the CAA has improved the Nation's air quality and protected public health. Over that same period of time, the economy has tripled in size while emissions of key pollutants have decreased by more than 70 percent. Forty-five years of clean air regulation have shown that a strong economy and strong environmental and public health protection go hand-in-hand.

Because S.J. Res. 23 threatens the health and economic welfare of future generations by blocking important standards to reduce carbon pollution from the power sector that take a flexible, common sense approach to addressing carbon pollution, if the President were presented with S.J. Res. 23, he would veto the bill.

STATEMENT OF ADMINISTRATION POLICY

S.J. RES. 24—DISAPPROVING EPA RULE ON CARBON POLLUTION EMISSION GUIDELINES FOR EXISTING ELECTRIC UTILITY GENERATING UNITS

(Sen. Capito, R–WV, Nov. 17, 2015)

The Administration strongly opposes S.J. Res. 24, which would undermine the public health protections of the Clean Air Act (CAA) and stop critical U.S. efforts to reduce dangerous carbon pollution from power plants. In 2007, the Supreme Court ruled that the CAA gives the U.S. Environmental Protection Agency (EPA) the authority to regulate greenhouse gas (GHG) pollution. In 2009, EPA determined that GHG pollution threatens Americans' health and welfare by leading to long-lasting changes to the climate that can, and are already, having a range of negative effects on human health and the environment. This finding is consistent with conclusions of the U.S. National Academy of Sciences, the Intergovernmental Panel on Climate Change, and numerous other national and international scientific bodies. Power plants account for roughly one-third of all domestic GHG emissions. While the United States limits dangerous emissions of arsenic, mercury, lead, particulate matter, and ozone precursor pollution from power plants, the Clean Power Plan and the Carbon Pollution Standards put into place the first national limits on power plant carbon pollution. The Clean Power Plan empowers States to cost-effectively reduce emissions from existing sources and provides States and power plants a great deal of flexibility in meeting the requirements. EPA expects that under the Clean Power Plan, by 2030, carbon pollution from power plants will be reduced by 32 percent from 2005 levels.

By nullifying the Clean Power Plan, S.J. Res. 24 seeks to block progress towards cleaner energy, eliminating public health and other benefits of up to $54 billion per year by 2030, including thousands fewer premature deaths from air pollution and tens of thousands of fewer childhood asthma attacks each year. Most importantly, the resolution would impede efforts to reduce carbon pollution from existing power plants—the largest source of carbon pollution in the country—when the need to act, and to act quickly, to mitigate climate change impacts on American communities has never been more clear.

Since it was enacted in 1970, and amended in 1977 and 1990, each time with strong bipartisan support, the CAA has improved the Nation's air quality and protected public health. Over that same period of time, the economy has tripled in size while emissions of key pollutants have decreased by more than 70 percent. Forty-five years of clean air regulation have shown that a strong economy and strong environmental and public health protection go hand-in-hand.

Because S.J. Res. 24 threatens the health and economic welfare of future generations by blocking important standards to reduce carbon pollution from the power sector that take a flexible, common sense approach to addressing carbon pollution, if the President were presented with S.J. Res. 24, he would veto the bill.

Mr. MCGOVERN. But I guess from the Republican point of view, the positive thing about these bills is that they are yet another pander to big money fossil fuel special interests. I urge my colleagues to follow the money because that is what this is all about here today. It is not about serious legislating. It is about fundraising.

Mr. Speaker, S.J. Res. 23 and S.J. Res. 24 look to stop commonsense regulations that the EPA has put in place that protect us from the harmful pollution emitted by power plants. These joint resolutions are another clear message from the Republican majority that they do not believe that climate change is real. Over 120 environmental, faith-based, and public health organizations have already come out opposing these two resolutions, including the American Lung Association, the Allergy and Asthma Network, the League of Conservation Voters, the Natural Resources Defense Council, the Sierra Club, and Public Citizen. I can stand here forever and repeat the other organizations that have a lot of public support in this country that have come out against these bills.

Power plants account for 40 percent of our annual carbon pollution emissions. They are the single biggest source of carbon pollution in the country. Yet the Republican majority wants to take away the greatest step we have taken to try to curb that major source of pollution. These two joint resolutions would permanently prevent the EPA from ever, ever limiting pollution from power plants in the future as well.

H.R. 8 is also a deeply troubling piece of legislation. It favors the use of fossil fuels over renewable energy and favors consumption over energy efficiency.

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It would ram pipeline applications through FERC in under 90 days even though most applications, by the way, are reviewed and approved in less than 1 year.

It all but removes individuals from the process, allowing big gas companies to choose to build wherever they want, regardless of the consequences for local communities. It would even allow them to build through our treasured national parks. It is an early Christmas gift for big special interests.

At some point, we must face the facts, Mr. Speaker.

So I want to say something to my colleagues on the Republican side. I know it may make you feel uncomfortable, but it is the truth: Climate change is real.

The overwhelming science says it is real, yet a huge chunk of the Republican Conference is in denial. They don't believe there is such a thing as climate change. They don't believe we have any responsibility to our children or to future generations to combat climate change.

They are perfectly happy living in this fantasy world where you can rely on fossil fuels and rely on fossil fuels and rely on fossil fuels and can just make believe that it has no impact at all on the environment.

Quite frankly, if climate change weren't such a serious issue, it would be comical, but climate change is a serious issue. It is a real issue. It is an issue not just for us; it is an issue for future generations. So their denial, quite frankly, is frightening.

We shouldn't be propping up coal and oil industries with taxpayer subsidies. We shouldn't be using taxpayer money to destroy our environment. When the scientific community reaches a clear consensus on an issue like climate change, Congress shouldn't undermine them with dangerous legislation like this.

When we receive credible, peer-reviewed study after study after study after study that tells us we are in the middle of a climate crisis and that something must be done about it, we need to listen, but the Republican majority refuses to listen.

Climate change is often referred to as the most pressing issue of our time. We know that climate change is for real. We know that. We see it. We live it. The scientific community has verified it.

Climate change is not a theory, it is not a hoax, and it is certainly not some silly fantasy. When arctic ice is crashing into the oceans at record rates, that is not a hoax. When species are going extinct at accelerated rates around the globe, that is not a fantasy. When extreme weather events are becoming commonplace, that is not a theory. When the global temperature of the planet continues to increase every year for decades, we should pay attention.

These are the exact same scare tactics that have been used for over 45 years in opposition to climate change. It is the same old stuff. Opponents of clean air have been claiming for half a century that clean air regulations would kill jobs and hurt economic growth, but they are wrong.

The truth is that the Clean Air Act alone has created $57 trillion in benefits since it was enacted in 1970. The Clean Power Plan will lead to a stronger economy, a safer climate, and better health for all of us.

Why is this so difficult? Maybe it is because my friends on the other side of

the aisle don't like the President, so anything that he is for they have to be against. You have got to move beyond your anger. You have got to look at the issues, and you have to evaluate them based on the evidence.

The evidence is that climate change is for real, but you would never know that in listening to the majority. They have no solutions, only denial. Let's keep on down the road of the same old, same old, and their ''just say no'' agenda is a recipe for disaster.

As we gather here, leaders from all around the world are meeting in Paris to talk about how to deal with the issue of climate change. What we should be doing here is providing some wind at the backs of not only our President but of all of the leaders of the world who are gathering to try to figure out how to deal with this challenge.

Instead of doing that, we are doing this. It is really sad that this is what we have come to. If we are going to say ''no'' to anything today, it should be to this closed rule and to S.J. Res. 23 and to S.J. Res. 24.

I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield myself 2 minutes.

The Republican Party is in the majority today. There are a couple of reasons that is so.

There were bills passed in 2009 and 2010, and the American people looked at what was happening in their legislative body and said: We need a change. We need a change from the direction in which we are going.

One of those bills, I will submit, was the Waxman-Markey bill, the cap-and-trade scheme that was drawn up in the Energy and Commerce Committee, of which I am a member. I sat through the debate on it. I remember it very well.

That bill was brought to this floor, and that bill was forced through this House in June of 2009, right before Members went home for the 4th of July weekend.

A lot of people will look at the Affordable Care Act and say that is the reason Congress changed from a majority-Democrat institution to a majority-Republican institution. It is because of the passage of the Affordable Care Act.

Yet, Mr. Speaker, I submit that it was actually that activity in June of 2009 that caused people to look at what was going on in their Congress and to look at that bill that was drafted in the Energy and Commerce Committee by Chairman Waxman and Chairman MARKEY and say: No, not for us. We are not going along with this. This is not a direction in which we want you to take this country.

We still function under that quaint notion that we have government with the consent of the governed, but the governed did not consent to what they saw being passed in Congress late in June of 2009. So it is no accident that things are the way they are today.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BURGESS. Mr. Speaker, I yield myself an additional 1 minute.

I want to read a passage from columnist George Will from earlier this year, January 7, of his writing in the Washington Post. Mr. Will writes:

''We know, because they often say so, that those who think catastrophic global warming is probable and perhaps imminent are exemplary empiricists. They say those who disagree with them are 'climate change deniers' disrespectful of science.

''Actually, however, something about which everyone can agree is that, of course, the climate is changing—it always is. And if climate Cassandras are as conscientious as they claim to be about weighing evidence, how do they accommodate historical evidence of enormously consequential episodes of climate change not produced by human activity? Before wagering vast wealth and curtailments of liberty on correcting the climate,'' perhaps they should consider the past.

Then he goes on to detail those episodes in the past: the Little Ice Age and the Medieval Warm Period.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. BURGESS. Mr. Speaker, I yield myself an additional 30 seconds.

There are, indeed, recent episodes in recorded history that can be looked to where the climate has changed and, yes, has affected human behavior and the human condition, but those were not climate changes affected by the result of human activity. Those were caused by natural cycles, within the Sun cycle, within things over which none of us had any control.

Again, I would take the words of Mr. Will to heart. Before we wager vast amounts of wealth and curtailments of liberty, we would do well to consider those facts.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I inquire of the gentleman as to how many more speakers he has, for I am prepared to close.

Mr. BURGESS. Mr. Speaker, I believe I am the only speaker.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of my time.

With all due respect to George Will, with whom I don't agree on very much of anything, quite frankly, if he or anybody else really believes that there is no correlation between human activity and climate change, I would suggest that maybe he go back to school, because the overwhelming science tells us that there is a connection. The overwhelming science tells us that our reliance on fossil fuels, in particular, has accelerated the climate change on this planet.

Again, it just astounds me that, on an issue on which the scientific community has come together overwhelmingly, there is such a disconnect. Again, at a time when all the world's leaders are gathered in Paris trying to figure out how to deal with this challenge, the House of Representatives is dealing with this. I think that is sad and regrettable.

I ask my colleagues to defeat the previous question. If we defeat the previous question, I will offer an amendment to the rule to bring up bipartisan legislation that would grant law enforcement the authority to block the sale of firearms and explosives to individuals who are suspected of international or domestic terrorism.

Mr. Speaker, I ask unanimous consent to include in the RECORD the text of the amendment, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, to me, this should not be controversial, but in this Chamber that is so beholden to the National Rifle Association, this has become a point of controversy. We are talking about people who are suspected of international or domestic terrorism. I don't think any reasonable person feels comfortable with selling those people weapons.

We ought to be able to come together by putting the security interests of the people of this country first and enacting this. I hope that there is a strong, bipartisan vote to defeat the previous question so that we can actually bring this up, debate it, and pass it.

Mr. Speaker, I include for the RECORD a letter from 120 organizations—many environmental organizations, many faith-based organizations—all who oppose S.J. Res. 23 and S.J. Res. 24.

NOVEMBER 30, 2015.

DEAR REPRESENTATIVE: On behalf of our millions of members, the undersigned organizations urge you to oppose Senators McConnell and Capito's Congressional Review Act resolutions of disapproval (S.J. Res. 23 and 24) that would permanently block the EPA's Clean Power Plan.

These resolutions are an extreme assault on public health, the clean energy economy, and modernizing our energy sector. The Clean Power Plan puts in place commonsense limits on power plant carbon pollution, developed with the input of thousands of stakeholders, and provides the flexibility states need to develop their own plans to meet pollution reduction targets. Blocking these commonsense safeguards puts polluter profits before the health of our children.

Power plants are the country's single largest source of the pollution fueling climate change and the Clean Power Plan is the single biggest step we have ever taken to tackle climate change. This plan is expected to deliver billions of dollars in benefits and will prevent nearly 3,000 premature deaths and more than a hundred thousand asthma attacks per year by 2030.

Not only would these resolutions undo all of the health and economic benefits of the Clean Power Plan, they would also bar EPA from issuing any standards in the future that are substantially similar. This means that Americans would continue to be exposed indefinitely to carbon pollution and the impacts of climate change.

The world's leading scientists agree that failing to act on climate change will ensure worsening extreme weather events, threaten food supplies and increase public health risks. We strongly urge you to oppose these resolutions that put the health of our children and families at risk, threaten the quality of our air, and strip the EPA of the tools to address dangerous carbon pollution.

Sincerely,

350.Org, ActionAid USA, Alliance of Nurses for Healthy Environments, American Rivers, Appalachian Voices, Arizona Interfaith Power & Light, Arkansas Public Policy Panel, Center for Biological Diversity, Clean Air Task Force, Clean Water Action, Climate Action Alliance of the Valley.

Climate Law & Policy Project, Climate Parents, Coalition on the Environment and Jewish Life, Colorado Interfaith Power & Light, Conservation Voters for Idaho, Conservation Voters of South Carolina, Defenders of Wildlife, Delaware Interfaith Power & Light, Earthjustice, Earth Ministry/Washington Interfaith Power & Light, Elders Climate Action,

Environment America, Environment Arizona, Environment California, Environment Colorado, Environment Connecticut, Environment Florida, Environment Georgia, Environment Iowa, Environment Maine, Environment Maryland, Environment Massachusetts, Environment Michigan, Environment Minnesota, Environment Missouri.

Environment Montana, Environment Nevada, Environment New Mexico, Environment New Hampshire, Environment New York, Environment North Carolina, Environment Ohio, Environment Oregon, Environment Rhode Island, Environment Texas, Environment Virginia, Environment Washington, Environmental Advocates of New York.

Environmental Investigation Agency, Environmental Justice Leadership Forum on Climate Change, Environmental Law and Policy Center, Environmental and Energy Study Institute, Environmental Defense Action Fund, Georgia Interfaith Power & Light, GreenLatinos, Health Care Without Harm, Hoosier Interfaith Power & Light, Illinois Interfaith Power & Light, Interfaith Power & Light, Interfaith Power & Light (DC. MD. NoVA), Iowa Interfaith Power & Light, Iowa Chapter Physicians for Social Responsibility.

International Forum on Globalization, KyotoUSA, League of Conservation Voters, League of Women Voters, Maine Interfaith Power & Light, Maine Conservation Voters, Maryland League of Conservation Voters, Massachusetts Interfaith Power & Light, Michigan League of Conservation Voters, Minnesota Interfaith Power & Light, Missouri Interfaith Power & Light, Montana Conservation Voters, Montana Environmental Information Center, Natural Resources Defense Council.

Nebraska Interfaith Power & Light, New Jersey League of Conservation Voters, New Mexico Interfaith Power & Light, New Virginia Majority, New York Interfaith Power & Light, New York League of Conservation Voters, North Carolina Interfaith Power & Light, North Carolina Council of Churches, North Carolina League of Conservation Voters, Ohio Interfaith Power & Light, Oklahoma Interfaith Power & Light, Oregon League of Conservation Voters, PDA, Tucson, PennEnvironment, Pennsylvania Interfaith Power & Light.

Physicians for Social Responsibility, Physicians for Social Responsibility, Arizona, Physicians for Social Responsibility Maine Chapter, Polar Bears International, Protect Our Winters, Public Citizen, Rachel Carson Council, Rhode Island Interfaith Power & Light, Sierra Club, Southern Environmental Law Center, Southern Oregon Climate Action Now, Sunshine State Interfaith Power & Light, Tennessee Interfaith Power & Light.

Texas Interfaith Power & Light, Texas Physicians for Social Responsibility, The Climate Reality Project, Union of Concerned Scientists, Utah Interfaith Power & Light, Vermont Interfaith Power and Light, Virginia Interfaith Power & Light, Virginia Organizing, Voces Verdes, Voice for Progress, WE ACT for Environmental Justice, Western Organization of Resource Councils, Wisconsin Environment, Wisconsin Interfaith Power & Light, Wisconsin League of Conservation Voters, World Wildlife Fund.

Mr. MCGOVERN. Mr. Speaker, I include for the RECORD a letter that was sent to every Member of Congress who is opposed to these two bills. It is signed by the Allergy and Asthma Network, the American Lung Association, the American Public Health Association, the Children's Environmental Health Network, the Trust for America's Health, the National Association of Hispanic Nurses, the Asthma and Allergy Foundation of America, and the Health Care Without Harm.

Again, they are all opposed to the legislation that we are bringing before the House today.

NOVEMBER 16, 2015.

DEAR REPRESENTATIVE: The undersigned public health and medical organizations strongly urge you to oppose Congressional Review Act resolutions H.J. Res. 71 and 72. The measures are excessive attacks on public health protections from carbon pollution from power plants.

The Congressional Review Act resolutions are an extreme tool that would permanently block the U.S. Environmental Protection Agency (EPA)'s actions to reduce dangerous carbon pollution from power plants. These resolutions would prevent EPA from moving forward with any substantially similar action in the future. Carbon pollution from power plants greatly contributes to climate change, which is widely recognized as one of the greatest threats to public health. To protect public health, it is vital that our nation make progress in the fight against climate change.

As U.S. Surgeon General Vivek Murthy, MD, MBA, said during 2015 National Public Health Week, ''We know that climate change means higher temperatures overall, and it also means longer and hotter heat waves . . . higher temperatures can mean worse air in cities, and more smog and more ozone. We know that more intense wildfires will mean increased smoke in the air. And we know that earlier springs and longer summers mean longer allergy seasons.''

The science is clear: communities across the nation are experiencing the health effects of climate change now. Climate change is impacting air pollution, which can cause asthma attacks, cardiovascular disease and premature death, and fostering extreme weather patterns, such as heat and severe storms, droughts, wildfires and flooding, that can harm low-income communities disproportionately. Bold action is needed to protect public health, which is why our organizations support the Clean Power Plan.

EPA's action to reduce carbon pollution from power plants will help the nation take important steps toward protecting Americans' health from these threats. Not only does the Clean Power Plan give states flexible tools to reduce the carbon pollution that causes climate change, these crucial tools will also have the co-benefit of reducing other deadly pollutants at the same time, preventing up to 3,600 premature deaths and 90,000 asthma attacks every year by 2030.

Please make your priority the health of your constituents and vote NO on these Congressional Review Act resolutions, H.J. Res. 71 and 72.

Sincerely,

Allergy and Asthma Network; American Lung Association; American Public Health Association; American Thoracic Society; Asthma and Allergy Foundation of America; Children's Environmental Health Network; Health Care Without Harm; National Association of Hispanic Nurses; Trust for America's Health.

Mr. MCGOVERN. Mr. Speaker, I close as I began, which is by reminding my colleagues that we are at an important crossroads. We still have an opportunity to do something about climate change.

We still have an opportunity to be on the right side of history. We have the opportunity to do something that is good not only for all of us but for our children, for our grandchildren, and for generations to come.

We have an opportunity to provide some wind at the backs of the leaders from all over the world who are gathered in Paris and who are trying to figure out how to deal with the issue of climate change.

If we want to take advantage of that opportunity, we need to reject the same old, same old. We need to understand that we need to transition from our historic reliance on fossil fuels.

There is a correlation between our reliance on these forms of energy and what we are seeing right now in our environment. It didn't begin that way, and we didn't think we were doing harm to the environment when we were utilizing these resources, but science, over the years, has shown us, undeniably, the damage that has been done to our planet. It is up to us to try to reverse this trend, not to bury our heads in the sand, not to deny science, not to deny climate change, but to do the right thing.

I hope that my colleagues, even some of my Republican colleagues, will join with us in rejecting this legislation and will instead work with this White House and will work with other world leaders to deal with the issue of climate change.

□ 1300

We all talk about national security as being our top priority. Well, national security is more than just the number of weapons we have in our arsenal. It also includes the cleanliness and the purity of our environment. It is about time we become good stewards of this planet.

I urge my colleagues to vote ''no'' on the previous question and to vote ''no'' on this backward-thinking legislation that really should not be on the floor today.

I yield back the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I do feel obligated to point out that, in the absence of the

Waxman-Markey bill, during this administration and the previous administration, between 2005 and 2012, carbon emissions in this country fell by 10 percent because of market-based activity.

That puts the United States halfway to the goal that it set for itself in the United Nations agreement, a goal that we would reduce carbon emissions by 20 percent in the year 2020.

We are halfway there, a 10 percent reduction. That is without Waxman-Markey. That is without any international agreement that the President might think he is entertaining or entering into over in Paris.

Mr. Speaker, today's rule provides for the consideration of three important bills for our energy future, two resolutions disapproving of the Environmental Protection Agency's greenhouse gas regulations and a bill that is forward looking that will set this country on the path to greater energy security.

The material previously referred to by Mr. MCGOVERN of Massachusetts is as follows:

AN AMENDMENT TO H. RES. 539 OFFERED BY MR. MCGOVERN OF MASSACHUSETTS

Strike all after the resolved clause and insert:

That immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1076) to increase public safety by permitting the Attorney General to deny the transfer of a firearm or the issuance of firearms or explosives licenses to a known or suspected dangerous terrorist. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 2. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 1076.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

The Republican majority may say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. BURGESS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. POE of Texas). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2016

Mr. NUNES. Mr. Speaker, I move 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.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4127

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 2016''.

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

SEC. 2. DEFINITIONS.

In this Act:

(a) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ''congressional intelligence committees'' means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

(b) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

SEC. 3. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2016 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.

(16) The Department of Homeland Security.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.—The amounts authorized to be appropriated under section 101 and, subject to section 103, the authorized personnel ceilings as of September 30, 2016, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany this bill.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—

(1) AVAILABILITY.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President.

(2) DISTRIBUTION BY THE PRESIDENT.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations, or of appropriate portions of the Schedule, within the executive branch.

(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 3306(a));

(B) to the extent necessary to implement the budget; or

(C) as otherwise required by law.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR INCREASES.—The Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2016 by the classified Schedule of Authorizations referred to in section 102(a) if the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 3 percent of the number of civilian personnel authorized under such schedule for such element.

(b) TREATMENT OF CERTAIN PERSONNEL.—The Director of National Intelligence shall establish guidelines that govern, for each element of the intelligence community, the treatment under the personnel levels authorized under section 102(a), including any exemption from such personnel levels, of employment or assignment in—

(1) a student program, trainee program, or similar program;

(2) a reserve corps or as a reemployed annuitant; or

(3) details, joint duty, or long-term, full-time training.

(c) NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall notify the congressional intelligence committees in writing at least 15 days prior to each exercise of an authority described in subsection (a).

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2016 the sum of $516,306,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2017.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community

Management Account of the Director of National Intelligence are authorized 785 positions as of September 30, 2016. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Community Management Account for fiscal year 2016 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for advanced research and development shall remain available until September 30, 2017.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2016, there are authorized such additional personnel for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 102(a).

SEC. 105. CLARIFICATION REGARDING AUTHORITY FOR FLEXIBLE PERSONNEL MANAGEMENT AMONG ELEMENTS OF INTELLIGENCE COMMUNITY.

(a) CLARIFICATION.—Section 102A(v) of the National Security Act of 1947 (50 U.S.C. 3024(v)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

''(3) A covered department may appoint an individual to a position converted or established pursuant to this subsection without regard to the civil-service laws, including parts II and III of title 5, United States Code.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to an appointment under section 102A(v) of the National Security Act of 1947 (50 U.S.C. 3024(v)) made on or after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2012 (Public Law 112–87) and to any proceeding pending on or filed after the date of the enactment of this section that relates to such an appointment.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2016 the sum of $514,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. PROVISION OF INFORMATION AND ASSISTANCE TO INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

Section 103H(j)(4) of the National Security Act of 1947 (50 U.S.C. 3033(j)(4)) is amended—

(1) in subparagraph (A), by striking ''any department, agency, or other element of the United States Government'' and inserting ''any Federal, State (as defined in section 804), or local governmental agency or unit thereof''; and

(2) in subparagraph (B), by inserting ''from a department, agency, or element of the Federal Government'' before ''under subparagraph (A)''.

SEC. 304. INCLUSION OF INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY IN COUNCIL OF INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.

Section 11(b)(1)(B) of the Inspector General Act of 1978 (Public Law 95–452; 5 U.S.C. App.) is amended by striking ''the Office of the Director of National Intelligence'' and inserting ''the Intelligence Community''.

SEC. 305. CLARIFICATION OF AUTHORITY OF PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

Section 1061(g) of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee(g)) is amended by adding at the end the following new paragraph:

''(5) ACCESS.—Nothing in this section shall be construed to authorize the Board, or any agent thereof, to gain access to information regarding an activity covered by section 503(a) of the National Security Act of 1947 (50 U.S.C. 3093(a)).''.

SEC. 306. ENHANCING GOVERNMENT PERSONNEL SECURITY PROGRAMS.

(a) ENHANCED SECURITY CLEARANCE PROGRAMS.—

(1) IN GENERAL.—Part III of title 5, United States Code, is amended by adding at the end the following:

''Subpart J—Enhanced Personnel Security Programs

''CHAPTER 110—ENHANCED PERSONNEL SECURITY PROGRAMS

''Sec.
''11001. Enhanced personnel security programs.

''SEC. 11001. ENHANCED PERSONNEL SECURITY PROGRAMS.

''(a) ENHANCED PERSONNEL SECURITY PROGRAM.—The Director of National Intelligence shall direct each agency to implement a program to provide enhanced security review of covered individuals—

''(1) in accordance with this section; and

''(2) not later than the earlier of—

''(A) the date that is 5 years after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2016; or

''(B) the date on which the backlog of overdue periodic reinvestigations of covered individuals is eliminated, as determined by the Director of National Intelligence.

''(b) COMPREHENSIVENESS.—

''(1) SOURCES OF INFORMATION.—The enhanced personnel security program of an agency shall integrate relevant and appropriate information from various sources, including government, publicly available, and commercial data sources, consumer reporting agencies, social media, and such other sources as determined by the Director of National Intelligence.

''(2) TYPES OF INFORMATION.—Information obtained and integrated from sources described in paragraph (1) may include—

''(A) information relating to any criminal or civil legal proceeding;

''(B) financial information relating to the covered individual, including the credit worthiness of the covered individual;

''(C) publicly available information, whether electronic, printed, or other form, including relevant security or counterintelligence information about the covered individual or information that may suggest ill intent, vulnerability to blackmail, compulsive behavior, allegiance to another country, change in ideology, or that the covered individual lacks good judgment, reliability, or trustworthiness; and

''(D) data maintained on any terrorist or criminal watch list maintained by any agency, State or local government, or international organization.

''(c) REVIEWS OF COVERED INDIVIDUALS.—

''(1) REVIEWS.—

''(A) IN GENERAL.—The enhanced personnel security program of an agency shall require that, not less than 2 times every 5 years, the head of the agency shall conduct or request the conduct of automated record checks and checks of information from sources under subsection (b) to ensure the continued eligibility of each covered individual to access classified information and hold a sensitive position unless more frequent reviews of automated record checks and checks of information from sources under subsection (b) are conducted on the covered individual.

''(B) SCOPE OF REVIEWS.—Except for a covered individual who is subject to more frequent reviews to ensure the continued eligibility of the covered individual to access classified information and hold a sensitive position, the reviews under subparagraph (A) shall consist of random or aperiodic checks of covered individuals, such that each covered individual is subject to at least 2 reviews during the 5-year period beginning on the date on which the agency implements the enhanced personnel security program of an agency, and during each 5-year period thereafter.

''(C) INDIVIDUAL REVIEWS.—A review of the information relating to the continued eligibility of a covered individual to access classified information and hold a sensitive position under subparagraph (A) may not be conducted until after the end of the 120-day period beginning on the date the covered individual receives the notification required under paragraph (3).

''(2) RESULTS.—The head of an agency shall take appropriate action if a review under paragraph (1) finds relevant information that may affect the continued eligibility of a covered individual to access classified information and hold a sensitive position.

''(3) INFORMATION FOR COVERED INDIVIDUALS.—The head of an agency shall ensure that each covered individual is adequately advised of the types of relevant security or counterintelligence information the covered individual is required to report to the head of the agency.

''(4) LIMITATION.—Nothing in this subsection shall be construed to affect the authority of an agency to determine the appropriate weight to be given to information relating to a covered individual in evaluating the continued eligibility of the covered individual.

''(5) AUTHORITY OF THE PRESIDENT.—Nothing in this subsection shall be construed as limiting the authority of the President to direct or perpetuate periodic reinvestigations of a more comprehensive nature or to delegate the authority to direct or perpetuate such reinvestigations.

''(6) EFFECT ON OTHER REVIEWS.—Reviews conducted under paragraph (1) are in addition to investigations and reinvestigations conducted pursuant to section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341).

''(d) AUDIT.—

''(1) IN GENERAL.—Beginning 2 years after the date of the implementation of the enhanced personnel security program of an agency under subsection (a), the Inspector General of the agency shall conduct at least 1 audit to assess the effectiveness and fairness, which shall be determined in accordance with performance measures and standards established by the Director of National

Intelligence, to covered individuals of the enhanced personnel security program of the agency.

''(2) SUBMISSIONS TO DNI.—The results of each audit conducted under paragraph (1) shall be submitted to the Director of National Intelligence to assess the effectiveness and fairness of the enhanced personnel security programs across the Federal Government.

''(e) DEFINITIONS.—In this section—

''(1) the term 'agency' has the meaning given that term in section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341);

''(2) the term 'consumer reporting agency' has the meaning given that term in section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a);

''(3) the term 'covered individual' means an individual employed by an agency or a contractor of an agency who has been determined eligible for access to classified information or eligible to hold a sensitive position;

''(4) the term 'enhanced personnel security program' means a program implemented by an agency at the direction of the Director of National Intelligence under subsection (a); and''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part III of title 5, United States Code, is amended by adding at the end following:

''Subpart J—Enhanced Personnel Security Programs

''110. Enhanced personnel security programs ..... 11001''.

(b) RESOLUTION OF BACKLOG OF OVERDUE PERIODIC REINVESTIGATIONS.—

(1) IN GENERAL.—The Director of National Intelligence shall develop and implement a plan to eliminate the backlog of overdue periodic reinvestigations of covered individuals.

(2) REQUIREMENTS.—The plan developed under paragraph (1) shall—

(A) use a risk-based approach to—

(i) identify high-risk populations; and

(ii) prioritize reinvestigations that are due or overdue to be conducted; and

(B) use random automated record checks of covered individuals that shall include all covered individuals in the pool of individuals subject to a one-time check.

(3) DEFINITIONS.—In this subsection:

(A) The term ''covered individual'' means an individual who has been determined eligible for access to classified information or eligible to hold a sensitive position.

(B) The term ''periodic reinvestigations'' has the meaning given such term in section 3001(a)(7) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(a)(7)).

SEC. 307. NOTIFICATION OF CHANGES TO RETENTION OF CALL DETAIL RECORD POLICIES.

(a) REQUIREMENT TO RETAIN.—

(1) IN GENERAL.—Not later than 15 days after learning that an electronic communication service provider that generates call detail records in the ordinary course of business has changed the policy of the provider on the retention of such call detail records to result in a retention period of less than 18 months, the Director of National Intelligence shall notify, in writing, the congressional intelligence committees of such change.

(2) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Director shall submit to the congressional intelligence committees a report identifying each electronic communication service provider that has, as of the date of the report, a policy to retain call detail records for a period of 18 months or less.

(b) DEFINITIONS.—In this section:

(1) CALL DETAIL RECORD.—The term ''call detail record'' has the meaning given that term in section 501(k) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(k)).

(2) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term ''electronic communication service provider'' has the meaning given that term in section 701(b)(4) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881(b)(4)).

SEC. 308. PERSONNEL INFORMATION NOTIFICATION POLICY BY THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) DIRECTIVE REQUIRED.—The Director of National Intelligence shall issue a directive containing a written policy for the timely notification to the congressional intelligence committees of the identities of individuals occupying senior level positions within the intelligence community.

(b) SENIOR LEVEL POSITION.—In identifying positions that are senior level positions in the intelligence community for purposes of the directive required under subsection (a), the Director of National Intelligence shall consider whether a position—

(1) constitutes the head of an entity or a significant component within an agency;

(2) is involved in the management or oversight of matters of significant import to the leadership of an entity of the intelligence community;

(3) provides significant responsibility on behalf of the intelligence community;

(4) requires the management of a significant number of personnel or funds;

(5) requires responsibility management or oversight of sensitive intelligence activities; and

(6) is held by an individual designated as a senior intelligence management official as such term is defined in section 368(a)(6) of the Intelligence Authorization Act for Fiscal Year 2010 (Public Law 111–259; 50 U.S.C. 404i–1 note).

(c) NOTIFICATION.—The Director shall ensure that each notification under the directive issued under subsection (a) includes each of the following:

(1) The name of the individual occupying the position.

(2) Any previous senior level position held by the individual, if applicable, or the position held by the individual immediately prior to the appointment.

(3) The position to be occupied by the individual.

(4) Any other information the Director determines appropriate.

(d) RELATIONSHIP TO OTHER LAWS.—The directive issued under subsection (a) and any amendment to such directive shall be consistent with the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.).

(e) SUBMISSION.—Not later than 90 days after the date of the enactment of this Act, the Director shall submit to the congressional intelligence committees the directive issued under subsection (a).

SEC. 309. DESIGNATION OF LEAD INTELLIGENCE OFFICER FOR TUNNELS.

(a) IN GENERAL.—The Director of National Intelligence shall designate an official to manage the collection and analysis of intelligence regarding the tactical use of tunnels by state and nonstate actors.

(b) ANNUAL REPORT.—Not later than the date that is 10 months after the date of the enactment of this Act, and biennially thereafter until the date that is 4 years after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees and the congressional defense committees (as such term is defined in section 101(a)(16) of title 10, United States Code) a report describing—

(1) trends in the use of tunnels by foreign state and nonstate actors; and

(2) collaboration efforts between the United States and partner countries to address the use of tunnels by adversaries.

SEC. 310. REPORTING PROCESS REQUIRED FOR TRACKING CERTAIN REQUESTS FOR COUNTRY CLEARANCE.

(a) IN GENERAL.—By not later than September 30, 2016, the Director of National Intelligence shall establish a formal internal reporting process for tracking requests for country clearance submitted to overseas Director of National Intelligence representatives by departments and agencies of the United States. Such reporting process shall include a mechanism for tracking the department or agency that submits each such request and the date on which each such request is submitted.

(b) CONGRESSIONAL BRIEFING.—By not later than December 31, 2016, the Director of National Intelligence shall brief the congressional intelligence committees on the progress of the Director in establishing the process required under subsection (a).

SEC. 311. STUDY ON REDUCTION OF ANALYTIC DUPLICATION.

(a) STUDY AND REPORT.—

(1) IN GENERAL.—Not later than January 31, 2016, the Director of National Intelligence shall—

(A) carry out a study to evaluate and measure the incidence of duplication in finished intelligence analysis products; and

(B) submit to the congressional intelligence committees a report on the findings of such study.

(2) METHODOLOGY REQUIREMENTS.—The methodology used to carry out the study required by this subsection shall be able to be repeated for use in other subsequent studies.

(b) ELEMENTS.—The report required by subsection (a)(1)(B) shall include—

(1) detailed information—

(A) relating to the frequency of duplication of finished intelligence analysis products; and

(B) that describes the types of, and the reasons for, any such duplication; and

(2) a determination as to whether to make the production of such information a routine part of the mission of the Analytic Integrity and Standards Group.

(c) CUSTOMER IMPACT PLAN.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a plan for revising analytic practice, tradecraft, and standards to ensure customers are able to clearly identify—

(1) the manner in which intelligence products written on similar topics and that are produced contemporaneously differ from one another in terms of methodology, sourcing, or other distinguishing analytic characteristics; and

(2) the significance of that difference.

(d) CONSTRUCTION.—Nothing in this section may be construed to impose any requirement that would interfere with the production of an operationally urgent or otherwise timesensitive current intelligence product.

SEC. 312. STRATEGY FOR COMPREHENSIVE INTERAGENCY REVIEW OF THE UNITED STATES NATIONAL SECURITY OVERHEAD SATELLITE ARCHITECTURE.

(a) REQUIREMENT FOR STRATEGY.—The Director of National Intelligence shall collaborate with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to develop a strategy, with milestones and benchmarks, to ensure that there is a comprehensive interagency review of policies and practices for planning and acquiring national security satellite systems and architectures,

including the capabilities of commercial systems and partner countries, consistent with the National Space Policy issued on June 28, 2010. Such strategy shall, where applicable, account for the unique missions and authorities vested in the Department of Defense and the intelligence community.

(b) ELEMENTS.—The strategy required by subsection (a) shall ensure that the United States national security overhead satellite architecture—

(1) meets the needs of the United States in peace time and is resilient in war time;

(2) is fiscally responsible;

(3) accurately takes into account cost and performance tradeoffs;

(4) meets realistic requirements;

(5) produces excellence, innovation, competition, and a robust industrial base;

(6) aims to produce in less than 5 years innovative satellite systems that are able to leverage common, standardized design elements and commercially available technologies;

(7) takes advantage of rapid advances in commercial technology, innovation, and commercial-like acquisition practices;

(8) is open to innovative concepts, such as distributed, disaggregated architectures, that could allow for better resiliency, reconstitution, replenishment, and rapid technological refresh; and

(9) emphasizes deterrence and recognizes the importance of offensive and defensive space control capabilities.

(c) REPORT ON STRATEGY.—Not later than February 28, 2016, the Director of National Intelligence, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff shall jointly submit to the congressional intelligence committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives a report on the strategy required by subsection (a).

SEC. 313. CYBER ATTACK STANDARDS OF MEASUREMENT STUDY.

(a) STUDY REQUIRED.—The Director of National Intelligence, in consultation with the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, and the Secretary of Defense, shall carry out a study to determine appropriate standards that—

(1) can be used to measure the damage of cyber incidents for the purposes of determining the response to such incidents; and

(2) include a method for quantifying the damage caused to affected computers, systems, and devices.

(b) REPORTS TO CONGRESS.—

(1) PRELIMINARY FINDINGS.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees the initial findings of the study required under subsection (a).

(2) REPORT.—Not later than 360 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees a report containing the complete findings of such study.

(3) FORM OF REPORT.—The report required by paragraph (2) shall be submitted in unclassified form, but may contain a classified annex.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the following:

(1) The congressional intelligence committees.

(2) The Committees on Armed Services of the House of Representatives and the Senate.

(3) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(4) The Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. APPOINTMENT AND CONFIRMATION OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) IN GENERAL.—Section 902(a) of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3382) is amended to read as follows:

''(a) ESTABLISHMENT.—There shall be a National Counterintelligence Executive who shall be appointed by the President, by and with the advice and consent of the Senate.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 402. TECHNICAL AMENDMENTS RELATING TO PAY UNDER TITLE 5, UNITED STATES CODE.

Section 5102(a)(1) of title 5, United States Code, is amended—

(1) in clause (vii), by striking ''or'';

(2) by inserting after clause (vii) the following new clause:

''(viii) the Office of the Director of National Intelligence;''; and

(3) in clause (x), by striking the period and inserting a semicolon.

SEC. 403. ANALYTIC OBJECTIVITY REVIEW.

(a) ASSESSMENT.—The Director of National Intelligence shall assign the Chief of the Analytic Integrity and Standards Group to conduct a review of finished intelligence products produced by the Central Intelligence Agency to assess whether the reorganization of the Agency, announced publicly on March 6, 2015, has resulted in any loss of analytic objectivity.

(b) SUBMISSION.—Not later than March 6, 2017, the Director of National Intelligence shall submit to the congressional intelligence committees, in writing, the results of the review required under subsection (a), including—

(1) an assessment comparing the analytic objectivity of a representative sample of finished intelligence products produced by the Central Intelligence Agency before the reorganization and a representative sample of such finished intelligence products produced after the reorganization, predicated on the products' communication of uncertainty, expression of alternative analysis, and other underlying evaluative criteria referenced in the Strategic Evaluation of All-Source Analysis directed by the Director;

(2) an assessment comparing the historical results of anonymous surveys of Central Intelligence Agency and customers conducted before the reorganization and the results of such anonymous surveys conducted after the reorganization, with a focus on the analytic standard of objectivity;

(3) a metrics-based evaluation measuring the effect that the reorganization's integration of operational, analytic, support, technical, and digital personnel and capabilities into Mission Centers has had on analytic objectivity; and

(4) any recommendations for ensuring that analysts of the Central Intelligence Agency perform their functions with objectivity, are not unduly constrained, and are not influenced by the force of preference for a particular policy.

Subtitle B—Central Intelligence Agency and Other Elements

SEC. 411. AUTHORITIES OF THE INSPECTOR GENERAL FOR THE CENTRAL INTELLIGENCE AGENCY.

(a) INFORMATION AND ASSISTANCE.—Paragraph (9) of section 17(e) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(e)(9)) is amended to read as follows:

''(9)(A) The Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General provided by this section from any Federal, State, or local governmental agency or unit thereof.

''(B) Upon request of the Inspector General for information or assistance from a department or agency of the Federal Government, the head of the department or agency involved, insofar as practicable and not in contravention of any existing statutory restriction or regulation of such department or agency, shall furnish to the Inspector General, or to an authorized designee, such information or assistance.

''(C) Nothing in this paragraph may be construed to provide any new authority to the Central Intelligence Agency to conduct intelligence activity in the United States.

''(D) In this paragraph, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.''.

(b) TECHNICAL AMENDMENTS RELATING TO SELECTION OF EMPLOYEES.—Paragraph (7) of such section (50 U.S.C. 3517(e)(7)) is amended—

(1) by inserting ''(A)'' before ''Subject to applicable law''; and

(2) by adding at the end the following new subparagraph:

''(B) Consistent with budgetary and personnel resources allocated by the Director, the Inspector General has final approval of—

''(i) the selection of internal and external candidates for employment with the Office of Inspector General; and

''(ii) all other personnel decisions concerning personnel permanently assigned to the Office of Inspector General, including selection and appointment to the Senior Intelligence Service, but excluding all security-based determinations that are not within the authority of a head of other Central Intelligence Agency offices.''.

SEC. 412. PRIOR CONGRESSIONAL NOTIFICATION OF TRANSFERS OF FUNDS FOR CERTAIN INTELLIGENCE ACTIVITIES.

(a) LIMITATION.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for the intelligence community for fiscal year 2016 may be used to initiate a transfer of funds from the Joint Improvised Explosive Device Defeat Fund or the Counterterrorism Partnerships Fund to be used for intelligence activities unless the Director of National Intelligence or the Secretary of Defense, as appropriate, submits to the congressional intelligence committees, by not later than 30 days before initiating such a transfer, written notice of the transfer.

(b) WAIVER.—

(1) IN GENERAL.—The Director of National Intelligence or the Secretary of Defense, as appropriate, may waive subsection (a) with respect to the initiation of a transfer of funds if the Director or Secretary, as the case may be, determines that an emergency situation makes it impossible or impractical to provide the notice required under such subsection by the date that is 30 days before such initiation.

(2) NOTICE.—If the Director or Secretary issues a waiver under paragraph (1), the Director or Secretary, as the case may be, shall submit to the congressional intelligence committees, by not later than 48 hours after the initiation of the transfer of funds covered by the waiver, written notice of the waiver and a justification for the waiver, including a description of the emergency situation that necessitated the waiver.

TITLE V—MATTERS RELATING TO FOREIGN COUNTRIES

Subtitle A—Matters Relating to Russia

SEC. 501. NOTICE OF DEPLOYMENT OR TRANSFER OF CLUB–K CONTAINER MISSILE SYSTEM BY THE RUSSIAN FEDERATION.

(a) NOTICE TO CONGRESS.—The Director of National Intelligence shall submit to the appropriate congressional committees written notice if the intelligence community receives intelligence that the Russian Federation has—

(1) deployed, or is about to deploy, the Club–K container missile system through the Russian military; or

(2) transferred or sold, or intends to transfer or sell, the Club–K container missile system to another state or non-state actor.

(b) NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—Not later than 30 days after the date on which the Director submits a notice under subsection (a), the Director shall submit to the congressional intelligence committees a written update regarding any intelligence community engagement with a foreign partner on the deployment and impacts of a deployment of the Club–K container missile system to any potentially impacted nation.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the following:

(1) The congressional intelligence committees.

(2) The Committees on Armed Services of the House of Representatives and the Senate.

(3) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 502. ASSESSMENT ON FUNDING OF POLITICAL PARTIES AND NONGOVERNMENTAL ORGANIZATIONS BY THE RUSSIAN FEDERATION.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees an intelligence community assessment on the funding of political parties and nongovernmental organizations in former Soviet states and countries in Europe by the Russian Security Services since January 1, 2006. Such assessment shall include the following:

(1) The country involved, the entity funded, the security service involved, and the intended effect of the funding.

(2) An evaluation of such intended effects, including with respect to—

(A) undermining the political cohesion of the country involved;

(B) undermining the missile defense of the United States and the North Atlantic Treaty Organization; and

(C) undermining energy projects that could provide an alternative to Russian energy.

(b) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the following:

(1) The congressional intelligence committees.

(2) The Committees on Armed Services of the House of Representatives and the Senate.

(3) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 503. ASSESSMENT ON THE USE OF POLITICAL ASSASSINATIONS AS A FORM OF STATECRAFT BY THE RUSSIAN FEDERATION.

(a) REQUIREMENT FOR ASSESSMENT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees an intelligence community assessment on the use of political assassinations as a form of statecraft by the Russian Federation since January 1, 2000.

(b) CONTENT.—The assessment required by subsection (a) shall include—

(1) a list of Russian politicians, businessmen, dissidents, journalists, current or former government officials, foreign heads-of-state, foreign political leaders, foreign journalists, members of nongovernmental organizations, and other relevant individuals that the intelligence community assesses were assassinated by Russian Security Services, or agents of such services, since January 1, 2000; and

(2) for each individual described in paragraph (1), the country in which the assassination took place, the means used, associated individuals and organizations, and other background information related to the assassination of the individual.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the following:

(1) The congressional intelligence committees.

(2) The Committees on Armed Services of the House of Representatives and the Senate.

(3) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

Subtitle B—Matters Relating to Other Countries

SEC. 511. REPORT ON RESOURCES AND COLLECTION POSTURE WITH REGARD TO THE SOUTH CHINA SEA AND EAST CHINA SEA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees an intelligence community assessment on the resources used for collection efforts and the collection posture of the intelligence community with regard to the South China Sea and East China Sea.

(b) ELEMENTS.—The intelligence community assessment required by subsection (a) shall provide detailed information related to intelligence collection by the United States with regard to the South China Sea and East China Sea, including—

(1) a review of intelligence community collection activities and a description of these activities, including the lead agency, key partners, purpose of collection activity, annual funding and personnel, the manner in which the collection is conducted, and types of information collected;

(2) an explanation of how the intelligence community prioritizes and coordinates collection activities focused on such region; and

(3) a description of any collection and resourcing gaps and efforts being made to address such gaps.

SEC. 512. USE OF LOCALLY EMPLOYED STAFF SERVING AT A UNITED STATES DIPLOMATIC FACILITY IN CUBA.

(a) SUPERVISORY REQUIREMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than one year after the date of the enactment of this Act, the Secretary of State shall ensure that each key supervisory position at a United States diplomatic facility in Cuba is occupied by a citizen of the United States.

(2) EXTENSION.—The Secretary of State may extend the deadline to carry out paragraph (1) by not more than one year if the Secretary submits to the appropriate congressional committees written notification and justification of such extension before making such extension.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the heads of other appropriate departments or agencies of the Federal Government, shall submit to the appropriate congressional committees a report on—

(1) the progress made by the Secretary with respect to carrying out subsection (a)(1); and

(2) the use of locally employed staff in United States diplomatic facilities, including—

(A) the number of such staff;

(B) the responsibilities of such staff;

(C) the manner in which such staff are selected, including efforts to mitigate counterintelligence threats to the United States; and

(D) the potential cost and effect on the operational capacity of the diplomatic facility if the number of such staff was reduced.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional intelligence committees;

(2) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(3) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

SEC. 513. INCLUSION OF SENSITIVE COMPARTMENTED INFORMATION FACILITIES IN UNITED STATES DIPLOMATIC FACILITIES IN CUBA.

(a) RESTRICTED ACCESS SPACE REQUIREMENT.—The Secretary of State shall ensure that each United States diplomatic facility in Cuba that, after the date of the enactment of this Act, is constructed or undergoes a construction upgrade includes a sensitive compartmented information facility.

(b) NATIONAL SECURITY WAIVER.—The Secretary of State may waive the requirement under subsection (a) if the Secretary—

(1) determines that such waiver is in the national security interest of the United States;

(2) submits to the appropriate congressional committees written justification for such waiver; and

(3) a period of 90 days elapses following the date of such submission.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional intelligence committees;

(2) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(3) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

SEC. 514. REPORT ON USE BY IRAN OF FUNDS MADE AVAILABLE THROUGH SANCTIONS RELIEF.

(a) IN GENERAL.—At the times specified in subsection (b), the Director of National Intelligence, in consultation with the Secretary of the Treasury, shall submit to the appropriate congressional committees a report assessing the following:

(1) The monetary value of any direct or indirect forms of sanctions relief that Iran has

received since the Joint Plan of Action first entered into effect.

(2) How Iran has used funds made available through sanctions relief, including the extent to which any such funds have facilitated the ability of Iran—

(A) to provide support for—

(i) any individual or entity designated for the imposition of sanctions for activities relating to international terrorism pursuant to an executive order or by the Office of Foreign Assets Control of the Department of the Treasury as of the date of the enactment of this Act;

(ii) any organization designated by the Secretary of State as a foreign terrorist organization under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)) as of the date of the enactment of this Act;

(iii) any other terrorist organization; or

(iv) the regime of Bashar al Assad in Syria;

(B) to advance the efforts of Iran or any other country to develop nuclear weapons or ballistic missiles overtly or covertly; or

(C) to commit any violation of the human rights of the people of Iran.

(3) The extent to which any senior official of the Government of Iran has diverted any funds made available through sanctions relief to be used by the official for personal use.

(b) SUBMISSION TO CONGRESS.—

(1) IN GENERAL.—The Director shall submit the report required by subsection (a) to the appropriate congressional committees—

(A) not later than 180 days after the date of the enactment of this Act and every 180 days thereafter during the period that the Joint Plan of Action is in effect; and

(B) not later than 1 year after a subsequent agreement with Iran relating to the nuclear program of Iran takes effect and annually thereafter during the period that such agreement remains in effect.

(2) NONDUPLICATION.—The Director may submit the information required by subsection (a) with a report required to be submitted to Congress under another provision of law if—

(A) the Director notifies the appropriate congressional committees of the intention of making such submission before submitting that report; and

(B) all matters required to be covered by subsection (a) are included in that report.

(c) FORM OF REPORTS.—Each report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) JOINT PLAN OF ACTION.—The term ''Joint Plan of Action'' means the Joint Plan of Action, signed at Geneva November 24, 2013, by Iran and by France, Germany, the Russian Federation, the People's Republic of China, the United Kingdom, and the United States, and all implementing materials and agreements related to the Joint Plan of Action, including the technical understandings reached on January 12, 2014, the extension thereto agreed to on July 18, 2014, and the extension thereto agreed to on November 24, 2014.

TITLE VI—MATTERS RELATING TO UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA

SEC. 601. PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO THE UNITED STATES.

No amounts authorized to be appropriated or otherwise made available to an element of the intelligence community may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2016, to transfer, release, or assist in the transfer or release, to or within the United States, its territories, or possessions, Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 602. PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—No amounts authorized to be appropriated or otherwise made available to an element of the intelligence community may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2016, to construct or modify any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense unless authorized by Congress.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—In this section, the term ''individual detained at Guantanamo'' means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 603. PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE TO CERTAIN COUNTRIES OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

No amounts authorized to be appropriated or otherwise made available to an element of the intelligence community may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2016, to transfer, release, or assist in the transfer or release of any individual detained in the custody or under the control of the Department of Defense at United States Naval Station, Guantanamo Bay, Cuba, to the custody or control of any country, or any entity within such country, as follows:

(1) Libya.

(2) Somalia.

(3) Syria.

(4) Yemen.

TITLE VII—REPORTS AND OTHER MATTERS

Subtitle A—Reports

SEC. 701. REPEAL OF CERTAIN REPORTING REQUIREMENTS.

(a) QUADRENNIAL AUDIT OF POSITIONS REQUIRING SECURITY CLEARANCES.—Section 506H of the National Security Act of 1947 (50 U.S.C. 3104) is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(3) in subsection (b), as so redesignated, by striking ''The results required under subsection (a)(2) and the reports required under subsection (b)(1)'' and inserting ''The reports required under subsection (a)(1)''.

(b) REPORTS ON ROLE OF ANALYSTS AT FBI.—Section 2001(g) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3700; 28 U.S.C. 532 note) is amended by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(c) REPORT ON OUTSIDE EMPLOYMENT BY OFFICERS AND EMPLOYEES OF INTELLIGENCE COMMUNITY.—

(1) IN GENERAL.—Section 102A(u) of the National Security Act of 1947 (50 U.S.C. 3024(u)) is amended—

(A) by striking ''(1) The Director'' and inserting ''The Director''; and

(B) by striking paragraph (2).

(2) CONFORMING AMENDMENT.—Subsection (a) of section 507 of such Act (50 U.S.C. 3106) is amended—

(A) by striking paragraph (5); and

(B) by redesignating paragraph (6) as paragraph (5).

(3) TECHNICAL AMENDMENT.—Subsection (c)(1) of such section 507 is amended by striking ''subsection (a)(1)'' and inserting ''subsection (a)''.

(d) REPORTS ON NUCLEAR ASPIRATIONS OF NON-STATE ENTITIES.—Section 1055 of the National Defense Authorization Act for Fiscal Year 2010 (50 U.S.C. 2371) is repealed.

(e) REPORTS ON ESPIONAGE BY PEOPLE'S REPUBLIC OF CHINA.—Section 3151 of the National Defense Authorization Act for Fiscal Year 2000 (42 U.S.C. 7383e) is repealed.

(f) REPORTS ON SECURITY VULNERABILITIES OF NATIONAL LABORATORY COMPUTERS.—Section 4508 of the Atomic Energy Defense Act (50 U.S.C. 2659) is repealed.

SEC. 702. REPORTS ON FOREIGN FIGHTERS.

(a) REPORTS REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and every 60 days thereafter, the Director of National Intelligence shall submit to the congressional intelligence committees a report on foreign fighter flows to and from Syria and to and from Iraq. The Director shall define the term ''foreign fighter'' in such reports.

(b) MATTERS TO BE INCLUDED.—Each report submitted under subsection (a) shall include each of the following:

(1) The total number of foreign fighters who have traveled to Syria or Iraq since January 1, 2011, the total number of foreign fighters in Syria or Iraq as of the date of the submittal of the report, the total number of foreign fighters whose countries of origin have a visa waiver program described in section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), the total number of foreign fighters who have left Syria or Iraq, the total number of female foreign fighters, and the total number of deceased foreign fighters.

(2) The total number of United States persons who have traveled or attempted to travel to Syria or Iraq since January 1, 2011, the total number of such persons who have arrived in Syria or Iraq since such date, and the total number of such persons who have

returned to the United States from Syria or Iraq since such date.

(3) The total number of foreign fighters in the Terrorist Identities Datamart Environment and the status of each such foreign fighter in that database, the number of such foreign fighters who are on a watchlist, and the number of such foreign fighters who are not on a watchlist.

(4) The total number of foreign fighters who have been processed with biometrics, including face images, fingerprints, and iris scans.

(5) Any programmatic updates to the foreign fighter report since the last report was submitted, including updated analysis on foreign country cooperation, as well as actions taken, such as denying or revoking visas.

(6) A worldwide graphic that describes foreign fighters flows to and from Syria, with points of origin by country.

(c) ADDITIONAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report that includes—

(1) with respect to the travel of foreign fighters to and from Iraq and Syria, a description of the intelligence sharing relationships between the United States and member states of the European Union and member states of the North Atlantic Treaty Organization; and

(2) an analysis of the challenges impeding such intelligence sharing relationships.

(d) FORM.—The reports submitted under subsections (a) and (c) may be submitted in classified form.

(e) TERMINATION.—The requirement to submit reports under subsection (a) shall terminate on the date that is 3 years after the date of the enactment of this Act.

SEC. 703. REPORT ON STRATEGY, EFFORTS, AND RESOURCES TO DETECT, DETER, AND DEGRADE ISLAMIC STATE REVENUE MECHANISMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the intelligence community should dedicate necessary resources to defeating the revenue mechanisms of the Islamic State.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the strategy, efforts, and resources of the intelligence community that are necessary to detect, deter, and degrade the revenue mechanisms of the Islamic State.

SEC. 704. REPORT ON UNITED STATES COUNTERTERRORISM STRATEGY TO DISRUPT, DISMANTLE, AND DEFEAT THE ISLAMIC STATE, AL-QA'IDA, AND THEIR AFFILIATED GROUPS, ASSOCIATED GROUPS, AND ADHERENTS.

(a) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a comprehensive report on the counterterrorism strategy of the United States to disrupt, dismantle, and defeat the Islamic State, al-Qa'ida, and their affiliated groups, associated groups, and adherents.

(2) COORDINATION.—The report under paragraph (1) shall be prepared in coordination with the Director of National Intelligence, the Secretary of State, the Secretary of the Treasury, the Attorney General, and the Secretary of Defense, and the head of any other department or agency of the Federal Government that has responsibility for activities directed at combating the Islamic State, al-Qa'ida, and their affiliated groups, associated groups, and adherents.

(3) ELEMENTS.—The report under by paragraph (1) shall include each of the following:

(A) A definition of—

(i) core al-Qa'ida, including a list of which known individuals constitute core al-Qa'ida;

(ii) the Islamic State, including a list of which known individuals constitute Islamic State leadership;

(iii) an affiliated group of the Islamic State or al-Qa'ida, including a list of which known groups constitute an affiliate group of the Islamic State or al-Qa'ida;

(iv) an associated group of the Islamic State or al-Qa'ida, including a list of which known groups constitute an associated group of the Islamic State or al-Qa'ida;

(v) an adherent of the Islamic State or al-Qa'ida, including a list of which known groups constitute an adherent of the Islamic State or al-Qa'ida; and

(vi) a group aligned with the Islamic State or al-Qa'ida, including a description of what actions a group takes or statements it makes that qualify it as a group aligned with the Islamic State or al-Qa'ida.

(B) An assessment of the relationship between all identified Islamic State or al-Qa'ida affiliated groups, associated groups, and adherents with Islamic State leadership or core al-Qa'ida.

(C) An assessment of the strengthening or weakening of the Islamic State or al-Qa'ida, its affiliated groups, associated groups, and adherents, from January 1, 2010, to the present, including a description of the metrics that are used to assess strengthening or weakening and an assessment of the relative increase or decrease in violent attacks attributed to such entities.

(D) An assessment of whether an individual can be a member of core al-Qa'ida if such individual is not located in Afghanistan or Pakistan.

(E) An assessment of whether an individual can be a member of core al-Qa'ida as well as a member of an al-Qa'ida affiliated group, associated group, or adherent.

(F) A definition of defeat of the Islamic State or core al-Qa'ida.

(G) An assessment of the extent or coordination, command, and control between the Islamic State or core al-Qa'ida and their affiliated groups, associated groups, and adherents, specifically addressing each such entity.

(H) An assessment of the effectiveness of counterterrorism operations against the Islamic State or core al-Qa'ida, their affiliated groups, associated groups, and adherents, and whether such operations have had a sustained impact on the capabilities and effectiveness of the Islamic State or core al-Qa'ida, their affiliated groups, associated groups, and adherents.

(4) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the following:

(1) The congressional intelligence committees.

(2) The Committees on Armed Services of the House of Representatives and the Senate.

(3) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 705. REPORT ON EFFECTS OF DATA BREACH OF OFFICE OF PERSONNEL MANAGEMENT.

(a) REPORT.—Not later than 120 days after the date of the enactment of this Act, the President shall transmit to the congressional intelligence committees a report on the data breach of the Office of Personnel Management disclosed in June 2015.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) The effects, if any, of the data breach on the operations of the intelligence community abroad, including the types of operations, if any, that have been negatively affected or entirely suspended or terminated as a result of the data breach.

(2) An assessment of the effects of the data breach on each element of the intelligence community.

(3) An assessment of how foreign persons, groups, or countries may use the data collected by the data breach (particularly regarding information included in background investigations for security clearances), including with respect to—

(A) recruiting intelligence assets;

(B) influencing decisionmaking processes within the Federal Government, including regarding foreign policy decisions; and

(C) compromising employees of the Federal Government and friends and families of such employees for the purpose of gaining access to sensitive national security and economic information.

(4) An assessment of which departments or agencies of the Federal Government use the best practices to protect sensitive data, including a summary of any such best practices that were not used by the Office of Personnel Management.

(5) An assessment of the best practices used by the departments or agencies identified under paragraph (4) to identify and fix potential vulnerabilities in the systems of the department or agency.

(c) BRIEFING.—The Director of National Intelligence shall provide to the congressional intelligence committees an interim briefing on the report under subsection (a), including a discussion of proposals and options for responding to cyber attacks.

(d) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 706. REPORT ON HIRING OF GRADUATES OF CYBER CORPS SCHOLARSHIP PROGRAM BY INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Director of the National Science Foundation, shall submit to the congressional intelligence committees a report on the employment by the intelligence community of graduates of the Cyber Corps Scholarship Program. The report shall include the following:

(1) The number of graduates of the Cyber Corps Scholarship Program hired by each element of the intelligence community.

(2) A description of how each element of the intelligence community recruits graduates of the Cyber Corps Scholar Program.

(3) A description of any processes available to the intelligence community to expedite the hiring or processing of security clearances for graduates of the Cyber Corps Scholar Program.

(4) Recommendations by the Director of National Intelligence to improve the hiring by the intelligence community of graduates of the Cyber Corps Scholarship Program, including any recommendations for legislative action to carry out such improvements.

(b) CYBER CORPS SCHOLARSHIP PROGRAM DEFINED.—In this section, the term ''Cyber Corps Scholarship Program'' means the Federal Cyber Scholarship-for-Service Program under section 302 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7442).

SEC. 707. REPORT ON USE OF CERTAIN BUSINESS CONCERNS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall

submit to the congressional intelligence committees a report on the representation, as of the date of the report, of covered business concerns among the contractors that are awarded contracts by elements of the intelligence community for goods, equipment, tools, and services.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) The representation of covered business concerns as described in subsection (a), including such representation by—

(A) each type of covered business concern; and

(B) each element of the intelligence community.

(2) If, as of the date of the enactment of this Act, the Director does not record and monitor the statistics required to carry out this section, a description of the actions taken by the Director to ensure that such statistics are recorded and monitored beginning in fiscal year 2016.

(3) The actions the Director plans to take during fiscal year 2016 to enhance the awarding of contracts to covered business concerns by elements of the intelligence community.

(c) COVERED BUSINESS CONCERNS DEFINED.—In this section, the term ''covered business concerns'' means the following:

(1) Minority-owned businesses.

(2) Women-owned businesses.

(3) Small disadvantaged businesses.

(4) Service-disabled veteran-owned businesses.

(5) Veteran-owned small businesses.

Subtitle B—Other Matters

SEC. 711. USE OF HOMELAND SECURITY GRANT FUNDS IN CONJUNCTION WITH DEPARTMENT OF ENERGY NATIONAL LABORATORIES.

Section 2008(a) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)) is amended in the matter preceding paragraph (1) by inserting ''including by working in conjunction with a National Laboratory (as defined in section 2(3) of the Energy Policy Act of 2005 (42 U.S.C. 15801(3))),'' after ''plans,''.

SEC. 712. INCLUSION OF CERTAIN MINORITY-SERVING INSTITUTIONS IN GRANT PROGRAM TO ENHANCE RECRUITING OF INTELLIGENCE COMMUNITY WORKFORCE.

Section 1024 of the National Security Act of 1947 (50 U.S.C. 3224) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking ''historically black colleges and universities and Predominantly Black Institutions'' and inserting ''historically black colleges and universities, Predominantly Black Institutions, Hispanic-serving institutions, and Asian American and Native American Pacific Islander-serving institutions''; and

(B) in the subsection heading, by striking ''HISTORICALLY BLACK'' and inserting ''CERTAIN MINORITY-SERVING''; and

(2) in subsection (g)—

(A) by redesignating paragraph (5) as paragraph (7); and

(B) by inserting after paragraph (4) the following new paragraphs (5) and (6):

''(5) HISPANIC-SERVING INSTITUTION.—The term 'Hispanic-serving institution' has the meaning given that term in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5)).

''(6) ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER-SERVING INSTITUTION.—The term 'Asian American and Native American Pacific Islander-serving institution' has the meaning given that term in section 320(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1059g(b)(2)).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. NUNES) and the gentleman from California (Mr. SCHIFF) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. NUNES).

GENERAL LEAVE

Mr. NUNES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill, H.R. 4127.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. NUNES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when Ranking Member SCHIFF and I assumed the helm of the Intelligence Committee, we committed to carrying on the practice of passing annual intelligence authorization bills, which is the most important tool Congress can use to control the intelligence activities of the United States Government. Today, building on the legacy of Chairman ROGERS and Ranking Member RUPPERSBERGER, we are bringing the sixth consecutive intelligence authorization bill to the floor.

Earlier this year the House passed its version of the bill with a strong vote. Since then, the Senate Select Committee on Intelligence reported out its version of the bill by a unanimous consent vote. I commend Chairman BURR and Vice Chairman FEINSTEIN for their leadership on the bill, and I look forward to working with them in future years.

The current bill contains text agreed to by both the House and the Senate committees. It preserves key House initiatives while adding several important provisions from the Senate. None of these provisions are considered controversial.

As most of the intelligence budget involves highly classified programs, the bulk of the direction is found in the bill's classified annex, which has been available in HVC–304 for all Members to review since yesterday.

At an unclassified level, I can report that the classified annex is consistent with the Bipartisan Budget Act of 2015. It reduces the President's request by less than 1 percent while still providing an increase above last year's level.

The agreed text preserves key committee and House funding initiatives that are vital to national security. These initiatives are offset by reductions to unnecessary programs and increased efficiencies. The agreement also provides substantial intelligence resources to help defeat ISIS and other terrorist groups.

Mr. Speaker, today the threat facing America is higher than at any time since 9/11. ISIS has established a safe haven across Iraq and Syria, and the group hopes to create a state stretching from Lebanon to Iraq, including Syria, Jordan, and Israel.

The goal of our counterterrorism strategy should be to deny safe havens from which terrorists can plot attacks against the United States and our allies. Regrettably, we have not prevented ISIS from establishing a safe haven and the group has become skilled at hiding from western intelligence services.

ISIS members have used that breathing room to plan attacks in Europe, North Africa, and the Middle East, and they are undoubtedly planning attacks against the United States.

We rightly demand that our intelligence agencies provide policymakers with the best and most timely information possible on the threats we face. We ask them to track terrorists wherever they train, plan, and fundraise. We ask them to stop devastating cyber attacks that steal American jobs. We ask them to track nuclear missile threats. We demand that they get it right every time.

This bill will ensure that the dedicated men and women of our intelligence community have the funding, authorities, and support they need to carry out their mission and to keep us safe.

Before closing, I want to take a moment to thank the men and women of this country who serve in our intelligence community. I am honored to get to know so many of them in the course of our oversight work.

I would also like to thank all the staff of the committee, both majority and minority, for their hard work on the bill and for their daily oversight of the intelligence community.

I would especially like to thank Jeff Shockey, Shannon Stuart, Andy Peterson, Jake Crisp, and Michael Ellis for all the long hours they put in to get this bill across the finish line.

From the minority staff, I would like to thank Michael Bahar, Tim Bergreen, Carly Blake, and Wells Bennett for their work on the bill.

Finally, thank you to the gentleman from California (Mr. SCHIFF). It has been a pleasure to work with him on this bill, and I look forward to continuing the committee's oversight work with him over the next year.

I would also like to recognize one member of the committee staff, Bill Flanigan. Bill is undergoing surgery today. We wish him all the best in his recovery.

I urge passage of H.R. 4127.

I reserve the balance of my time.

JOINT EXPLANATORY STATEMENT TO ACCOMPANY THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2016

The following consists of the joint explanatory statement to accompany the Intelligence Authorization Act for Fiscal Year 2016.

This joint explanatory statement reflects the status of negotiations and disposition of issues reached between the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence (hereinafter, ''the Agreement''). The joint explanatory statement shall have the same effect with respect to the implementation of this Act as if it were a joint explanatory statement of a committee of conference.

The joint explanatory statement comprises three parts: first, an overview of the application of the annex to accompany this statement; second, select unclassified congressional direction; and third, a section-by-section analysis of the unclassified legislative text.

PART I: APPLICATION OF THE CLASSIFIED ANNEX

The classified nature of U.S. intelligence activities prevents the congressional intelligence committees from publicly disclosing many details concerning the conclusions and recommendations of the Agreement. Therefore, a classified Schedule of Authorizations and a classified annex have been prepared to describe in detail the scope and intent of the congressional intelligence committees' actions. The Agreement authorizes the Intelligence Community to obligate and expend funds not altered or modified by the classified Schedule of Authorizations as requested in the President's budget, subject to modification under applicable reprogramming procedures.

The classified annex is the result of negotiations between the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence. It reconciles the differences between the committees' respective versions of the bill for National Intelligence Program (NIP) and the Homeland Security Intelligence Program for Fiscal Year 2016. The Agreement also makes recommendations for the Military Intelligence Program (MIP), and the Information Systems Security Program, consistent with the National Defense Authorization Act for Fiscal Year 2016, and provides certain direction for these two programs

The Agreement supersedes the classified annexes to the reports accompanying H.R. 2596, as passed by the House on June 16, 2015, and S. 1705, as reported by the Senate Select Committee on Intelligence on July 7, 2015. All references to the House-passed and Senate-reported annexes are solely to identify the heritage of specific provisions.

The classified Schedule of Authorizations is incorporated into the bill pursuant to Section 102. It has the status of law. The classified annex supplements and adds detail to clarify the authorization levels found in the bill and the classified Schedule of Authorizations. The classified annex shall have the same legal force as the report to accompany the bill.

PART II: SELECT UNCLASSIFIED CONGRESSIONAL DIRECTION

Enhancing Geographic and Demographic Diversity

The Agreement directs the Office of the Director for National Intelligence (ODNI) to conduct an awareness, outreach, and recruitment program to rural, under-represented colleges and universities that are not part of the IC Centers of Academic Excellence (IC CAE) program. Further, the Agreement directs that ODNI shall increase and formally track the number of competitive candidates for IC employment or internships who studied at IC CAE schools and other scholarship programs supported by the IC.

Additionally, the Agreement directs that ODNI, acting through the Executive Agent for the IC CAE program, the IC Chief Human Capital Officer, and the Director, IC Equal Opportunity & Diversity, as appropriate, shall:

1. Add a criterion to the IC CAE selection process that applicants must be part of a consortium or actively collaborate with under-resourced schools in their area;

2. Work with CAE schools to reach out to rural and under-resourced schools, including by inviting such schools to participate in the annual IC CAE colloquium and IC recruitment events;

3. Increase and formally track the number of competitive IC internship candidates from IC CAE schools, starting with Fiscal Year 2016 IC summer internships, and provide a report, within 180 days of the enactment of this Act, on its plan to do so;

4. Develop metrics to ascertain whether IC CAE, the Pat Roberts Intelligence Scholars Program, the Louis Stokes Educational Scholarship Program, and the Intelligence Officer Training Program reach a diverse demographic and serve as feeders to the IC workforce;

5. Include in the annual report on minority hiring and retention a breakdown of the students participating in these programs who serve as IC interns, applied for full-time IC employment, received offers of employment, and entered on duty in the IC;

6. Conduct a feasibility study with necessary funding levels regarding how the IC CAE could be better tailored to serve under-resourced schools, and provide such study to the congressional intelligence committees within 180 days of the enactment of this Act;

7. Publicize all IC elements' recruitment activities, including the new Applicant Gateway and the IC Virtual Career Fair, to rural schools, Historically Black Colleges and Universities, and other minority-serving institutions that have been contacted by IC recruiters;

8. Contact new groups with the objective of expanding the IC Heritage Community Liaison Council; and

9. Ensure that IC elements add such activities listed above that may be appropriate to their recruitment plans for Fiscal Year 2016.

ODNI shall provide an interim update to the congressional intelligence committees on its efforts within 90 days of the enactment of this Act and include final results in its annual report on minority hiring and retention.

Analytic Duplication & Improving Customer Impact

The congressional intelligence committees are concerned about potential duplication in finished analytic products. Specifically, the congressional intelligence committees are concerned that contemporaneous publication of substantially similar intelligence products fosters confusion among intelligence customers (including those in Congress), impedes analytic coherence across the IC, and wastes time and effort. The congressional intelligence committees value competitive analysis, but believe there is room to reduce duplicative analytic activity and improve customer impact.

Therefore, the Agreement directs ODNI to pilot a repeatable methodology to evaluate potential duplication in finished intelligence analytic products and to report the findings to the congressional intelligence committees within 60 days of the enactment of this Act. In addition, the Agreement directs ODNI to report to the congressional intelligence committees within 180 days of enactment of this Act how it will revise analytic practice, tradecraft, and standards to ensure customers can clearly identify how products that are produced contemporaneously and cover similar topics differ from one another in their methodological, informational, or temporal aspects, and the significance of those differences. This report is not intended to cover operationally urgent analysis or current intelligence.

Countering Violent Extremism and the Islamic State in Iraq and the Levant

The Agreement directs ODNI, within 180 days of enactment of this Act and in consultation with appropriate interagency partners, to brief the congressional intelligence committees on how intelligence agencies are supporting both (1) the Administration's Countering Violent Extremism (CVE) program first detailed in the 2011 White House strategy Empowering Local Partners to Prevent Violent Extremism in the United States, which was expanded following the January 2015 White House Summit on Countering Violent Extremism, and (2) the Administration's Strategy to Counter the Islamic State of Iraq and the Levant, which was announced in September 2014.

Analytic Health Reports

The Agreement directs the Defense Intelligence Agency (DIA) to provide Analytic Health Reports to the congressional intelligence committees on a quarterly basis, including an update on the specific effect of analytic modernization on the health of the Defense Intelligence Analysis Program (DIAP) and its ability to reduce analytic risk.

All-Source Analysis Standards

The Agreement directs DIA to conduct a comprehensive evaluation of the Defense Intelligence Enterprise's (DIE) all-source analysis capability and production in Fiscal Year 2015. The evaluation should assess the analytic output of both NIP and MIP funded all-source analysts, separately and collectively, and apply the following four criteria identified in the ODNI Strategic Evaluation Report for all-source analysis: 1) integrated, 2) objective, 3) timely, and 4) value-added. The results of this evaluation shall be included as part of the Fiscal Year 2017 congressional budget justification book.

Terrorism Investigations

The Agreement directs the Federal Bureau of Investigation (FBI) to submit to the congressional intelligence committees, within 180 days of enactment of this Act, a report detailing how FBI has allocated resources between domestic and foreign terrorist threats based on numbers of investigations over the past 5 years. The report should be submitted in unclassified form but may include a classified annex.

Investigations of Minors Involved in Radicalization

The Agreement directs the FBI to provide a briefing to the congressional intelligence committees within 180 days of enactment of this Act on investigations in which minors are encouraged to turn away from violent extremism rather than take actions which that would lead to Federal terrorism indictments. This briefing should place these rates in the context of all investigations of minors for violent extremist activity and should describe any FBI engagement with minors' families, law enforcement, or other individuals or groups connected to the minor during or after investigations.

Furthermore, the Agreement directs the FBI to include how often undercover agents pursue investigations based on a location of interest related to violent extremist activity compared to investigations of an individual or group believed to be engaged in such activity. Included should be the number of locations of interest associated with a religious group or entity. This briefing also should include trend analysis covering the last five years describing violent extremist activity in the U.S.

PART III: SECTION-BY-SECTION ANALYSIS AND EXPLANATION OF LEGISLATIVE TEXT

The following is a section-by-section analysis and explanation of the Intelligence Authorization Act for Fiscal Year 2016.

TITLE I—INTELLIGENCE ACTIVITIES

Section 101. Authorization of appropriations

Section 101 lists the United States Government departments, agencies, and other elements for which the Act authorizes appropriations for intelligence and intelligence-related activities for Fiscal Year 2016.

Section 102. Classified Schedule of Authorizations

Section 102 provides that the details of the amounts authorized to be appropriated for intelligence and intelligence-related activities and the applicable personnel levels by program for Fiscal Year 2016 are contained in the classified Schedule of Authorizations and that the classified Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President.

Section 103. Personnel ceiling adjustments

Section 103 is intended to provide additional flexibility to the Director of National Intelligence (DNI) in managing the civilian personnel of the Intelligence Community (IC). Section 103 provides that the DNI may authorize employment of civilian personnel in Fiscal Year 2016 in excess of the number of authorized positions by an amount not exceeding three percent of the total limit applicable to each IC element under Section 102. The DNI may do so only if necessary to the performance of important intelligence functions.

Section 104. Intelligence Community Management Account

Section 104 authorizes appropriations for the Intelligence Community Management Account (ICMA) of the Director of National Intelligence and sets the authorized personnel levels for the elements within the ICMA for Fiscal Year 2016.

Section 105. Clarification regarding authority for flexible personnel management among elements of intelligence community

Section 105 clarifies that certain Intelligence Community elements may make hiring decisions based on the excepted service designation.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Section 201. Authorization of appropriations

Section 201 authorizes appropriations in the amount of $514,000,000 for Fiscal Year 2016 for the Central Intelligence Agency Retirement and Disability Fund.

Mr. SCHIFF. Mr. Speaker, I yield myself as much time as I may consume.

First, I want to begin by thanking Chairman NUNES. It has been a great pleasure to work with him. I greatly appreciate his dedication to the responsibilities that we have, the bipartisan way that he has run this committee, the professional way that he and his staff have conducted all the business of the committee. It has just been an honor to work with him, and I am greatly appreciative of all he has done to bring this bill forward.

I also want to express my gratitude to Senators BURR and FEINSTEIN for their efforts at producing this bipartisan, bicameral work product.

Earlier this year the House passed its version of the Intelligence Authorization Act for the fiscal year 2016. After the Senate's Intelligence Committee advanced its version out of committee, we worked together to produce the bill that is before us today. It is the result of careful negotiations and of a bipartisan and bicameral commitment to produce a strong intelligence bill for the sake of our country and of our allies.

I was not able to vote for the intelligence authorization when it first came before the House in June, but I am proud to support it today. Many of the underlying issues have been resolved or significantly improved. This annual bill, like those that came before it, funds, equips, and sets priorities for the U.S. intelligence community, which is critical in the world that we inhabit today.

The recent Paris attacks drive home just how vigilant we need to be, and the bill before us provides urgent resources for the fight against ISIS and al Qaeda. At the same time, we must never let our focus on any one threat or terror group distract us from the other challenges we face, like those posed by Iran, North Korea, Russia, and China.

This bill strikes the right balance by providing the necessary means to counter other wide-ranging threats from state and nonstate actors, particularly in cyberspace, outer space, and in the undersea environment. The bill also takes critical steps to shore up our counterintelligence capabilities. This is of particular significance after the devastating OPM breach.

Additionally, the intelligence authorization continues to be the single most important means by which Congress conducts oversight of the intelligence community. We much support the IC, but we also have to rigorously oversee it and make sure that what it does in our name comports with our values.

The bill, therefore, prioritizes and provides detailed guidance, strict authorizations, and precise limitations on the activities of the intelligence community. It also fences funds to ensure that throughout the year congressional guidance is strictly followed.

Some of the other highlights of the bill include emphasizing collection to monitor and ensure Iran's compliance with the Joint Comprehensive Plan of Action—this is critical—funding our most important space programs, investing in space protection and resiliency, preserving investments in cutting-edge technologies, and enhancing oversight of contracting and procurement practices. I am particularly pleased with where the revised bill ends up with respect to our space programs.

Other highlights of the bill are promoting enhancements to our foreign partner capabilities, which are crucial to multiplying the reach and impact of our own intelligence efforts; enhancing human intelligence capabilities, which is often the key to understanding and predicting global events; greatly intensifying oversight of defense special operation forces activities worldwide.

The revised bill also continues to incorporate some of the excellent provisions championed by many of the Democratic members of the House Intelligence Committee as well as Republicans, in particular, Mr. HIMES' effort to enhance the quality of metrics we use to enable more thorough oversight, Ms. SEWELL's provisions to enhance diversity within the intelligence community, Mr. CARSON's provisions to better understand FBI resource allocation against domestic and foreign threats and the role of FBI and DNI in countering violent extremism particularly in minors, Ms. SPEIER's provision to provide greater human rights oversight of the IC's relationships with certain foreign partners, Mr. QUIGLEY's provision regarding intelligence support to Ukraine, and Mr. SWALWELL's provision to ensure that Department of Energy's national labs can work with State and local government recipients of Homeland Security grants.

As I said earlier, I was not able to support the prior version of the bill, but I am proud to support this version. I urge my colleagues to do the same. This version corrects the misguided overreliance on short-term overseas contingency operations funding to evade the Budget Control Act caps at the expense of our domestic programs.

The bill still contains unwelcome restrictions, in my view, on the closure of our facility at Guantanamo Bay, but it modifies them to mirror the provisions, which passed in the National Defense Authorization Act and which the President recently signed into law. To the extent there are any intelligence funds which could be used to close the prison, these IAA provisions would subject them to the same restrictions as govern the spending of defense funds in the NDAA.

I remain strongly opposed to any restrictions on closing the prison at Guantanamo Bay. As these provisions reflect what is currently in law, I support the larger bill. Especially with what happened in Paris, we need to act now to fund and enable our intelligence agencies.

Once again, I want to thank Chairman NUNES, Chairman BURR, and Vice Chairman FEINSTEIN, as well as the wonderful and hardworking staff of the HPSCI and the SSCI. I also want to thank the administration for their good work.

Mr. Speaker, I reserve the balance of my time.

Mr. NUNES. Mr. Speaker, I insert in the RECORD at this point the second part of the joint explanatory statement.

TITLE III—GENERAL PROVISIONS

Section 301. Increase in employee compensation and benefits authorized by law

Section 301 provides that funds authorized to be appropriated by the Act for salary, pay, retirement, and other benefits for federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in compensation or benefits authorized by law.

Section 302. Restriction on conduct of intelligence activities

Section 302 provides that the authorization of appropriations by the Act shall not be deemed to constitute authority for the conduct of any intelligence activity that is not otherwise authorized by the Constitution or laws of the United States.

Section 303. Provision of information and assistance to Inspector General of the Intelligence Community

Section 303 amends the National Security Act of 1947 to clarify the Inspector General

of the Intelligence Community's authority to seek information and assistance from federal, state, and local agencies or units thereof.

Section 304. Inclusion of Inspector General of Intelligence Community in Council of Inspectors General on Integrity and Efficiency

Section 304 amends Section 11(b)(1)(B) of the Inspector General Act of 1978 to reflect the correct name of the Office of the Inspector General of the Intelligence Community. The section also clarifies that the Inspector General of the Intelligence Community is a member of the Council of the Inspectors General on Integrity and Efficiency.

Section 305. Clarification of authority of Privacy and Civil Liberties Oversight Board

Section 305 amends the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) to clarify that nothing in the statute authorizing the Privacy and Civil Liberties Oversight Board should be construed to allow that Board to gain access to information regarding an activity covered by section 503 of the National Security Act of 1947.

Section 306. Enhancing government personnel security programs

Section 306 directs the Director of National Intelligence (DNI) to develop and implement a plan for eliminating the backlog of overdue periodic investigations, and further requires the DNI to direct each agency to implement a program to provide enhanced security review to individuals determined eligible for access to classified information or eligible to hold a sensitive position.

These enhanced personnel security programs will integrate information relevant and appropriate for determining an individual's suitability for access to classified information; be conducted at least 2 times every 5 years; and commence not later than 5 years after the date of enactment of the Fiscal Year 2016 Intelligence Authorization Act, or the elimination of the backlog of overdue periodic investigations, whichever occurs first.

Section 307. Notification of changes to retention of call detail record policies

Section 307 requires the Director of National Intelligence to notify the congressional intelligence committees in writing not later than 15 days after learning that an electronic communication service provider that generates call detail records in the ordinary course of business has changed its policy on the retention of such call details records to result in a retention period of less than 18 months. Section 307 further requires the Director to submit to the congressional intelligence committees within 30 days of enactment a report identifying each electronic communication service provider (if any) that has a current policy in place to retain call detail records for 18 months or less.

Section 308. Personnel information notification policy by the Director of National Intelligence

Section 308 requires the Director of National Intelligence to establish a policy to ensure timely notification to the congressional intelligence committees of the identities of individuals occupying senior level positions within the Intelligence Community.

Section 309. Designation of lead intelligence officer for tunnels

Section 309 requires the Director of National Intelligence to designate an official to manage the collection and analysis of intelligence regarding the tactical use of tunnels by State and non-State actors.

Section 310. Reporting process for tracking country clearance requests

Section 310 requires the Director of National Intelligence (DNI) to establish a formal reporting process for tracking requests for country clearance submitted to overseas DNI representatives. Section 310 also requires the DNI to brief the congressional intelligence committees on its progress.

Section 311. Study on reduction of analytic duplication

Sec. 311 requires DNI to carry out a study to identify duplicative analytic products and the reasons for such duplication, ascertain the frequency of and reasons for duplication, and determine whether this review should be considered a part of the responsibilities assigned to the Analytic Integrity and Standards office inside the Office of the DNI. Sec. 311 also requires DNI to provide a plan for revising analytic practice, tradecraft and standards to ensure customers are able to readily identify how analytic products on similar topics that are produced contemporaneously differ from one another and what is the significance of those differences.

Section 312. Strategy for comprehensive interagency review of the United States national security overhead satellite architecture

Section 312 requires the Director of National Intelligence, in collaboration with the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff, to develop a strategy, with milestones and benchmarks, to ensure that there is a comprehensive interagency review of policies and practices for planning and acquiring national security satellite systems and architectures, including the capabilities of commercial systems and partner countries, consistent with the National Space Policy issued on June 28, 2010. Where applicable, this strategy shall account for the unique missions and authorities vested in the Department of Defense and the Intelligence Community.

Section 313. Cyber attack standards of measurement study

Section 313 directs the Director of National Intelligence, in consultation with the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, and the Secretary of Defense, to carry out a study to determine the appropriate standards to measure the damage of cyber incidents.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

SUBTITLE A—OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Section 401. Appointment and confirmation of the National Counterintelligence Executive

Section 401 makes subject to Presidential appointment and Senate confirmation, the executive branch position of National Counterintelligence Executive (NCIX), which was created by the 2002 Counterintelligence Enhancement Act. Effective December 2014, the NCIX was also dual-hatted as the Director of the National Counterintelligence and Security Center.

Section 402. Technical amendments relating to pay under title 5, United States Code

Section 402 amends 5 U.S.C. §5102(a)(1) to expressly exclude the Office of the Director of National Intelligence (ODNI) from the provisions of chapter 51 of title 5, relating to position classification, pay, and allowances for General Schedule employees, which does not apply to ODNI by virtue of the National Security Act. This proposal would have no substantive effect.

Section 403. Analytic Objectivity Review

The ODNI's Analytic Integrity and Standards (AIS) office was established in response to the requirement in IRTPA for the designation of an entity responsible for ensuring that the Intelligence Community's finished intelligence products are timely, objective, independent of political considerations, based upon all sources of available intelligence, and demonstrative of the standards of proper analytic tradecraft.

Consistent with responsibilities prescribed under IRTPA, Section 403 requires the AIS Chief to conduct a review of finished intelligence products produced by the CIA to assess whether the reorganization of the Agency, announced publicly on March 6, 2015, has resulted in any loss of analytic objectivity. The report is due two years from the date that the reorganization was announced, March 6, 2017.

SUBTITLE B—CENTRAL INTELLIGENCE AGENCY AND OTHER ELEMENTS

Section 411. Authorities of the Inspector General for the Central Intelligence Agency

Section 411 amends Section 17 of the Central Intelligence Agency Act of 1949 to consolidate the Inspector General's personnel authorities and to provide the Inspector General with the same authorities as other Inspector Generals to request assistance and information from federal, state, and local agencies or units thereof.

Section 412. Prior congressional notification of transfers of funds for certain intelligence activities

Section 412 requires notification to the congressional intelligence committees before transferring funds from the Joint Improvised Explosive Device Defeat Fund or the Counterterrorism Partnerships Fund that are to be used for intelligence activities.

TITLE V—MATTERS RELATING TO FOREIGN COUNTRIES

SUBTITLE A—MATTERS RELATING TO RUSSIA

Section 501. Notice of deployment or transfer of Club-K container missile system by the Russian Federation

Section 501 requires the Director of National Intelligence to submit written notice to the appropriate congressional committees if the Intelligence Community receives intelligence that the Russian Federation has deployed, or is about to deploy, the Club-K container missile system through the Russian military, or transferred or sold, or intends to transfer or sell, such system to another state or non-state actor.

Section 502. Assessment on funding of political parties and nongovernmental organizations by the Russian Federation

Section 502 requires the Director of National Intelligence to submit an Intelligence Community assessment to the appropriate congressional committees concerning the funding of political parties and nongovernmental organizations in the former Soviet States and Europe by the Russian Security Services since January 1, 2006, not later than 180 days after the enactment of the Fiscal Year 2016 Intelligence Authorization Act.

Section 503. Assessment on the use of political assassinations as a form of statecraft by the Russian Federation

Section 503 requires the Director of National Intelligence to submit an Intelligence Community assessment concerning the use of political assassinations as a form of statecraft by the Russian Federation to the appropriate congressional committees, not later than 180 days after the enactment of the Fiscal Year 2016 Intelligence Authorization Act.

SUBTITLE B—MATTERS RELATING TO OTHER COUNTRIES

Section 511. Report of resources and collection posture with regard to the South China Sea and East China Sea

Section 511 requires the Director of National Intelligence to submit to the appropriate congressional committees an Intelligence Community assessment on Intelligence Community resourcing and collection posture with regard to the South China

Sea and East China Sea, not later than 180 days after the enactment of the Fiscal Year 2016 Intelligence Authorization Act.

Section 512. Use of locally employed staff serving at a United States diplomatic facility in Cuba

Section 512 requires the Secretary of State, not later than one year after the date of the enactment of this Act, to ensure that every supervisory position at a United States diplomatic facility in Cuba is occupied by a citizen of the United States who has passed a thorough background check. Further, not later than 180 days after the date of the enactment of this Act, the provision requires the Secretary of State, in coordination with other appropriate government agencies, to submit to the appropriate congressional committees a plan to further reduce the reliance on locally employed staff in United States diplomatic facilities in Cuba. The plan shall, at a minimum, include cost estimates, timelines, and numbers of employees to be replaced.

Section 513. Inclusion of sensitive compartmented information facilities in United States diplomatic facilities in Cuba

Section 513 requires that each United States diplomatic facility in Cuba that is constructed, or undergoes a construction upgrade, be constructed to include a sensitive compartmented information facility.

Section 514. Report on use by Iran of funds made available through sanctions relief

Section 514 requires the Director of National Intelligence, in consultation with the Secretary of the Treasury, to submit to the appropriate congressional committees a report assessing the monetary value of any direct or indirect form of sanctions relief Iran has received since the Joint Plan of Action (JPOA) entered into effect, and how Iran has used funds made available through such sanctions relief. This report shall be submitted every 180 days while the JPOA is in effect, and not later than 1 year after an agreement relating to Iran's nuclear program takes effect, and annually thereafter while that agreement remains in effect.

TITLE VI—MATTERS RELATING TO UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA

Section 601. Prohibition on use of funds for transfer or release of individual detained at United States Naval Station, Guantanamo Bay, Cuba, to the United States

Section 601 states that no amounts authorized to be appropriated or otherwise made available to an element of the Intelligence Community may be used to transfer or release individuals detained at Guantanamo Bay to or within the United States, its territories, or possessions.

Section 602. Prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba

Section 602 states that no amounts authorized to be appropriated or otherwise made available to an element of the Intelligence Community may be used to construct or modify facilities in the United States, its territories, or possessions to house detainees transferred from Guantanamo Bay.

Section 603. Prohibition on use of funds for transfer or release to certain countries of individuals detained at United States Naval Station, Guantanamo Bay, Cuba

Section 603 states that no amounts authorized to be appropriated or otherwise made available to an element of the Intelligence Community may be used to transfer or release an individual detained at Guantanamo Bay to the custody or control of any country, or any entity within such country, as follows: Libya, Somalia, Syria, or Yemen.

TITLE VII—REPORTS AND OTHER MATTERS

SUBTITLE A—REPORTS

Section 701. Repeal of certain reporting requirements

Section 701 repeals certain reporting requirements.

Section 702. Reports on foreign fighters

Section 702 requires the Director of National Intelligence to submit a report every 60 days for the three years following the enactment of this Act to the congressional intelligence committees on foreign fighter flows to and from Syria and Iraq. Section 702 requires information on the total number of foreign fighters who have traveled to Syria or Iraq, the total number of United States persons who have traveled or attempted to travel to Syria or Iraq, the total number of foreign fighters in Terrorist Identities Datamart Environment, the total number of foreign fighters who have been processed with biometrics, any programmatic updates to the foreign fighter report, and a worldwide graphic that describes foreign fighter flows to and from Syria.

Section 703. Report on strategy, efforts, and resources to detect, deter, and degrade Islamic State revenue mechanisms

Section 703 requires the Director of National Intelligence to submit a report on the strategy, efforts, and resources of the intelligence community that are necessary to detect, deter, and degrade the revenue mechanisms of the Islamic State.

Section 704. Report on United States counterterrorism strategy to disrupt, dismantle, and defeat the Islamic State, al-Qa'ida, and their affiliated groups, associated groups, and adherents

Section 704 requires the President to submit to the appropriated congressional committees a comprehensive report on the counterterrorism strategy to disrupt, dismantle, and defeat the Islamic State, al-Qa'ida, and their affiliated groups, associated groups, and adherents.

Section 705. Report on effects of data breach of Office of Personnel Management

Section 705 requires the President to transmit to the congressional intelligence communities a report on the data breach of the Office of Personnel Management. Section 705 requires information on the impact of the breach on intelligence community operations abroad, in addition to an assessment of how foreign persons, groups, or countries may use data collected by the breach and what Federal Government agencies use best practices to protect sensitive data.

Section 706. Report on hiring of graduates of Cyber Corps Scholarship Program by intelligence community

Section 706 requires the Director of National Intelligence (DNI) to submit to the congressional intelligence committees a report on the employment by the intelligence community of graduates of the Cyber Corps Scholarship Program. Section 706 requires information on the number of graduates hired by each element of the intelligence community, the recruitment process for each element of the intelligence community, and DNI recommendations to improve the hiring process.

Section 707. Report on use of certain business concerns

Section 707 requires the Director of National Intelligence to submit to the congressional intelligence committees a report of covered business concerns—including minority-owned, women-owned, small disadvantaged, service-enabled veteran-owned, and veteran-owned small businesses—among contractors that are awarded contracts by the intelligence community for goods, equipment, tools and services.

SUBTITLE B—OTHER MATTERS

Section 711. Use of homeland security grant funds in conjunction with Department of Energy national laboratories

Section 711 amends Section 2008(a) of the Homeland Security Act of 2002 to clarify that the Department of Energy's national laboratories may seek access to homeland security grant funds.

Section 712. Inclusion of certain minority-serving institutions in grant program to enhance recruiting of intelligence community workforce

Section 712 amends the National Security Act of 1947 to include certain minority-serving institutions in the intelligence officer training programs established under Section 1024 of the Act.

□ 1315

Mr. SCHIFF. Mr. Speaker, I yield myself the remainder of my time.

The world is a dangerous place, and our intelligence agencies and professionals are on the front lines of keeping us, our allies, and our partners safe. We also have to ensure that no matter how dangerous the world becomes, the United States adheres to its values. What is done to protect America cannot undermine America, and this legislation ensures consistent and rigorous oversight.

To the men and women of our intelligence community, you continue to have my sincerest gratitude and respect for all that you do and my full appreciation of your dedication, your patriotism, and your unparalleled skills.

We in Congress must now do our part by passing this bill, and then we must turn to completing work on cyber legislation and to beginning the urgent task of preparing for the fiscal year 2017 authorization bill.

To Chairman NUNES, Chairman BURR, and Vice Chair FEINSTEIN, thank you again for your leadership, your bipartisanship, and your determination to do what is right.

To all the Members of the House Permanent Select Committee on Intelligence, I thank you for your good work as well.

Finally, thank you to our very superb professional staff. You do a great job each and every day, and often for very, very long hours.

Mr. Speaker, I yield back the balance of my time.

Mr. NUNES. Mr. Speaker, before I close, I want to reiterate that the bill is the most effective way for Congress to carry out oversight of intelligence activities. This bill forces the executive branch to remain responsive to congressional direction and priorities.

As the recent terrorist attacks in Paris show, our enemies are rapidly improving their ability to launch deadly strikes against the United States and our allies. Given these elevated threat levels, it is crucial that our intelligence professionals receive the resources they need to keep Americans

safe. This bill will authorize those resources while ensuring full congressional oversight of the intelligence community. I urge my colleagues to vote for the bill.

In closing, Mr. Speaker, I want to again thank Mr. SCHIFF for his congeniality and all of his staff's work and our staff's work on our side.

Mr. Speaker, I urge passage of the bill.

I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, as a senior member of the Homeland Security Committee and Ranking member of the Judiciary Committee's Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, I rise in support of H.R. 4127, the ''Intelligence Authorization Act for Fiscal Year 2016,'' for several reasons.

With bipartisan legislative changes negotiated and incorporated, H.R. 4127, is an improved and acceptable bill that will provide critical funding for our nation's 16 intelligence agencies.

While this measure is not perfect, H.R. 4127 corrects many of the provisions that were objectionable by providing a more balanced and realistic budget for our Intelligence Community.

The revised Intelligence Authorization Act makes cuts to less effective programs, adds money to underfunded ones, and requires intelligence agencies to keep Congress abreast of their activities to ensure responsible and lawful spending practices.

More specifically, I am pleased that this bill will: provide critical resources for the fight against ISIL; emphasize collection to monitor and ensure compliance with the Iranian nuclear agreement; provide the necessary means to counter threats from nation-state actors, particularly in cyberspace, space and the undersea environment, and furthermore helps to shore up our counter-proliferation and counter-intelligence capabilities; support our overhead architecture through the funding of critical space programs, invests in space protection and resiliency, preserves investments in cutting-edge technologies, and enhances the oversight of contracting and procurement practices; promotes foreign partner capabilities; and enhance human intelligence capabilities and oversight throughout CIA's reorganization process.

H.R. 4127 will provide funding that is 7% above last year's enacted budget level, and only 1% less than President Obama's budget request.

Importantly, this version of the bill corrects the over-reliance on short-term Overseas Contingency Operations (OCO) funding to evade Budget Control Act caps, which proved problematic in the earlier version.

I applaud my colleagues for working together to reach agreement on a fair and balanced budget framework that does not harm our economy or require draconian cuts.

Additionally of concern in the prior measure, to the extent intelligence funds might be used in an effort to shutter the Guantanamo facility, the Guantanamo-related language in the current version will merely subject those funds to restrictions identical to those imposed by the FY 2016 National Defense Authorization Act, recently passed and signed into law by the President.

Lastly, while a provision of H.R. 4127 still curtails the Privacy and Civil Liberties Oversight Board's (PCLOB) ability to access information regarding covert action, it does not alter the PCLOB's broader jurisdiction or mission to provide independent oversight and to ensure that the U.S. appropriately protects privacy and civil liberties in its counter terrorism programs.

With respect to covert actions, the language of H.R. 4127 has been reworded to emphasize that such actions are subject to presidential approval and reporting to Congress pursuant to existing law.

The balance between liberty and security must be respected to preserve our way of life and the values that countless generations have fought to preserve.

This includes taking precautionary measures to ensure that lives are safe from eminent danger and terrorist threats both domestically and abroad.

On balance, Mr. Speaker, H.R. 4127 contains more salutary than objectionable provisions, and for that reason I support this bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. NUNES) that the House suspend the rules and pass the bill, H.R. 4127.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on H. Res. 539;

Adopting H. Res. 539, if ordered; and

Suspending the rules and passing S. 1170.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 8, NORTH AMERICAN ENERGY SECURITY AND INFRASTRUCTURE ACT OF 2015; PROVIDING FOR CONSIDERATION OF S.J. RES. 23, PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE ENVIRONMENTAL PROTECTION AGENCY; AND PROVIDING FOR CONSIDERATION OF S.J. RES. 24, PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE ENVIRONMENTAL PROTECTION AGENCY

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 539) providing for consideration of the bill (H.R. 8) to modernize energy infrastructure, build a 21st century energy and manufacturing workforce, bolster America's energy security and diplomacy, and promote energy efficiency and government accountability, and for other purposes; providing for consideration of the joint resolution (S.J. Res. 23) providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Environmental Protection Agency relating to ''Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units''; and providing for consideration of the joint resolution (S.J. Res. 24) providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Environmental Protection Agency relating to ''Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units'', on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 242, nays 179, not voting 12, as follows:

[Roll No. 646]

YEAS—242

Abraham	Duncan (TN)	Kelly (MS)
Aderholt	Ellmers (NC)	Kelly (PA)
Allen	Emmer (MN)	King (IA)
Amash	Farenthold	King (NY)
Amodei	Fincher	Kinzinger (IL)
Babin	Fitzpatrick	Kline
Barletta	Fleischmann	Knight
Barr	Fleming	Labrador
Barton	Flores	LaHood
Benishek	Forbes	LaMalfa
Bilirakis	Fortenberry	Lamborn
Bishop (MI)	Foxx	Lance
Bishop (UT)	Franks (AZ)	Latta
Black	Frelinghuysen	LoBiondo
Blackburn	Garrett	Long
Blum	Gibbs	Loudermilk
Bost	Gibson	Love
Boustany	Gohmert	Lucas
Brady (TX)	Goodlatte	Luetkemeyer
Brat	Gosar	Lummis
Bridenstine	Gowdy	MacArthur
Brooks (AL)	Granger	Marchant
Brooks (IN)	Graves (GA)	Marino
Buchanan	Graves (LA)	Massie
Buck	Graves (MO)	McCarthy
Bucshon	Griffith	McCaul
Burgess	Grothman	McClintock
Byrne	Guinta	McHenry
Calvert	Guthrie	McKinley
Carter (GA)	Hanna	McMorris Rodgers
Carter (TX)	Hardy	McSally
Chabot	Harper	Meadows
Chaffetz	Harris	Meehan
Clawson (FL)	Hartzler	Messer
Cole	Heck (NV)	Mica
Collins (GA)	Hensarling	Miller (FL)
Collins (NY)	Hice, Jody B.	Miller (MI)
Comstock	Hill	Moolenaar
Conaway	Holding	Mooney (WV)
Cook	Hudson	Mullin
Costello (PA)	Huelskamp	Mulvaney
Cramer	Huizenga (MI)	Murphy (PA)
Crawford	Hultgren	Neugebauer
Crenshaw	Hunter	Newhouse
Culberson	Hurd (TX)	Noem
Curbelo (FL)	Hurt (VA)	Nugent
Davis, Rodney	Issa	Nunes
Denham	Jenkins (KS)	Olson
Dent	Jenkins (WV)	Palazzo
DeSantis	Johnson (OH)	Palmer
DesJarlais	Johnson, Sam	Paulsen
Diaz-Balart	Jolly	Pearce
Dold	Jones	Perry
Donovan	Jordan	Pittenger
Duffy	Joyce	Pitts
Duncan (SC)	Katko	

Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—179

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sherman
Sinema
Sires
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—12

Bishop (GA)
Cárdenas
Coffman
Herrera Beutler
Kirkpatrick
McCollum
Ruppersberger
Rush
Sewell (AL)
Slaughter
Takai
Williams

□ 1348

Messrs. ISRAEL, ELLISON, Ms. TSONGAS, Ms. MAXINE WATERS of California, and Mr. MEEKS changed their vote from ''yea'' to ''nay.''

Mr. PALAZZO changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. COFFMAN. Mr. Speaker, on rollcall No. 646, I was unavoidably detained. Had I been present, I would have voted "yes."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 243, noes 181, not voting 9, as follows:

[Roll No. 647]

AYES—243

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOES—181

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sherman
Sinema
Sires
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—9

Fudge
Herrera Beutler
Kirkpatrick
Ruppersberger
Rush
Sewell (AL)
Slaughter
Takai
Williams

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1359

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO VACATE PROCEEDINGS ON H.R. 4127, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2016

Mr. NUNES. Mr. Speaker, I ask unanimous consent that proceedings by which the motion to reconsider was laid upon the table and by which the motion that the House 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, was adopted be vacated to the end that the Chair put the question de novo.

The SPEAKER pro tempore. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Proceedings whereby the motion to reconsider was laid on the table and by which the House adopted the motion to suspend the rules and pass H.R. 4127 are vacated, and the Chair will put the question de novo.

The question is, Will the House suspend the rules and pass the bill, H.R. 4127?

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. NUNES. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

MOMENT OF SILENCE IN RECOGNITION OF THE AFTERMATH OF TERRIBLE ACTS OF VIOLENCE IN COLORADO SPRINGS, COLORADO

(Mr. LAMBORN asked and was given permission to address the House for 1 minute.)

Mr. LAMBORN. Mr. Speaker, I rise today with sadness in the aftermath of a terrible act of violence that took the lives of three innocent victims and injured nine others in my hometown of Colorado Springs, Colorado, last Friday.

Among those lives that were tragically lost was Iraq war veteran and father of two, Ke'Arre Stewart; wife and mother of two, Jennifer Markovsky; and University of Colorado-Colorado Springs police officer, husband, father of two and the pastor at Hope Chapel, Garrett Swasey, who bravely rushed to the scene to help save others. Officer Swasey immediately left his own jurisdiction and rushed to the scene when he got word that an officer was down. These three innocent individuals and their families, friends, and loved ones were the victims of senseless violence.

I would like to extend my sincere thanks to the brave first responders and law enforcement officers who responded on that day. Their heroism prevented a bad situation from being so much worse.

I would also like to thank everyone for their outpouring of support and prayers for Colorado Springs. We are a resilient and supportive community that will come together and will pull through this tragedy.

Mr. Speaker, I ask my colleagues to stand with me and my colleagues from the Colorado delegation and with the community of Colorado Springs for a moment of silence and to reflect upon the lives that were lost and to pray for their families and loved ones.

The SPEAKER pro tempore. The House will observe a moment of silence.

BREAST CANCER RESEARCH STAMP REAUTHORIZATION ACT OF 2015

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 1170) to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 1, not voting 10, as follows:

[Roll No. 648]

YEAS—422

Abraham
Adams
Aderholt
Aguilar
Allen
Amodei
Ashford
Babin
Barletta
Barr
Barton
Bass
Beatty
Becerra
Benishek
Bera
Beyer
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Blumenauer
Bonamici
Bost
Boustany
Boyle, Brendan F.
Brady (PA)
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Brown (FL)
Brownley (CA)
Buchanan
Buck
Bucshon
Burgess
Bustos
Butterfield
Byrne
Calvert
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Castro (TX)
Chabot
Chaffetz
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clawson (FL)
Clay
Cleaver
Clyburn
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Connolly
Conyers
Cook
Cooper
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crenshaw
Crowley
Culberson
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSantis
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duckworth
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers (NC)
Emmer (MN)
Engel
Eshoo
Esty
Farenthold
Farr
Fattah
Fincher
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foster
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Gabbard
Gallego
Garamendi
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Grothman
Guinta
Guthrie
Gutiérrez
Hahn
Hanna
Hardy
Harper
Harris
Hartzler
Hastings
Heck (NV)
Heck (WA)
Hensarling
Hice, Jody B.
Higgins
Hill
Himes
Hinojosa
Holding
Honda
Hoyer
Hudson
Huelskamp
Huffman
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Israel
Issa
Jackson Lee
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Kaptur
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Kuster
Labrador
LaHood
LaMalfa
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Loudermilk
Love
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Marchant
Marino
Massie
Matsui
McCarthy
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Meehan
Meeks
Meng
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Neugebauer
Newhouse
Noem
Nolan
Norcross
Nugent
Nunes
O'Rourke
Olson
Palazzo
Pallone
Palmer
Pascrell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Perry
Peters
Peterson
Pingree
Pittenger
Pitts
Pocan
Poe (TX)
Poliquin
Polis
Pompeo
Posey
Price (NC)
Price, Tom
Quigley
Rangel
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (NY)
Rice (SC)
Richmond
Rigell
Roby
Roe (TN)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce
Ruiz
Russell
Ryan (OH)
Salmon
Sánchez, Linda T.
Sanchez, Loretta
Sanford
Sarbanes
Scalise
Schakowsky
Schiff
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stefanik
Stewart

Stivers
Stutzman
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—1

Amash

NOT VOTING—10

Fudge
Herrera Beutler
Kirkpatrick
Rogers (AL)
Ruppersberger
Rush
Sewell (AL)
Slaughter
Takai
Williams

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1410

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 gavel had fallen and closed the vote. Had I been present, I would have voted "yes."

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.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. NUNES) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—ayes 364, noes 58, not voting 11, as follows:

[Roll No. 649]

AYES—364

Abraham
Adams
Aderholt
Aguilar
Allen
Amodei
Ashford
Babin
Barletta
Barr
Barton
Beatty
Becerra
Benishek
Bera
Beyer
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bonamici
Bost
Boustany
Boyle, Brendan F.
Brady (PA)
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Brown (FL)
Brownley (CA)
Buchanan
Buck
Bucshon
Burgess
Bustos
Butterfield
Byrne
Calvert
Capps
Cárdenas
Carney
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Castro (TX)
Chabot
Chaffetz
Chu, Judy
Cicilline
Clay
Cleaver
Clyburn
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Connolly
Cook
Cooper
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Curbelo (FL)
Davis (CA)
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
Denham
Dent
DeSantis
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Duckworth
Duffy
Edwards
Ellmers (NC)
Emmer (MN)
Engel
Eshoo
Esty
Farenthold
Farr
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foster
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Gallego
Garamendi
Garrett
Gibbs
Gibson
Goodlatte
Gowdy
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Grothman
Guinta
Guthrie
Gutiérrez
Hanna
Hardy
Harper
Hartzler
Hastings
Heck (NV)
Heck (WA)
Hensarling
Hice, Jody B.
Higgins
Hill
Himes
Hinojosa
Holding
Hoyer
Hudson
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Israel
Issa
Jackson Lee
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jolly
Joyce
Kaptur
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Kuster
LaHood
LaMalfa
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Levin
Lipinski
LoBiondo
Loebsack
Long
Loudermilk
Love
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Marchant
Marino
Matsui
McCarthy
McCaul
McClintock
McCollum
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Meehan
Meeks
Meng
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Moulton
Mullin
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Neugebauer
Newhouse
Noem
Nolan
Norcross
Nugent
Nunes
Olson
Palazzo
Palmer
Pascrell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Pittenger
Poliquin
Pompeo
Price (NC)
Price, Tom
Quigley
Rangel
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (NY)
Rice (SC)
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce
Ruiz
Russell
Ryan (OH)
Salmon
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schiff
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stefanik
Stewart
Stivers
Stutzman
Swalwell (CA)
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOES—58

Amash
Bass
Blumenauer
Capuano
Clark (MA)
Clarke (NY)
Clawson (FL)
Conyers
DelBene
DesJarlais
Doyle, Michael F.
Duncan (SC)
Duncan (TN)
Ellison
Fattah
Gabbard
Gohmert
Gosar
Grayson
Griffith
Grijalva
Hahn
Harris
Honda
Huelskamp
Huffman
Jones
Jordan
Labrador
Lee
Lewis
Lieu, Ted
Lofgren
Lowenthal
Lummis
Massie
McDermott
McGovern
Mooney (WV)
Moore
Mulvaney
O'Rourke
Pallone
Perry
Pingree
Pocan
Poe (TX)
Polis
Posey
Sanford
Schakowsky
Takano
Velázquez
Waters, Maxine
Watson Coleman
Weber (TX)
Welch
Yarmuth

NOT VOTING—11

Davis, Danny
Fudge
Herrera Beutler
Kirkpatrick
Pitts
Ruppersberger
Rush
Sewell (AL)
Slaughter
Takai
Williams

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CURBELO of Florida) (during the vote). There are 2 minutes remaining.

□ 1433

Mr. CONYERS changed his vote from "aye" to "no."

Mr. GUTIÉRREZ changed his vote from "no" to "aye."

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.

PERSONAL EXPLANATION

Ms. SEWELL of Alabama. Mr. Speaker, during the votes held on December 1, 2015, I was inescapably detained and away handling important matters related to my District and the State of Alabama. If I had been present, I would have voted "no" on the Motion on Ordering the Previous Question on the Rule providing for consideration of H.R. 8, S.J. Res. 23 and S.J. Res 24. Also, I would have voted "no" on H. Res. 539. Finally, I would have voted "yes" on S. 1170, the Breast Cancer Research Stamp Reauthorization Act of 2015, and "yes" on H.R. 4127, the Intelligence Authorization Act for Fiscal Year 2016.

CONFERENCE REPORT ON H.R. 22, SURFACE TRANSPORTATION REAUTHORIZATION AND REFORM ACT OF 2015

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 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:

SEC. 1001. DEFINITIONS.

In this division, the following definitions apply:

(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 and VI of this Act in fiscal year 2016 by amounts apportioned or allocated pursuant to any extension Act of MAP–21, 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 such title, as in effect on the day 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. 1101. AUTHORIZATION OF APPROPRIATIONS.

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

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

(A) $39,727,500,000 for fiscal year 2016;
(B) $40,547,805,000 for fiscal year 2017;
(C) $41,424,020,075 for fiscal year 2018;
(D) $42,358,903,696 for fiscal year 2019; and
(E) $43,373,294,311 for fiscal year 2020.

(2) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION PROGRAM.—For credit assistance under the transportation infrastructure finance and innovation program under chapter 6 of title 23, United States Code—

(A) $275,000,000 for fiscal year 2016;
(B) $275,000,000 for fiscal year 2017;
(C) $285,000,000 for fiscal year 2018;
(D) $300,000,000 for fiscal year 2019; and
(E) $300,000,000 for fiscal year 2020.

(3) FEDERAL LANDS AND TRIBAL TRANSPORTATION PROGRAMS.—

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

(i) $465,000,000 for fiscal year 2016;
(ii) $475,000,000 for fiscal year 2017;
(iii) $485,000,000 for fiscal year 2018;
(iv) $495,000,000 for fiscal year 2019; and
(v) $505,000,000 for fiscal year 2020.

(B) FEDERAL LANDS TRANSPORTATION PROGRAM.—

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

(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.

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

(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;
(dd) $18,000,000 for fiscal year 2019; and
(ee) $19,000,000 for fiscal year 2020.

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

(i) $250,000,000 for fiscal year 2016;
(ii) $255,000,000 for fiscal year 2017;
(iii) $260,000,000 for fiscal year 2018;
(iv) $265,000,000 for fiscal year 2019; and
(v) $270,000,000 for fiscal year 2020.

(4) 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.

(5) 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.

(b) DISADVANTAGED BUSINESS ENTERPRISES.—

(1) FINDINGS.—Congress finds that—

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

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

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

(D) the testimony and documentation described in subparagraph (C) demonstrate that discrimination across the United States poses a barrier to full and fair participation in surface transportation-related businesses of women business owners and minority business owners and has impacted firm development and many aspects of surface transportation-related business in the public and private markets; and

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

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

(A) SMALL BUSINESS CONCERN.—

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

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

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

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

(3) AMOUNTS FOR SMALL BUSINESS CONCERNS.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available for any program under 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.

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

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

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

(i) women;

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

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

(5) UNIFORM CERTIFICATION.—

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

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

(i) on-site visits;

(ii) personal interviews with personnel;

(iii) issuance or inspection of licenses;

(iv) analyses of stock ownership;

(v) listings of equipment;

(vi) analyses of bonding capacity;

(vii) listings of work completed;

(viii) examination of the resumes of principal owners;

(ix) analyses of financial capacity; and

(x) analyses of the type of work preferred.

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

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

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

(7) COMPLIANCE WITH COURT ORDERS.—Nothing in this subsection limits the eligibility of an individual or entity to receive funds made available under titles I, II, III, and VI of this Act and section 403 of title 23, United States Code, if the entity 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 DBE SUBCONTRACTORS.—It is the sense of Congress that—

(A) the Secretary should take additional steps to ensure that recipients comply with section 26.29 of title 49, Code of Federal Regulations (the disadvantaged business enterprises 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 complaints and to make that information publicly available.

SEC. 1102. OBLIGATION CEILING.

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

(1) $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) $46,365,092,000 for fiscal year 2020.

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

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

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

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

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

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

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

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

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

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

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

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

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

(13) section 119 of title 23, United States Code (but, for fiscal years 2016 through 2020, only in an amount equal to $639,000,000 for each of those fiscal years).

(c) DISTRIBUTION OF OBLIGATION AUTHORITY.—For each of fiscal years 2016 through 2020, the Secretary—

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

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

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

(3) shall determine the proportion that—

(A) the obligation authority provided by subsection (a) for the fiscal year, less the aggregate of amounts not distributed under paragraphs (1) and (2) of this subsection; bears to

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

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

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

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

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

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

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

(d) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (c), the Secretary shall, after August 1 of each of fiscal years 2016 through 2020—

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

(2) redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 144 (as in effect on the day before the date of enactment of MAP–21 (Public Law 112–141)) and 104 of title 23, United States Code.

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

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

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

(B) title VI of this Act.

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

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

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

(f) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

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

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

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

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

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

SEC. 1103. DEFINITIONS.

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

(1) by striking paragraph (29);

(2) by redesignating paragraphs (15) through (28) as 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.''.

SEC. 1104. APPORTIONMENT.

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

''(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to be made available to the Secretary for administrative expenses of the Federal Highway Administration—

''(A) $453,000,000 for fiscal year 2016;

''(B) $459,795,000 for fiscal year 2017;

''(C) $466,691,925 for fiscal year 2018;

''(D) $473,692,304 for fiscal year 2019; and

''(E) $480,797,689 for fiscal year 2020.''.

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

(1) by striking ''(b) DIVISION OF'' and all that follows before paragraph (1) and inserting the following:

''(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, the national highway freight program, and to carry out section 134 as follows:'';

(2) in paragraphs (1), (2), and (3) by striking ''paragraphs (4) and (5)'' each place it appears and inserting ''paragraphs (4), (5), and (6)'';

(3) in paragraph (2)—

(A) in the paragraph heading by striking ''SURFACE TRANSPORTATION PROGRAM'' and inserting ''SURFACE TRANSPORTATION BLOCK GRANT PROGRAM''; and

(B) by striking ''surface transportation program'' and inserting ''surface transportation block grant program'';

(4) in paragraph (4), in the matter preceding subparagraph (A), by striking ''the amount determined for the State under subsection (c)'' and inserting ''the amount of the base apportionment remaining for the State under subsection (c) after making the set aside in accordance with paragraph (5)'';

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

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

''(5) NATIONAL HIGHWAY FREIGHT PROGRAM.—

''(A) IN GENERAL.—For the national highway freight program under section 167, 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).

''(B) 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.

''(C) 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); bears to

''(ii) the total base apportionments for all States under subsection (c).

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

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

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

(7) in paragraph (6) (as so redesignated), in the matter preceding subparagraph (A), by striking ''the amount determined for the State under subsection (c)'' and inserting ''the amount of the base apportionment remaining for a State under subsection (c) after making the set aside in accordance with paragraph (5)''.

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

''(c) CALCULATION OF AMOUNTS.—

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

''(A) INITIAL AMOUNTS.—The initial amounts for each State shall be determined by multiplying—

''(i) each of—

''(I) the base apportionment;

''(II) supplemental funds reserved under subsection (h)(1) for the national highway performance program; and

''(III) supplemental funds reserved under subsection (h)(2) for the surface transportation block grant program; by

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

''(I) the amount of apportionments that the State received for fiscal year 2015; bears to

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

''(B) ADJUSTMENTS TO AMOUNTS.—The initial amounts resulting from the calculation under subparagraph (A) shall be adjusted to ensure that each State receives an aggregate apportionment equal to at least 95 percent of the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the most recent fiscal year for which data are available.

''(2) STATE APPORTIONMENT.—On October 1 of fiscal years 2016 through 2020, the Secretary shall apportion the sums authorized to be appropriated for expenditure on 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 in accordance with paragraph (1).''.

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

''(h) SUPPLEMENTAL FUNDS.—

''(1) SUPPLEMENTAL FUNDS FOR NATIONAL HIGHWAY PERFORMANCE PROGRAM.—

''(A) AMOUNT.—Before making an apportionment for a fiscal year under subsection (c), the Secretary shall reserve for the national highway performance program under section 119 for that fiscal year an amount equal to—

''(i) $53,596,122 for fiscal year 2019; and

''(ii) $66,717,816 for fiscal year 2020.

''(B) TREATMENT OF FUNDS.—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 SURFACE TRANSPORTATION BLOCK GRANT PROGRAM.—

''(A) AMOUNT.—Before making an apportionment for a fiscal year under subsection (c), the Secretary shall reserve for the surface transportation block grant program under section 133 for that fiscal year an amount equal to—

''(i) $835,000,000 for each of fiscal years 2016 and 2017 pursuant to section 133(h), plus—

''(I) $55,426,310 for fiscal year 2016; and

''(II) $89,289,904 for fiscal year 2017; and

''(ii) $850,000,000 for each of fiscal years 2018 through 2020 pursuant to section 133(h), plus—

''(I) $118,013,536 for fiscal year 2018;

''(II) $130,688,367 for fiscal year 2019; and

''(III) $170,053,448 for fiscal year 2020.

''(B) TREATMENT OF FUNDS.—Funds reserved under subparagraph (A) and apportioned to a State under subsection (c) shall be treated as if apportioned under subsection (b)(2), and shall be in addition to amounts apportioned under that subsection.

''(i) BASE APPORTIONMENT DEFINED.—In this section, the term 'base apportionment' means—

''(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) supplemental funds reserved under subsection (h) for the national highway performance program and the surface transportation block grant program.''.

(e) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

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

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

SEC. 1105. NATIONALLY SIGNIFICANT FREIGHT AND HIGHWAY PROJECTS.

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

''§ 117. Nationally significant freight and highway projects

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established a nationally 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 environment;

''(F) improve roadways vital to national energy 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 program established in subsection (a), the Secretary may make grants, on a competitive basis, in accordance 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 authority with a transportation function, including 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) APPLICATIONS.—To be eligible for a grant under this section, an entity specified in paragraph (1) shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary determines is appropriate.

''(d) ELIGIBLE PROJECTS.—

''(1) IN GENERAL.—Except as provided in subsection (e), 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 established under section 167;

''(ii) a highway or bridge project carried out on the National Highway System, including—

''(I) a project to add capacity to the Interstate System to improve mobility; or

''(II) a project in a national scenic area;

''(iii) a freight project that is—

''(I) a freight intermodal or freight rail project; or

''(II) within the boundaries of a public or private freight rail, water (including ports), or intermodal facility and that is a surface transportation infrastructure project necessary to facilitate direct intermodal interchange, transfer, or access into or out of the facility; or

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

''(B) has eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

''(i) $100,000,000; or

''(ii) in the case of a project—

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

''(II) located in more than 1 State, 50 percent of the amount apportioned under this chapter to the participating State with the largest apportionment under this chapter in the most recently completed fiscal year.

''(2) LIMITATION.—

''(A) IN GENERAL.—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 used to make grants for projects described in paragraph (1)(A)(iii) and such a project may only receive a grant under this section if—

''(i) the project will make a significant improvement 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.

''(B) EXCLUSIONS.—The limitation under subparagraph (A)—

''(i) 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 portions 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 addition to other applicable requirements, in making grants under this subsection the Secretary shall consider—

''(A) the cost effectiveness of the proposed project; and

''(B) the effect of the proposed project on mobility in the State and region in which the project is carried out.

''(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 forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

''(2) construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction 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 (e)) for funding under this section only if the Secretary determines that—

''(1) the project will generate national or regional economic, mobility, or safety benefits;

''(2) the project will be cost effective;

''(3) the project will contribute to the accomplishment of 1 or more of the national goals described under section 150 of this title;

''(4) the project is based on the results of preliminary engineering;

''(5) with respect to related non-Federal financial commitments—

''(A) 1 or more stable and dependable sources of funding and financing are available to construct, maintain, and operate the project; and

''(B) contingency amounts are available to cover unanticipated cost increases;

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

''(7) 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 (e), 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 subsection will not allow for the amount reserved under paragraph (1) to be fully utilized, the Secretary shall use the unutilized amounts to make other grants under this section.

''(3) RURAL AREA DEFINED.—In this subsection, the term 'rural area' means an area that is outside an urbanized area with a population of over 200,000.

''(j) 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.

''(2) MAXIMUM FEDERAL INVOLVEMENT.—Federal 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 such a grant is made, except that the total Federal assistance provided for a project receiving a grant under this section may not exceed 80 percent of the total project cost.

''(3) FEDERAL LAND MANAGEMENT AGENCIES.—Notwithstanding any other provision of law, any Federal funds other than those made available under this title or title 49 may be used to pay 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).

''(k) 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 is located on a Federal-aid highway.

''(l) TIFIA PROGRAM.—At the request of an eligible 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.

''(m) CONGRESSIONAL NOTIFICATION.—

''(1) NOTIFICATION.—

''(A) IN GENERAL.—At least 60 days before making a grant for a project under this section, the Secretary shall notify, in writing, the Committee on Transportation and Infrastructure of

the House of Representatives and the Committee on Environment and Public Works of the Senate of the proposed grant. The notification shall include an evaluation and justification for the project and the amount of the proposed grant award.

''(B) MULTIMODAL PROJECTS.—In addition to the notice required under subparagraph (A), the Secretary shall notify the Committee on Commerce, Science, and Transportation of the Senate before making a grant for a project described in subsection (d)(1)(A)(iii).

''(2) CONGRESSIONAL DISAPPROVAL.—The Secretary may not make a grant or any other obligation or commitment to fund a project under this section if a joint resolution is enacted disapproving funding for the project before the last day of the 60-day period described in paragraph (1).

''(n) REPORTS.—

''(1) ANNUAL REPORT.—The Secretary shall 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.

''(2) COMPTROLLER GENERAL.—

''(A) ASSESSMENT.—The Comptroller General of the United States shall conduct an assessment of the administrative establishment, solicitation, selection, and justification process with respect to the funding of grants under this section.

''(B) REPORT.—Not later than 1 year after the initial awarding of grants under this section, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

''(i) the adequacy and fairness of the process by which each project was selected, if applicable; and

''(ii) the justification and criteria used for the selection of each project, if applicable.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 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 highway projects.''.

(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 1(b) of such Act, are repealed.

SEC. 1106. NATIONAL HIGHWAY PERFORMANCE PROGRAM.

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

''(h) TIFIA PROGRAM.—Upon Secretarial approval of credit assistance under chapter 6, the Secretary, at the request of a State, may allow the State to use funds apportioned under section 104(b)(1) to pay 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.

''(i) ADDITIONAL FUNDING ELIGIBILITY FOR CERTAIN BRIDGES.—

''(1) IN GENERAL.—Funds apportioned to a State to carry out the national highway performance program may be obligated for a project for the reconstruction, resurfacing, restoration, rehabilitation, or preservation of a bridge not on the National Highway System, if the bridge is on a Federal-aid highway.

''(2) LIMITATION.—A State required to make obligations under subsection (f) shall ensure such requirements are satisfied in order to use the flexibility under paragraph (1).

''(j) CRITICAL INFRASTRUCTURE.—

''(1) CRITICAL INFRASTRUCTURE DEFINED.—In this subsection, the term 'critical infrastructure' means those facilities the incapacity or failure 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 125(d)(3) of title 23, United States Code, is amended—

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

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

(3) by adding at the end the following:

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

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

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

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

''(i) is maintained;

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

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

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

SEC. 1108. RAILWAY-HIGHWAY GRADE CROSSINGS.

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

''(1) IN GENERAL.—

''(A) SET ASIDE.—Before making an apportionment under section 104(b)(3) for a fiscal year, the Secretary shall set aside, from amounts made available to carry out the highway safety improvement program under section 148 for such fiscal year, for the elimination of hazards and the installation of protective devices at railway-highway crossings at least—

''(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 ½ 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) OBLIGATION 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(b)(1).''.

SEC. 1109. SURFACE TRANSPORTATION BLOCK GRANT PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) the benefits of the surface transportation block grant program accrue principally to the residents of each State and municipality where the funds are obligated;

(2) decisions about 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 establish a surface transportation block grant program in accordance with this section to provide flexible funding to address State and local transportation needs.

''(b) ELIGIBLE PROJECTS.—Funds apportioned to a State under section 104(b)(2) for the surface transportation block grant program may be obligated for the following:

''(1) Construction of—

''(A) highways, bridges, tunnels, including designated routes of the Appalachian development highway system and local access roads under section 14501 of title 40;

''(B) ferry boats and terminal facilities eligible for funding under section 129(c);

''(C) transit capital projects eligible for assistance under chapter 53 of title 49;

''(D) infrastructure-based intelligent transportation systems capital improvements;

''(E) truck parking facilities eligible for funding under section 1401 of MAP–21 (23 U.S.C. 137 note); and

''(F) border infrastructure projects eligible for funding under section 1303 of SAFETEA–LU (23 U.S.C. 101 note).

''(2) Operational improvements and capital and operating costs for traffic monitoring, management, and control facilities and programs.

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

''(4) Highway and transit safety infrastructure improvements and programs, including railway-highway grade crossings.

''(5) Fringe and corridor parking facilities and programs in accordance with section 137 and carpool projects in accordance with section 146.

''(6) Recreational trails projects eligible for funding under section 206, pedestrian and bicycle projects in accordance with section 217 (including modifications to comply with accessibility requirements under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)), and the safe routes to school program under section 1404 of SAFETEA–LU (23 U.S.C. 402 note).

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

''(8) Development and implementation of a State asset management plan for the National Highway System and a performance-based management program for other public roads.

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

''(10) Surface transportation planning programs, highway and transit research and development and technology transfer programs, and workforce development, training, and education under chapter 5 of this title.

''(11) Surface transportation infrastructure modifications to facilitate direct intermodal interchange, transfer, and access into and out of a port terminal.

''(12) Projects and strategies designed to support congestion pricing, including electronic toll collection and travel demand management strategies and programs.

''(13) At the request of a State, and upon Secretarial approval of credit assistance under

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.

''(14) The creation and operation by a State of an office to assist in the design, implementation, and oversight of public-private partnerships eligible to receive funding under this title and chapter 53 of title 49, and the payment of a stipend to unsuccessful private bidders to offset their proposal development costs, if necessary to encourage robust competition in public-private partnership procurements.

''(15) Any type of project eligible under this section as in effect on the day before the date of enactment of the FAST Act, including projects described under section 101(a)(29) as in effect on such day.

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

''(1) for a bridge or tunnel project (other than the construction of a new bridge or tunnel at a new location);

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

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

''(4) as approved by the Secretary.

''(d) ALLOCATIONS OF APPORTIONED FUNDS TO AREAS BASED ON POPULATION.—

''(1) CALCULATION.—Of the funds apportioned to a State under section 104(b)(2) (after the reservation of funds under subsection (h))—

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

''(i) in urbanized areas of the State with an urbanized area population of over 200,000;

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

''(iii) in other areas of the State; and

''(B) the remainder may be obligated in any area of the State.

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

''(3) CONSULTATION WITH REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS.—For purposes of paragraph (1)(A)(iii), before obligating funding attributed to an area with a population greater than 5,000 and less than 200,000, a State shall consult with the regional transportation planning organizations that represent the area, if any.

''(4) DISTRIBUTION AMONG URBANIZED AREAS OF OVER 200,000 POPULATION.—

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

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

''(5) APPLICABILITY OF PLANNING REQUIREMENTS.—Programming and expenditure of funds for projects under this section shall be consistent with sections 134 and 135.

''(6) PERCENTAGE.—The percentage referred to in paragraph (1)(A) is—

''(A) for fiscal year 2016, 51 percent;

''(B) for fiscal year 2017, 52 percent;

''(C) for fiscal year 2018, 53 percent;

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

''(E) for fiscal year 2020, 55 percent.'';

*(2) by striking the section heading and inserting ''**Surface transportation block grant program**'';*

(3) by striking subsection (e);

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

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

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

(B) by striking ''fiscal years 2011 through 2014'' and inserting ''fiscal years 2016 through 2020'';

(6) in subsection (g)(1), as redesignated by this subsection, by striking ''under subsection (d)(1)(A)(iii) for each of fiscal years 2013 through 2014'' and inserting ''under subsection (d)(1)(A)(ii) for each of fiscal years 2016 through 2020''; and

(7) by adding at the end the following:

''(h) STP SET-ASIDE.—

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

''(A) the Secretary reserves a total under this subsection of—

''(i) $835,000,000 for each of fiscal years 2016 and 2017; and

''(ii) $850,000,000 for each of fiscal years 2018 through 2020; and

''(B) the State's share of that total is determined by multiplying the amount under subparagraph (A) by the ratio that—

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

''(ii) the total amount of funds apportioned to all States for the transportation enhancements program for fiscal year 2009.

''(2) ALLOCATION WITHIN A STATE.—Funds reserved for a State under paragraph (1) shall be obligated within that State in the manner described in subsection (d), except that, for purposes of this paragraph (after funds are made available under paragraph (5))—

''(A) for each fiscal year, the percentage referred to in paragraph (1)(A) of that subsection shall be deemed to be 50 percent; and

''(B) the following provisions shall not apply:

''(i) Paragraph (3) of subsection (d).

''(ii) Subsection (e).

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

''(4) ACCESS TO FUNDS.—

''(A) IN GENERAL.—A State or metropolitan planning organization required to obligate funds in accordance with paragraph (2) shall develop a competitive process to allow eligible entities to submit projects for funding that achieve the objectives of this subsection. A metropolitan planning organization for an area described in subsection (d)(1)(A)(i) shall select projects under such process in consultation with the relevant State.

''(B) ELIGIBLE ENTITY DEFINED.—In this paragraph, the term 'eligible entity' means—

''(i) a local government;

''(ii) a regional transportation authority;

''(iii) a transit agency;

''(iv) a natural resource or public land agency;

''(v) a school district, local education agency, or school;

''(vi) a tribal government;

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

''(viii) any other local or regional governmental entity with responsibility for or oversight of transportation or recreational trails (other than a metropolitan planning organization or a State agency) that the State determines to be eligible, consistent with the goals of this subsection.

''(5) CONTINUATION OF CERTAIN RECREATIONAL TRAILS PROJECTS.—For each fiscal year, a State shall—

''(A) obligate an amount of funds reserved under this section equal to the amount of the funds apportioned to the State for fiscal year 2009 under section 104(h)(2), as in effect on the day before the date of enactment of MAP–21, for projects relating to recreational trails under section 206;

''(B) return 1 percent of those funds to the Secretary for the administration of that program; and

''(C) comply with the provisions of the administration of the recreational trails program under section 206, including the use of apportioned funds described in subsection (d)(3)(A) of that section.

''(6) STATE FLEXIBILITY.—

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

''(B) LARGE URBANIZED AREAS.—A metropolitan planning area may use not to exceed 50 percent of the funds reserved under this subsection for an urbanized area described in subsection (d)(1)(A)(i) for any purpose eligible under subsection (b).

''(7) ANNUAL REPORTS.—

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

''(i) the number of project applications received for each fiscal year, including—

''(I) the aggregate cost of the projects for which applications are received; and

''(II) the types of projects to be carried out, expressed as percentages of the total apportionment of the State under this subsection; and

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

''(B) PUBLIC AVAILABILITY.—The Secretary shall make available to the public, in a user-friendly format on the Web site of the Department of Transportation, a copy of each annual report submitted under subparagraph (A).

''(i) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, projects funded under this section (excluding those carried out under subsection (h)(5)) shall be treated as projects on a Federal-aid highway under this chapter.''.

(c) 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(h)''.

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

(3) SECTION 322.—Section 322(h)(3) 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)(4) 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 1.—Chapter 1 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 repealed.

(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 title 23, 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), the 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 the heading for paragraph (8) by inserting ''BLOCK GRANT'' after ''SURFACE TRANSPORTATION''; and

(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'' after ''the Secretary''.

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 (k);

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

''(j) BUNDLING OF BRIDGE PROJECTS.—

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

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

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

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

''(B) included as a bundled project in a transportation improvement program under section 134(j) or a statewide transportation improvement program under section 135, as applicable; and

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

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

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

''(B) 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) do not apply to projects carried out under this subsection.''; and

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

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 the proportion that—

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

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

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

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

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

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

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

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

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

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

''(2) in the subsequent fiscal year, redistribute the 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 allocated using the most recent data available, as collected and imputed in accordance with the national ferry database established under section 1801(e) of SAFETEA–LU (23 U.S.C. 129 note).

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

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

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

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

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

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

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

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

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

(2) in paragraph (3)—

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

(B) by adding at the end the following:

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

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

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

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

''(7)(A) No ferry boat or ferry terminal with Federal participation under this title may be sold, leased, or otherwise disposed of, except in accordance with part 200 of title 2, Code of Federal Regulations.

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

SEC. 1113. HIGHWAY SAFETY IMPROVEMENT PROGRAM.

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

(1) in subsection (a)—

(A) in paragraph (4)(B)—

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

(ii) by adding at the end the following:

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

''(xxvi) Pedestrian hybrid beacons.

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

''(xxviii) A physical infrastructure safety project not described in clauses (i) through (xxvii).'';

(B) by striking paragraph (10); and

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

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

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

(4) by adding at the end the following:

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

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

''(A) the State does not use funds provided to carry out this section for a project on any such roads until the State completes a collection of the required model inventory of roadway elements for the applicable road segment; and

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

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to allow a State to cease data collection related to serious injuries or fatalities.''.

(b) COMMERCIAL MOTOR VEHICLE SAFETY BEST PRACTICES.—

(1) REVIEW.—The Secretary shall conduct a review of best practices with respect to the implementation of roadway 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 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 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)(i)(I) by inserting ''in the designated nonattainment area'' after ''air quality standard'';

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

(C) in paragraph (4) by striking ''attainment of'' and inserting ''attainment or maintenance 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''; and

(II) in subclause (II) by inserting ''or chapter 53 of title 49'' after ''this title''; and

(ii) in subparagraph (B) by striking the period at the end and inserting ''; or''; and

(F) by adding at the end the following:

''(9) if the project or program is for the installation of vehicle-to-infrastructure communication equipment.'';

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

(3) in subsection (d)—

(A) 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 (2)—

(i) in subparagraph (A)—

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

(II) in clause (i) by striking ''paragraph (l)'' and inserting ''subsection (k)(1)''; and

(ii) in subparagraph (B)(i) by striking ''MAP–21t'' and inserting ''MAP–21''; and

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

(4) in subsection (g)(2)(B) by striking ''not later that'' and inserting ''not later than'';

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

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

''(A) EXCEPTION.—In any State with a population density of 80 or fewer persons per square mile of land area, based on the most recent decennial census, the requirements under subsection (g)(3) and paragraphs (1) and (2) of this subsection shall not apply to a nonattainment or maintenance area in the State if—

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

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

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

''(4) PORT-RELATED EQUIPMENT AND VEHICLES.—To meet the requirements under paragraph (1), a State or metropolitan planning organization may elect to obligate funds to the most cost-effective projects to reduce emissions from port-related landside nonroad or on-road equipment that is operated within the boundaries of a PM2.5 nonattainment or maintenance area.'';

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

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

SEC. 1115. TERRITORIAL AND PUERTO RICO HIGHWAY PROGRAM.

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

(1) in paragraph (1) by striking ''$150,000,000'' and inserting ''$158,000,000''; and

(2) in paragraph (2) by striking ''$40,000,000'' and inserting ''$42,000,000''.

SEC. 1116. NATIONAL HIGHWAY FREIGHT PROGRAM.

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

''§ 167. National highway freight program

''(a) IN GENERAL.—

''(1) POLICY.—It is the policy of the United States to improve the condition and performance of the National Highway Freight Network established under this section to ensure that the Network provides the foundation for the United States to compete in the global economy and achieve the goals described in subsection (b).

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

''(b) GOALS.—The goals of the national highway freight program are—

''(1) to invest in infrastructure improvements and to implement operational improvements on the highways of the United States that—

''(A) strengthen the contribution of the National Highway Freight Network to the economic competitiveness of the United States;

''(B) reduce congestion and bottlenecks on the National Highway Freight Network;

''(C) reduce the cost of freight transportation;

''(D) improve the year-round reliability of freight transportation; and

''(E) increase productivity, particularly for domestic industries and businesses that create high-value jobs;

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

''(3) to improve the state of good repair of the National Highway Freight Network;

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

''(5) to improve the efficiency and productivity of the National Highway Freight Network;

''(6) 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 highway freight connectivity; and

''(7) to reduce the environmental impacts of freight movement on the National Highway Freight Network.

''(c) ESTABLISHMENT OF NATIONAL HIGHWAY FREIGHT NETWORK.—

''(1) IN GENERAL.—The Administrator shall establish a National Highway Freight Network in accordance with this section to strategically direct Federal resources and policies toward improved performance of the Network.

''(2) NETWORK COMPONENTS.—The National Highway Freight Network shall consist of—

''(A) the primary highway freight system, as designated under subsection (d);

''(B) critical rural freight corridors established under subsection (e);

''(C) critical urban freight corridors established under subsection (f); and

''(D) the portions of the Interstate System not designated as part of the primary highway freight system.

''(d) DESIGNATION AND REDESIGNATION OF THE PRIMARY HIGHWAY FREIGHT SYSTEM.—

''(1) INITIAL DESIGNATION OF PRIMARY HIGHWAY FREIGHT SYSTEM.—The initial designation of the primary highway freight system shall be the 41,518-mile network identified during the designation process for the primary freight network under section 167(d) of this title, as in effect on the day before the date of enactment of the FAST Act.

''(2) REDESIGNATION OF PRIMARY HIGHWAY FREIGHT SYSTEM.—

''(A) IN GENERAL.—Beginning 5 years after the date of enactment of the FAST Act, and every 5 years thereafter, using the designation factors described in subparagraph (E), the Administrator shall redesignate the primary highway freight system.

''(B) REDESIGNATION MILEAGE.—Each redesignation may increase the mileage on the primary highway freight system by not more than 3 percent of the total mileage of the system.

''(C) USE OF MEASURABLE DATA.—In redesignating the primary highway freight system, to the maximum extent practicable, the Administrator shall use measurable data to assess the significance of goods movement, including consideration of points of origin, destinations, and linking components of the United States global and domestic supply chains.

''(D) INPUT.—In redesignating the primary highway freight system, the Administrator shall provide an opportunity for State freight advisory committees, as applicable, to submit additional miles for consideration.

''(E) FACTORS FOR REDESIGNATION.—In redesignating the primary highway freight system, the Administrator shall consider—

''(i) changes in the origins and destinations of freight movement in, to, and from the United States;

''(ii) changes in the percentage of annual daily truck traffic in the annual average daily traffic on principal arterials;

''(iii) changes in the location of key facilities;

''(iv) land and water ports of entry;

''(v) access to energy exploration, development, installation, or production areas;

''(vi) access to other freight intermodal facilities, including rail, air, water, and pipelines facilities;

''(vii) the total freight tonnage and value moved via highways;

''(viii) significant freight bottlenecks, as identified by the Administrator;

''(ix) the significance of goods movement on principal arterials, including consideration of global and domestic supply chains;

''(x) critical emerging freight corridors and critical commerce corridors; and

''(xi) network connectivity.

''(e) CRITICAL RURAL FREIGHT CORRIDORS.—

''(1) IN GENERAL.—A State may designate a public road within the borders of the State as a critical rural freight corridor if the public road is not in an urbanized area and—

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

''(B) provides access to energy exploration, development, installation, or production areas;

''(C) connects the primary 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 grain elevator;

''(ii) an agricultural facility;

''(iii) a mining facility;

''(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, vital to improving the efficient movement of freight of importance to the economy of the State.

''(2) LIMITATION.—A State may designate as critical rural freight corridors a maximum of 150 miles of highway or 20 percent of the primary highway freight system mileage in the State, whichever is greater.

''(f) 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 organization, in consultation with the State, may designate a public road within the borders of that area of the State as a critical urban freight corridor.

''(2) URBANIZED AREA WITH A POPULATION LESS THAN 500,000.—In an urbanized area with a population of less than 500,000 individuals, the State, in consultation with the representative metropolitan planning organization, may designate a public road within the borders of that area of the State as a critical urban freight corridor.

''(3) REQUIREMENTS FOR DESIGNATION.—A designation may be made under 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) the primary highway freight system;

''(II) the Interstate System; or

''(III) an intermodal freight facility;

''(ii) is located within a corridor of a route on the primary highway freight system and provides an alternative highway option important to goods movement;

''(iii) serves a major freight generator, logistic center, or manufacturing and warehouse industrial land; or

''(iv) is important to the movement of freight within the region, as determined by the metropolitan planning organization or the State.

''(4) LIMITATION.—For each State, a maximum of 75 miles of highway or 10 percent of the primary highway freight system mileage in the State, whichever is greater, may be designated as a critical urban freight corridor under paragraphs (1) and (2).

''(g) DESIGNATION AND CERTIFICATION.—

''(1) DESIGNATION.—States and metropolitan planning organizations may designate corridors under subsections (e) and (f) and submit the designated corridors to the Administrator on a rolling basis.

''(2) CERTIFICATION.—Each State or metropolitan planning organization that designates a corridor under subsection (e) or (f) shall certify to the Administrator that the designated corridor meets the requirements of the applicable subsection.

''(h) HIGHWAY FREIGHT TRANSPORTATION CONDITIONS AND PERFORMANCE REPORTS.—Not later than 2 years after the date of enactment of the FAST Act, and biennially thereafter, the Administrator shall prepare and submit to Congress a report that describes the conditions and performance of the National Highway Freight Network in the United States.

''(i) USE OF APPORTIONED FUNDS.—

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

''(2) FORMULA.—The Administrator shall calculate for each State the proportion that—

''(A) the total mileage in the State designated as part of the primary highway freight system; bears to

''(B) the total mileage of the primary highway freight system in all States.

''(3) USE OF FUNDS.—

''(A) STATES WITH HIGH PRIMARY HIGHWAY FREIGHT SYSTEM MILEAGE.—If the proportion of a State under paragraph (2) is greater than or equal to 2 percent, the State may obligate funds apportioned to the State under section 104(b)(5) for projects on—

''(i) the primary highway freight system;

''(ii) critical rural freight corridors; and

''(iii) critical urban freight corridors.

''(B) STATES WITH LOW PRIMARY HIGHWAY FREIGHT SYSTEM MILEAGE.—If the proportion of a State under paragraph (2) is less than 2 percent, the State may obligate funds apportioned to the State under section 104(b)(5) for projects on any component of the National Highway Freight Network.

''(4) FREIGHT PLANNING.—Notwithstanding any other provision of law, effective beginning 2 years after the date of enactment of the FAST Act, a State may not obligate funds apportioned to the State under section 104(b)(5) unless the State has developed a freight plan in accordance with section 70202 of title 49, except that the multimodal component of the plan may be incomplete before an obligation may be made under this section.

''(5) ELIGIBILITY.—

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

''(i) contribute to the efficient movement of freight on the National Highway Freight Network; and

''(ii) be 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 section 104(b)(5) for freight intermodal or freight rail projects, including projects—

''(i) within the boundaries of public or private freight rail or water facilities (including ports); and

''(ii) that provide surface transportation infrastructure necessary to facilitate direct intermodal interchange, transfer, and access into or out of the facility.

''(C) ELIGIBLE PROJECTS.—Funds apportioned to the State under section 104(b)(5) for the national highway freight program may be obligated to carry out 1 or more of the following:

''(i) Development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities.

''(ii) Construction, reconstruction, rehabilitation, acquisition of real property (including land relating to the project and improvements to land), construction contingencies, acquisition of equipment, and operational improvements directly relating to improving system performance.

''(iii) Intelligent transportation systems and other technology to improve the flow of freight, including intelligent freight transportation systems.

''(iv) Efforts to reduce the environmental impacts of freight movement.

''(v) Environmental and community mitigation for freight movement.

''(vi) Railway-highway grade separation.

''(vii) Geometric improvements to interchanges and ramps.

''(viii) Truck-only lanes.

''(ix) Climbing and runaway truck lanes.

''(x) Adding or widening of shoulders.

''(xi) Truck parking facilities eligible for funding under section 1401 of MAP–21 (23 U.S.C. 137 note).

''(xii) Real-time traffic, truck parking, roadway condition, and multimodal transportation information systems.

''(xiii) Electronic screening and credentialing systems for vehicles, including weigh-in-motion truck inspection technologies.

''(xiv) Traffic signal optimization, including synchronized and adaptive signals.

''(xv) Work zone management and information systems.

''(xvi) Highway ramp metering.

''(xvii) Electronic cargo and border security technologies that improve truck freight movement.

''(xviii) Intelligent transportation systems that would increase truck freight efficiencies inside the boundaries of intermodal facilities.

''(xix) Additional road capacity to address highway freight bottlenecks.

''(xx) Physical separation of passenger vehicles from commercial motor freight.

''(xxi) Enhancement of the resiliency of critical highway infrastructure, including highway infrastructure that supports national energy security, to improve the flow of freight.

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

''(xxiii) Any other surface transportation project to improve the flow of freight into and out of a facility described in subparagraph (B).

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

''(A) carrying out diesel retrofit or alternative fuel projects under section 149 for class 8 vehicles; and

''(B) the necessary costs of—

''(i) conducting analyses and data collection related to the national highway freight program;

''(ii) developing and updating performance targets to carry out this section; and

''(iii) reporting to the Administrator to comply with the freight performance target under section 150.

''(7) APPLICABILITY OF PLANNING REQUIREMENTS.—Programming and expenditure of funds for projects under this section shall be consistent with the requirements of sections 134 and 135.

''(j) STATE PERFORMANCE TARGETS.—If the Administrator determines that a State has not met or made significant progress toward meeting the performance targets related to freight movement of the State established under section 150(d) by the date that is 2 years after the date of the establishment of the performance targets, the State shall include in the next report submitted under section 150(e) 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;

''(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.—

''(1) 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 elevated freight transportation facilities—

''(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 safety of freight movements 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.

''(l) TREATMENT OF FREIGHT PROJECTS.—Notwithstanding any other provision of law, a freight project carried out under this section shall be treated as if the project were on a Federal-aid highway.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 167 and 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(c)(6) of title 23, United States Code, is amended by adding at the end the following:

''(C) TRIBAL DATA COLLECTION.—In addition to the data to be collected under subparagraph (A), not later than 90 days after the 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 and the Secretary of the Interior, based on obligations and expenditures under the tribal transportation program during the preceding fiscal year, the following data:

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

''(ii) A description of the projects and activities identified under clause (i).

''(iii) The current status of the projects and activities identified under clause (i).

''(iv) An estimate of 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.—

(1) FINDINGS.—Congress finds that—

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

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

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

(i) tribal law enforcement capacity, including—

(I) staffing shortages and turnover; and

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

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

(D) without more accurate reporting of crashes on Indian reservations, it is difficult or impossible to fully understand the nature of the problem and develop appropriate countermeasures, which may include effective transportation safety planning and programs aimed at—

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

(ii) pedestrian safety;

(iii) roadway safety improvements;

(iv) seat belt usage; and

(v) proper use of child restraints.

(2) REPORT TO CONGRESS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, after consultation with the Secretary of Interior, the Secretary of Health and Human Services, the Attorney General, and Indian tribes, shall submit to the Committee on Environment and Public Works and the Committee on Indian Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Natural Resources of the House of Representatives a report describing the quality of transportation safety data collected by States, counties, and Indian tribes for transportation safety systems and the relevance of that data to improving the collection and sharing of data on crashes on Indian reservations.

(B) PURPOSES.—The purposes of the report are—

(i) to improve the collection and sharing of data on crashes on Indian reservations; and

(ii) to develop data that Indian tribes can use to recover damages to tribal property caused by motorists.

(C) PAPERLESS DATA REPORTING.—In preparing the report, the Secretary shall provide States, counties, and Indian tribes with options and best practices for transition to a paperless transportation safety data reporting system that—

(i) improves the collection of crash reports;

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

(iii) uses data exclusively—

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

(II) to identify and improve problem areas on public roads on Indian reservations.

(D) ADDITIONAL BUDGETARY RESOURCES.—The Secretary shall include in the report the identification of Federal transportation funds provided to Indian tribes by agencies in addition to the Department and the Department of the Interior.

(c) STUDY ON BUREAU OF INDIAN AFFAIRS ROAD SAFETY.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Interior, the Attorney General, States, and Indian tribes shall—

(1) complete a study that identifies and evaluates options for improving safety on public roads on Indian reservations; and

(2) submit to the Committee on Environment and Public Works and the Committee on Indian Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Natural Resources of the House of Representatives a report describing the results of the study.

SEC. 1118. TRIBAL TRANSPORTATION PROGRAM AMENDMENT.

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

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

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

SEC. 1119. FEDERAL LANDS TRANSPORTATION PROGRAM.

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

(1) in subsection (a)(1)—

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

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

(2) in subsection (b)—

(A) in paragraph (1)(B)—

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

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

(iii) by adding at the end the following:

''(vi) the Bureau of Reclamation; and

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

(B) in paragraph (2)(B)—

(i) in the matter preceding clause (i) by inserting ''performance management, including'' after ''support''; and

(ii) in clause (i)(II) by striking '', and'' and inserting ''; and''; and

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

''(vi) The Bureau of Reclamation.''.

SEC. 1120. FEDERAL LANDS PROGRAMMATIC ACTIVITIES.

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

(1) in paragraph (6)(A)—

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

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

''(i) IN GENERAL.—The Secretaries'';

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

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

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

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

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

''(7) COOPERATIVE RESEARCH AND TECHNOLOGY DEPLOYMENT.—The Secretary may conduct cooperative research and technology deployment in coordination with Federal land management agencies, as determined appropriate by the Secretary.

''(8) FUNDING.—

''(A) IN GENERAL.—To carry out the activities described in this subsection for Federal lands transportation facilities, Federal lands access transportation facilities, and other federally owned roads open to public travel (as that term is defined in section 125(e)), the Secretary shall for each fiscal year combine and 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 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 or other official 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 CAPACITY.—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-determination contracts or self-governance funding 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, to gain eligibility for the program.

''(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 Indian tribe 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 Indian tribe under paragraph (1) may be amended only by mutual agreement of the Indian tribe and the Secretary.

''(d) ANNUAL 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) IN GENERAL.—

''(i) FORMULA FUNDING AND DISCRETIONARY GRANTS.—A funding agreement entered into with an Indian tribe shall authorize the Indian tribe, as determined by the Indian tribe, to plan, conduct, consolidate, administer, and receive full tribal share funding, tribal transit formula funding, and funding to tribes from discretionary and competitive grants administered by the Department for all programs, services, functions, and activities (or portions thereof) that are made available to Indian tribes to carry out tribal transportation programs and programs, services, functions, and activities (or portions thereof) administered by the Secretary that are otherwise available to Indian tribes.

''(ii) TRANSFERS OF STATE FUNDS.—

''(I) INCLUSION OF TRANSFERRED FUNDS IN FUNDING AGREEMENT.—A funding agreement entered into with an Indian tribe shall include Federal-aid funds apportioned to a State under chapter 1 if the State elects to provide a portion of such funds to the Indian tribe for a project eligible under section 202(a). The provisions of this section shall be in addition to the methods for making funding contributions described in section 202(a)(9). Nothing in this section shall diminish the authority of the Secretary to provide funds to an Indian tribe under section 202(a)(9).

''(II) METHOD FOR TRANSFERS.—If a State elects to provide funds described in subclause (I) to an Indian tribe—

''(aa) the transfer may occur in accordance with section 202(a)(9); or

''(bb) the State shall transfer the funds back to the Secretary and the Secretary shall transfer the funds to the Indian tribe in accordance with this section.

''(III) RESPONSIBILITY FOR TRANSFERRED FUNDS.—Notwithstanding any other provision of law, if a State provides funds described in subclause (I) to an Indian tribe—

''(aa) the State shall not be responsible for constructing or maintaining a project carried out using the funds or for administering or supervising the project or funds during the applicable statute of limitations period related to the construction of the project; and

''(bb) the Indian tribe shall be responsible for constructing and maintaining 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.

''(B) ADMINISTRATION OF TRIBAL SHARES.—The tribal shares referred to in subparagraph (A) shall be provided without regard to the agency or office of the Department within which the program, service, function, or activity (or portion thereof) is performed.

''(C) FLEXIBLE AND INNOVATIVE FINANCING.—

''(i) IN GENERAL.—A funding agreement entered into with an Indian tribe under paragraph (1) shall include provisions pertaining to flexible and innovative financing if agreed upon by the parties.

''(ii) TERMS AND CONDITIONS.—

''(I) AUTHORITY TO ISSUE REGULATIONS.—The Secretary may issue regulations to 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 subclause (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)(7); 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.

''(3) TERMS.—A funding agreement shall set forth—

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

''(B) for items identified in subparagraph (A)—

''(i) the general budget category assigned;

''(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

''(v) any other provision agreed to by the Indian tribe and the Secretary.

''(4) SUBSEQUENT FUNDING AGREEMENTS.—

''(A) APPLICABILITY OF EXISTING AGREEMENT.—Absent notification from an Indian tribe that the Indian tribe is withdrawing from or retroceding the operation of 1 or more programs, services, functions, or activities (or portions thereof) identified in a funding agreement, or unless otherwise agreed to by the parties, each funding agreement shall remain in full force and effect until a subsequent funding agreement is executed.

''(B) EFFECTIVE DATE OF SUBSEQUENT AGREEMENT.—The terms of the subsequent funding agreement shall be retroactive to the end of the term of the preceding funding agreement.

''(5) CONSENT OF INDIAN TRIBE REQUIRED.—The Secretary shall not revise, amend, or require additional terms in a new or subsequent funding agreement without the consent of the Indian tribe that is subject to the agreement unless such terms are required by Federal law.

''(e) GENERAL PROVISIONS.—

''(1) REDESIGN AND CONSOLIDATION.—

''(A) IN GENERAL.—An Indian tribe, in any manner that the Indian tribe considers to be in 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;

''(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 receives a discretionary or competitive grant from the Secretary or receives State apportioned funds, the Indian tribe shall use the funds for the purpose for which the funds were originally authorized.

''(2) RETROCESSION.—

''(A) IN GENERAL.—

''(i) 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 a compact or funding agreement.

''(ii) REASSUMPTION OF REMAINING FUNDS.—Following a retrocession described in clause (i), the Secretary may—

''(I) reassume the remaining funding associated with the retroceded programs, functions, services, 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.

''(iii) 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, functions, services, or activities (or portions thereof).

''(B) EFFECTIVE DATE.—Unless the Indian tribe rescinds a request for retrocession, the retrocession shall become effective within the timeframe 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—

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

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

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

''(f) PROVISIONS RELATING TO SECRETARY.—

''(1) DECISIONMAKER.—A decision that relates to an appeal of the rejection of a final offer by the Department shall be made either—

''(A) by an official of the Department who holds a position at a higher organizational level within the Department than the level of the departmental agency in which the decision that is the subject of the appeal was made; or

''(B) by an administrative judge.

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

''(A) AUTHORITY TO TERMINATE.—

''(i) 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—

''(I) terminate the compact or funding agreement (or a portion thereof); and

''(II) reassume the remaining funding associated with the reassumed programs, functions, services, and activities included in the compact or funding agreement.

''(ii) TRANSFERS OF FUNDS.—Out of any funds reassumed under clause (i)(II), the Secretary may transfer the funds associated with Department of the Interior programs, functions, services, and activities (or portions thereof) to the Secretary of the Interior to provide continued transportation services in accordance with applicable law.

''(B) FINDINGS RESULTING IN TERMINATION.—The finding referred to in subparagraph (A) is a specific finding of—

''(i) imminent jeopardy to a trust asset, natural resources, or public health and safety that is caused by an act or omission of the Indian tribe and that arises out of a failure to carry out the compact or funding agreement, as determined by the Secretary; or

''(ii) gross mismanagement with respect to funds or programs transferred to the Indian tribe under the compact or funding agreement, as determined by the Secretary in consultation with the Inspector General of the Department, as appropriate.

''(C) PROHIBITION.—The Secretary shall not terminate a compact or funding agreement (or portion thereof) unless—

''(i) the Secretary has first provided written notice and a hearing on the record to the Indian tribe that is subject to the compact or funding agreement; and

''(ii) the Indian tribe has not taken corrective action to remedy the mismanagement of funds or programs or the imminent jeopardy to a trust asset, natural resource, or public health and safety.

''(D) EXCEPTION.—

''(i) IN GENERAL.—Notwithstanding subparagraph (C), the Secretary, upon written notification to an Indian tribe that is subject to a compact or funding agreement, may immediately terminate the compact or funding agreement (or portion thereof) if—

''(I) the Secretary makes a finding of imminent substantial and irreparable jeopardy to a trust asset, natural resource, or public health and safety; and

''(II) the jeopardy arises out of a failure to carry out the compact or funding agreement.

''(ii) HEARINGS.—If the Secretary terminates a compact or funding agreement (or portion thereof) under clause (i), the Secretary shall provide the Indian tribe subject to the compact or agreement with a hearing on the record not later than 10 days after the date of such termination.

''(E) BURDEN OF PROOF.—In any hearing or appeal involving a decision to terminate a compact or funding agreement (or portion thereof) under this paragraph, the Secretary shall have the burden of proof in demonstrating by clear and convincing evidence the validity of the grounds for the termination.

''(g) COST PRINCIPLES.—In administering funds received under this section, an Indian tribe shall apply cost principles under the applicable Office of Management and Budget circular, except as modified by section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j–1), other provisions of law, or by any exemptions to applicable Office of Management and Budget circulars subsequently granted by the Office of Management and Budget. No other audit or accounting standards shall be required by the Secretary. Any claim by the Federal Government against the Indian tribe relating to funds received under a funding agreement based on any audit conducted pursuant to this subsection shall be subject to the provisions of section 106(f) of that Act (25 U.S.C. 450j–1(f)).

''(h) TRANSFER OF FUNDS.—The Secretary shall provide funds to an Indian tribe under a funding agreement in an amount equal to—

''(1) the sum of the funding that the Indian tribe would otherwise receive for the program, function, service, or activity in accordance with a funding formula or other allocation method established under this title or chapter 53 of title 49; and

''(2) such additional amounts as the Secretary determines equal the amounts that would have been withheld for the costs of the Bureau of Indian Affairs for administration of the program or project.

''(i) CONSTRUCTION PROGRAMS.—

''(1) STANDARDS.—Construction projects carried out under programs administered by an Indian tribe with funds transferred to the Indian tribe pursuant to a funding agreement entered into under this section shall be constructed pursuant to the construction program standards set forth in applicable regulations or as specifically approved by the Secretary (or the Secretary's designee).

''(2) MONITORING.—Construction programs shall be monitored by the Secretary in accordance with applicable regulations.

''(j) FACILITATION.—

''(1) SECRETARIAL INTERPRETATION.—Except as otherwise provided by law, the Secretary shall interpret all Federal laws, Executive orders, and regulations in a manner that will facilitate—

''(A) the inclusion of programs, services, functions, and activities (or portions thereof) and funds associated therewith, in compacts and funding agreements; and

''(B) the implementation of the compacts and funding agreements.

''(2) REGULATION WAIVER.—

''(A) IN GENERAL.—An Indian tribe may submit to the Secretary a written request to waive application of a regulation promulgated under this section with respect to a compact or funding agreement. The request shall identify the regulation sought to be waived and the basis for the request.

''(B) APPROVALS AND DENIALS.—

''(i) IN GENERAL.—Not later than 90 days after the date of receipt of a written request under subparagraph (A), the Secretary shall approve or deny the request in writing.

''(ii) REVIEW.—The Secretary shall review any application by an Indian tribe for a waiver bearing in mind increasing opportunities for using flexible policy approaches at the Indian tribal level.

''(iii) DEEMED APPROVAL.—If the Secretary does not approve or deny a request submitted under subparagraph (A) on or before the last day of the 90-day period referred to in clause (i), the request shall be deemed approved.

''(iv) DENIALS.—If the application for a waiver is not granted, the agency shall provide the applicant with the reasons for the denial as part of the written response required in clause (i).

''(v) FINALITY OF DECISIONS.—A decision by the Secretary under this subparagraph shall be final for the Department.

''(k) DISCLAIMERS.—

''(1) EXISTING AUTHORITY.—Notwithstanding any other provision of law, upon the election of an Indian tribe, the Secretary shall—

''(A) maintain current tribal transportation program funding agreements and program agreements; or

''(B) enter into new agreements under the authority of section 202(b)(7).

''(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed to impair or diminish the authority of the Secretary under section 202(b)(7).

''(l) 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 Secretary of Health and Human Services in such provisions shall be treated as a reference to the Secretary of Transportation):

''(1) Subsections (a), (b), (d), (g), and (h) of section 506 of such Act (25 U.S.C. 458aaa–5), relating to general provisions.

''(2) Subsections (b) through (e) and (g) of section 507 of such Act (25 U.S.C.458aaa–6), relating to provisions relating to the Secretary of Health and Human Services.

''(3) Subsections (a), (b), (d), (e), (g), (h), (i), and (k) of section 508 of such Act (25 U.S.C. 458aaa–7), relating to transfer of funds.

''(4) Section 510 of such Act (25 U.S.C. 458aaa-9), relating to Federal procurement laws and regulations.

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

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

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

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

''(9) Section 518 of such Act (25 U.S.C. 458aaa–17), relating to appeals.

''(m) DEFINITIONS.—

''(1) IN GENERAL.—In this section, the following definitions 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 (c).

''(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 (d).

''(E) INDIAN TRIBE.—The term 'Indian tribe' means any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that is recognized as eligible for the special 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 under this section, the authorized Indian tribe, intertribal consortium, or tribal organization shall have the rights and responsibilities of the authorizing Indian tribe (except as otherwise 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 this section.

''(G) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''(H) TRANSPORTATION PROGRAMS.—The term 'transportation programs' means all programs administered or financed by the Department under this title and chapter 53 of title 49.

''(2) APPLICABILITY OF OTHER DEFINITIONS.—In this section, the definitions set forth in sections 4 and 505 of the Indian Self-Determination

and Education Assistance Act (25 U.S.C. 450b; 458aaa) apply, except as otherwise expressly provided in this section.

''(n) REGULATIONS.—

''(1) IN GENERAL.—

''(A) PROMULGATION.—Not later than 90 days after the date of enactment of the FAST Act, the Secretary shall initiate 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) PUBLICATION 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 such date of enactment.

''(C) EXPIRATION OF AUTHORITY.—The authority to promulgate regulations under subparagraph (A) shall expire 30 months after such date of enactment.

''(D) EXTENSION OF DEADLINES.—A deadline set forth in subparagraph (B) or (C) may be extended up to 180 days if the negotiated rulemaking committee referred to in paragraph (2) concludes that the committee cannot meet the deadline and the Secretary so notifies the appropriate committees of Congress.

''(2) COMMITTEE.—

''(A) IN GENERAL.—A negotiated rulemaking committee established pursuant to section 565 of title 5 to carry out this subsection shall have as its members only Federal and tribal government representatives, a majority of whom shall be nominated by and be representatives of Indian tribes with funding agreements under this title.

''(B) REQUIREMENTS.—The committee shall confer with, and accommodate participation by, representatives of Indian tribes, inter-tribal consortia, tribal organizations, and individual tribal members.

''(C) ADAPTATION OF PROCEDURES.—The Secretary shall adapt the negotiated rulemaking procedures to the unique context of self-governance and the government-to-government relationship between the United States and Indian tribes.

''(3) EFFECT.—The lack of promulgated regulations shall not limit the effect of this section.

''(4) EFFECT OF CIRCULARS, POLICIES, MANUALS, GUIDANCE, AND RULES.—Unless expressly agreed to by the participating Indian tribe in the compact or funding agreement, the participating Indian tribe shall not be subject to any agency circular, policy, manual, guidance, or rule adopted by the Department, except regulations promulgated under this section.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 2 of title 23, United States Code, is amended by inserting after the item relating to section 206 the following:

''207. Tribal transportation self-governance program.''.

SEC. 1122. STATE FLEXIBILITY FOR NATIONAL HIGHWAY SYSTEM MODIFICATIONS.

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

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

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

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

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

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

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

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

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

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

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

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

(2) the status of each request; and

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

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

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

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

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

(2) in clause (ii)—

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

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

(C) by adding at the end the following:

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

SEC. 1123. NATIONALLY SIGNIFICANT FEDERAL LANDS AND TRIBAL PROJECTS PROGRAM.

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

(b) ELIGIBLE APPLICANTS.—

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

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

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

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

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

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

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

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

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

(d) ELIGIBLE ACTIVITIES.—

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

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

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

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

(1) furthers the goals of the Department, including state of good repair, 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 pay the non-Federal 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 $100,000,000 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

SEC. 1201. METROPOLITAN TRANSPORTATION PLANNING.

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

(1) in subsection (a)(1)—

(A) by striking ''people and freight and'' and inserting ''people and freight,'' and

(B) by inserting ''and take into consideration resiliency needs'' after ''urbanized areas,'';

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

(3) in subsection (d)—

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

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

''(3) REPRESENTATION.—

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

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

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

(C) in paragraph (5) as so redesignated by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

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

(5) in subsection (g)(3)(A) by inserting ''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;

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

(iii) by adding at the end the following:

''(I) improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation; and

''(J) enhance travel and tourism.''; and

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

(7) in subsection (i)—

(A) in paragraph (2)—

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

(ii) in subparagraph (G)—

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

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

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

(B) in paragraph (6)(A)—

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

(ii) by inserting ''(including intercity bus operators, 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 (8) by striking ''paragraph (2)(C)'' and inserting ''paragraph (2)(E)'' each place it appears;

(8) in subsection (k)(3)—

(A) in subparagraph (A) 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), job access projects,'' after ''reduction''; and

(B) by adding at the end the following:

''(C) CONGESTION MANAGEMENT PLAN.—A metropolitan planning organization serving a 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 transportation 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 proposed projects and programs to reduce congestion and increase job access opportunities.

''(D) PARTICIPATION.—In developing the plan under subparagraph (C), a metropolitan planning organization shall consult with employers, private and nonprofit providers of public transportation, transportation management organizations, and organizations that provide job access reverse commute projects or job-related services to low-income individuals.'';

(9) in subsection (l)—

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

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

(10) in subsection (n)(1) by inserting ''49'' after ''chapter 53 of title'';

(11) in subsection (p) by striking ''Funds set aside under section 104(f)'' and inserting ''Funds apportioned under paragraphs (5)(D) and (6) of section 104(b)''; and

(12) by adding at the end the following:

''(r) BI-STATE METROPOLITAN PLANNING ORGANIZATION.—

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

''(2) TREATMENT.—For the purpose of this title, the Bi-State MPO Region shall be treated as—

''(A) a metropolitan planning organization;

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

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

''(3) SUBALLOCATED FUNDING.—

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

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

''(ii) decrease the amount under section 133(d)(1)(A)(iii) by the population specified in paragraph (2) of this subsection for the Bi-State MPO Region in that State; and

''(iii) increase the amount under section 133(d)(1)(A)(i) by the population specified in paragraph (2) of this subsection for the Bi-State MPO Region in that State.

''(B) STBGP SET ASIDE.—In determining the amounts under paragraph (2) of section 133(h) that shall be obligated for a fiscal year in the States of California and Nevada, the Secretary shall, for the purpose of that subsection, calculate the populations for each of those States in a manner consistent with subparagraph (A).''.

SEC. 1202. STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.

Section 135 of title 23, United States Code, is amended—

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

(2) in subsection (d)—

(A) in paragraph (1)—

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

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

(iii) by adding at the end the following:

''(I) improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation; and

''(J) enhance travel and tourism.''; and

(B) in paragraph (2)—

(i) in subparagraph (A) by striking ''and in section 5301(c) of title 49'' and inserting ''and the general purposes described in section 5301 of title 49'';

(ii) in subparagraph (B)(ii) by striking ''urbanized''; and

(iii) in subparagraph (C) by striking ''urbanized'';

(3) in subsection (f)—

(A) in paragraph (3)(A)(ii)—

(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

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

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

(4) in subsection (g)(3)—

(A) by inserting ''public ports,'' before ''freight shippers''; and

(B) by inserting ''(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 306108 of title 54, including implementing regulations; and

''(B) not later than 90 days after the date of enactment of this subsection, coordinate with the Secretary of the Interior and the Executive Director of the Advisory Council on Historic Preservation (referred to in this subsection as the 'Council') to establish procedures to satisfy the requirements described in subparagraph (A) (including regulations).

''(2) AVOIDANCE ALTERNATIVE ANALYSIS.—

''(A) IN GENERAL.—If, in an analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 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;

''(II) the Council, if the Council is participating in the consultation process under section 306108 of title 54; and

''(III) the Secretary of the Interior; and

''(iii) request from the applicable preservation officer, the Council, and the Secretary of the Interior a concurrence that the determination is sufficient to satisfy subsection (a)(1).

''(B) CONCURRENCE.—If the applicable preservation officer, the Council, and the Secretary of the Interior each provide a concurrence requested under subparagraph (A)(iii), no further analysis under subsection (a)(1) shall be required.

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

''(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 Secretary, the applicable preservation officer, the Council, and the Secretary of the Interior concur that no feasible and prudent alternative exists as described in paragraph (2), the Secretary may provide to the applicable preservation officer, the Council, and the Secretary of the Interior notice of the intent of the Secretary to satisfy subsection (a)(2) through the consultation requirements of section 306108 of title 54.

''(B) SATISFACTION OF CONDITIONS.—To satisfy subsection (a)(2), each individual described in paragraph (2)(A)(ii) shall concur in the treatment of the applicable historic site described in the memorandum of agreement or programmatic agreement developed under section 306108 of title 54.''.

(b) PUBLIC TRANSPORTATION.—Section 303 of title 49, United States Code, is amended by adding at the end the following:

''(e) SATISFACTION OF REQUIREMENTS FOR CERTAIN HISTORIC SITES.—

''(1) IN GENERAL.—The Secretary shall—

''(A) align, to the maximum extent practicable, the requirements of this section with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and section 306108 of title 54, including implementing regulations; and

''(B) not later than 90 days after the date of enactment of this subsection, coordinate with the Secretary of the Interior and the Executive Director of the Advisory Council on Historic Preservation (referred to in this subsection as the 'Council') to establish procedures to satisfy the requirements described in subparagraph (A) (including regulations).

''(2) AVOIDANCE ALTERNATIVE ANALYSIS.—

''(A) IN GENERAL.—If, in an analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 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;

''(II) the Council, if the Council is participating in the consultation process under section 306108 of title 54; and

''(III) the Secretary of the Interior; and

''(iii) request from the applicable preservation officer, the Council, and the Secretary of the Interior a concurrence that the determination is sufficient to satisfy subsection (c)(1).

''(B) CONCURRENCE.—If the applicable preservation officer, the Council, and the Secretary of the Interior each provide a concurrence requested under subparagraph (A)(iii), no further analysis under subsection (c)(1) 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 Secretary, the applicable preservation officer, the Council, and the Secretary of the Interior concur that no feasible and prudent alternative exists as described in paragraph (2), the Secretary may provide to the applicable preservation officer, the Council, and the Secretary of the Interior notice of the intent of the Secretary to satisfy subsection (c)(2) through the consultation requirements of section 306108 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 306108 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:

''(d) 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 89–670; 80 Stat. 934) as in effect before the repeal of that section).

''(2) SECTION 106 REQUIREMENTS.—The requirements of section 306108 of title 54 are commonly referred to as section 106 requirements (see section 106 of the National Historic Preservation Act of 1966 (Public Law 89–665; 80 Stat. 917) 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:

''(f) 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 89–670; 80 Stat. 934) as in effect before the repeal of that section).

''(2) SECTION 106 REQUIREMENTS.—The requirements of section 306108 of title 54 are commonly referred to as section 106 requirements (see section 106 of the National Historic Preservation Act of 1966 (Public Law 89–665; 80 Stat. 917) as in effect before the repeal of that section).''.

SEC. 1303. TREATMENT OF CERTAIN BRIDGES UNDER PRESERVATION REQUIREMENTS.

(a) PRESERVATION OF PARKLANDS.—Section 138 of title 23, United States Code, as amended by section 1302, is amended by adding at the end the following:

''(e) BRIDGE EXEMPTION FROM CONSIDERATION.—A common post-1945 concrete or steel bridge or culvert (as described in 77 Fed. Reg. 68790) that is exempt from individual review under section 306108 of title 54 shall be exempt from consideration under this section.''.

(b) POLICY ON LANDS, WILDLIFE AND WATERFOWL REFUGES, AND HISTORIC SITES.—Section 303 of title 49, United States Code, as amended by section 1302, is amended by adding at the end the following:

''(g) BRIDGE EXEMPTION FROM CONSIDERATION.—A common post-1945 concrete or steel bridge or culvert (as described in 77 Fed. Reg. 68790) that is exempt from individual review under section 306108 of title 54 shall be exempt from consideration under this section.''.

SEC. 1304. EFFICIENT ENVIRONMENTAL REVIEWS FOR PROJECT DECISIONMAKING.

(a) DEFINITIONS.—Section 139(a) of title 23, United States Code, is amended—

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

''(5) MULTIMODAL PROJECT.—The term 'multimodal project' means a project that requires the approval of more than 1 Department of Transportation operating administration or secretarial office.''; and

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

''(6) PROJECT.—

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

(b) APPLICABILITY.—Section 139(b)(3) of title 23, United States Code, is amended—

(1) in subparagraph (A) in the matter preceding clause (i) by striking ''initiate a rulemaking to''; and

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

''(B) REQUIREMENTS.—In carrying 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;

''(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; and

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

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

(1) in paragraph (1)(A) by inserting '', or an operating administration thereof designated by the Secretary,'' after ''Department of Transportation''; and

(2) in paragraph (6)—

(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:

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

(d) PARTICIPATING AGENCIES.—

(1) INVITATION.—Section 139(d)(2) of title 23, United States Code, is amended by striking ''The lead agency shall identify, as early as practicable in the environmental review process for a project,'' and inserting ''Not later than 45 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 shall identify''.

(2) SINGLE NEPA DOCUMENT.—Section 139(d) of title 23, United States Code, is amended by adding at the end the following:

''(8) SINGLE NEPA DOCUMENT.—

''(A) IN GENERAL.—Except as inconsistent with paragraph (7), to the maximum extent practicable and consistent with Federal law, all Federal permits and reviews for a project shall rely on a single environment document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) under the leadership of the lead agency.

''(B) USE OF DOCUMENT.—

''(i) IN GENERAL.—To the maximum extent practicable, the lead agency shall develop an environmental document sufficient to satisfy the requirements for any Federal approval or other Federal action required for the project, including permits issued by other Federal agencies.

''(ii) COOPERATION OF PARTICIPATING AGENCIES.—Other participating agencies shall cooperate with the lead agency and provide timely information to help the lead agency carry out this subparagraph.

''(C) TREATMENT AS PARTICIPATING AND COOPERATING AGENCIES.—A Federal agency required to make an approval or take an action for a project, as described in subparagraph (B), shall work with the lead agency for the project to ensure that the agency making the approval or taking the action is treated as being both a participating and cooperating agency for the project.

''(9) PARTICIPATING AGENCY RESPONSIBILITIES.—An agency participating in the environmental review process under this section shall—

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

''(B) use the process to address any environmental issues of concern to the agency.''.

(e) PROJECT INITIATION.—Section 139(e) of title 23, United States Code, is amended—

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

(2) by adding at the end the following:

''(3) REVIEW OF APPLICATION.—Not later than 45 days after the date on which the Secretary receives notification under paragraph (1), the Secretary shall provide to the project sponsor a written response that, as applicable—

''(A) describes the determination of the Secretary—

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

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

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

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

''(A) IN GENERAL.—Any project sponsor may submit to the Secretary a request to designate the operating administration or secretarial office within the Department of Transportation with the expertise on the proposed project to serve as the Federal lead agency for the project.

''(B) SECRETARIAL ACTION.—

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

''(ii) REQUIREMENTS.—The response under clause (i) shall—

''(I) approve the request;

''(II) deny the request, with an explanation of the reasons for the denial; or

''(III) require the submission of additional information.

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

''(5) ENVIRONMENTAL CHECKLIST.—

''(A) DEVELOPMENT.—The lead agency for a project, in consultation with participating agencies, shall develop, as appropriate, a checklist to help project sponsors identify potential natural, cultural, and historic resources in the area of the project.

''(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 develop the information needed to determine the range of alternatives; and

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

(f) PURPOSE AND NEED.—Section 139(f) of title 23, United States Code, is amended—

(1) in the subsection heading by inserting ''; ALTERNATIVES ANALYSIS'' after ''NEED''; and

(2) in paragraph (4)—

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

''(A) PARTICIPATION.—

''(i) IN GENERAL.—As early as practicable during the environmental review process, the lead agency shall provide an opportunity for involvement by participating agencies and the public in determining the range of alternatives to be considered for a project.

''(ii) COMMENTS OF PARTICIPATING AGENCIES.—To the maximum extent practicable and consistent with applicable law, each participating agency receiving an opportunity for involvement under clause (i) shall limit the comments of the agency to subject matter areas within the special expertise or jurisdiction of the agency.

''(iii) EFFECT OF NONPARTICIPATION.—A participating agency that declines to participate in the development of the purpose and need and range of alternatives for a project shall be required to comply with the schedule developed under subsection (g)(1)(B).'';

(B) in subparagraph (B)—

(i) by striking ''Following participation under paragraph (1)'' and inserting the following:

''(i) DETERMINATION.—Following participation under subparagraph (A)''; and

(ii) by adding at the end the following:

''(ii) USE.—To the maximum extent practicable and consistent with Federal law, the range of alternatives determined for a project under clause (i) shall be used for all Federal environmental reviews and permit processes required for the project unless the alternatives must be modified—

''(I) to address significant new information or circumstances, and the lead agency and participating agencies agree that the alternatives must be modified to address the new information or circumstances; or

''(II) for the lead agency or a participating agency to fulfill the responsibilities of the agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in a timely manner.''; and

(C) by adding at the end the following:

''(E) REDUCTION OF DUPLICATION.—

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

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

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

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

''(I) the alternative was considered in a metropolitan planning process or a State environmental review process by a metropolitan planning organization or a State or local transportation agency, as applicable;

''(II) the lead agency provided guidance to the metropolitan planning organization or State or local transportation agency, as applicable, regarding analysis of alternatives in the metropolitan planning process or State environmental review process, including guidance on the requirements 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;

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

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

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

''(VI) the Federal lead agency determined—

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

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

(g) COORDINATION AND SCHEDULING.—

(1) COORDINATION PLAN.—Section 139(g)(1) of title 23, United States Code, is amended—

(A) in subparagraph (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) in subparagraph (B)(i) by striking ''may establish as part of the coordination plan'' and inserting ''shall establish as part of such coordination plan''.

(2) DEADLINES FOR DECISIONS UNDER OTHER LAWS.—Section 139(g)(3) 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) ISSUE IDENTIFICATION AND RESOLUTION.—

(1) 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 (3) the following:

''(4) 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 (as redesignated by paragraph (1)(A)), is amended by striking ''paragraph (5) and'' and inserting ''paragraph (6)''.

(3) FINANCIAL PENALTY PROVISIONS.—Section 139(h)(7)(B) of title 23, United States Code (as redesignated by paragraph (1)(A)), is amended—

(A) in clause (i)(I) by striking ''under section 106(i) is required'' and inserting ''is required under subsection (h) or (i) of section 106''; and

(B) by striking clause (ii) and inserting the following:

''(ii) DESCRIPTION OF DATE.—The date referred to in clause (i) is—

''(I) the date that is 30 days after the date for rendering a decision as described in the project

schedule established pursuant to subsection (g)(1)(B);

''(II) if no schedule exists, the later of—

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

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

''(III) a modified date in accordance with subsection (g)(1)(D).''.

(i) ASSISTANCE TO 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:

''(1) IN GENERAL.—

''(A) AUTHORITY TO PROVIDE FUNDS.—The Secretary may allow a public entity receiving financial assistance from the Department of Transportation under this title or chapter 53 of title 49 to provide funds to Federal agencies (including the Department), State agencies, and Indian tribes participating in the environmental review process for the project or program.

''(B) USE OF FUNDS.—Funds referred to in subparagraph (A) may be provided only to support activities that directly and meaningfully contribute to expediting and improving permitting and review processes, including planning, approval, and consultation processes for the project or program.''.

(2) ACTIVITIES ELIGIBLE FOR FUNDING.—Section 139(j)(2) of title 23, United States Code, is amended by inserting ''activities directly related to the environmental review process,'' before ''dedicated staffing,''.

(3) AGREEMENT.—Section 139(j) of title 23, United States Code, is amended by striking paragraph (6) and inserting the following:

''(6) AGREEMENT.—Prior to providing funds approved by the Secretary for dedicated staffing at an affected agency under paragraphs (1) and (2), the affected agency and the requesting public entity shall enter into an agreement that establishes the projects and priorities to be addressed by the use of the funds.''.

(j) ACCELERATED DECISIONMAKING; IMPROVING TRANSPARENCY IN ENVIRONMENTAL REVIEWS.—

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

''(n) ACCELERATED DECISIONMAKING IN ENVIRONMENTAL REVIEWS.—

''(1) IN GENERAL.—In preparing a final environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if the lead agency modifies the statement in response to comments that are minor and are confined to factual corrections or explanations 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—

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

''(B) if appropriate, 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, unless—

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

''(B) there is a significant new circumstance or information relevant to environmental concerns that bears on the proposed action or the impacts of the proposed action.

''(o) IMPROVING TRANSPARENCY IN ENVIRONMENTAL REVIEWS.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of this subsection, the Secretary shall—

''(A) use the searchable Internet website maintained under section 41003(b) of the FAST Act—

''(i) to make publicly available the status and progress of projects requiring an environmental assessment or an environmental impact statement with respect to compliance with applicable requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other Federal, State, or local approval required for those projects; and

''(ii) to make publicly available the names of participating agencies not participating in the development of a project purpose and need and range of alternatives under subsection (f); and

''(B) issue reporting standards to meet the requirements of subparagraph (A).

''(2) FEDERAL, STATE, AND LOCAL AGENCY PARTICIPATION.—

''(A) FEDERAL AGENCIES.—A Federal agency participating in the environmental review or permitting process for a project shall provide to the Secretary information regarding the status and progress of the approval of the project for publication on the Internet website referred to in paragraph (1)(A), consistent with the standards established under paragraph (1)(B).

''(B) STATE AND LOCAL AGENCIES.—The Secretary shall encourage State and local agencies participating in the environmental review permitting process for a project to provide information regarding the status and progress of the approval of the project for publication on the Internet website referred to in paragraph (1)(A).

''(3) STATES WITH DELEGATED AUTHORITY.—A State with delegated authority for responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) pursuant to section 327 shall be responsible for supplying to the Secretary project development and compliance status for all applicable projects.''.

(2) CONFORMING AMENDMENT.—Section 1319 of MAP–21 (42 U.S.C. 4332a), and the item relating to that section in the table of contents contained in section 1(c) of that Act, are repealed.

(k) IMPLEMENTATION OF PROGRAMMATIC COMPLIANCE.—

(1) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete a rulemaking to implement the provisions of section 139(b)(3) of title 23, United States Code, as amended by this section.

(2) CONSULTATION.—Before initiating the rulemaking under paragraph (1), the Secretary shall consult with relevant Federal agencies, relevant State resource agencies, State departments of transportation, Indian tribes, and the public on the appropriate use and scope of the programmatic approaches.

(3) REQUIREMENTS.—In carrying out this subsection, the Secretary shall ensure that the rulemaking meets the requirements of section 139(b)(3)(B) of title 23, United States Code, as amended by this section.

(4) COMMENT PERIOD.—The Secretary shall—

(A) allow not fewer than 60 days for public notice and comment on the proposed rule; and

(B) address any comments received under this subsection.

SEC. 1305. INTEGRATION OF PLANNING AND ENVIRONMENTAL REVIEW.

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

''§ 168. Integration of planning and environmental review

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

''(1) ENVIRONMENTAL REVIEW PROCESS.—The term 'environmental review process' has the meaning given the term in section 139(a).

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

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

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

''(5) PROJECT SPONSOR.—The term 'project sponsor' has the meaning given the term in section 139(a).

''(6) RELEVANT AGENCY.—The term 'relevant agency' means the agency with authority under subparagraph (A) or (B) of subsection (b)(1).

''(b) ADOPTION OR INCORPORATION BY REFERENCE OF PLANNING PRODUCTS FOR USE IN NEPA PROCEEDINGS.—

''(1) IN GENERAL.—Subject to subsection (d) and to the maximum extent practicable and appropriate, the following agencies may adopt or incorporate by reference and use a planning product in proceedings relating to any class of action in the environmental review process of the project:

''(A) The lead agency for a project, with respect to an environmental impact statement, environmental assessment, categorical exclusion, or other document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(B) The cooperating agency with responsibility under Federal law, with respect to the process for and completion of any environmental permit, approval, review, or study required for a project under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if consistent with that law.

''(2) IDENTIFICATION.—If the relevant agency makes a determination to adopt or incorporate by reference and use a planning product, the relevant agency shall identify the agencies that participated in the development of the planning products.

''(3) ADOPTION OR INCORPORATION BY REFERENCE OF PLANNING PRODUCTS.—The relevant agency may—

''(A) adopt or incorporate by reference an entire planning product under paragraph (1); or

''(B) select portions of a planning project under paragraph (1) for adoption or incorporation by reference.

''(4) TIMING.—A determination under paragraph (1) with respect to the adoption or incorporation by reference of a planning product may—

''(A) be made at the time the relevant agencies decide the appropriate scope of environmental review for the project; or

''(B) occur later in the environmental review process, as appropriate.

''(c) APPLICABILITY.—

''(1) PLANNING DECISIONS.—The relevant agency in the environmental review process may adopt or incorporate by reference decisions from a planning product, including—

''(A) whether tolling, private financial assistance, or other special financial measures are necessary to implement the project;

''(B) a decision with respect to general travel corridor or modal choice, including a decision to implement corridor or subarea study recommendations to advance different modal solutions as separate projects with independent utility;

''(C) the purpose and the need for the proposed action;

''(D) preliminary screening of alternatives and elimination of unreasonable alternatives;

''(E) a basic description of the environmental setting;

''(F) a decision with respect to methodologies for analysis; and

''(G) an identification of programmatic level mitigation for potential impacts of a project, including a programmatic mitigation plan developed in accordance with section 169, that the relevant agency determines are more effectively addressed on a national or regional scale, including—

''(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 water resources; and

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

''(2) PLANNING ANALYSES.—The relevant agency in the environmental review process may adopt or incorporate by reference analyses from a planning product, including—

''(A) travel demands;

''(B) regional development and growth;

''(C) local land use, growth management, and development;

''(D) population and employment;

''(E) natural and built environmental conditions;

''(F) environmental resources and environmentally sensitive areas;

''(G) potential environmental effects, including the identification of resources of concern and potential direct, indirect, and cumulative effects on those resources; and

''(H) mitigation needs for a proposed project, or for programmatic level mitigation, for potential effects that the lead agency determines are most effectively addressed at a regional or national program level.

''(d) CONDITIONS.—The relevant agency in the environmental review process may adopt or incorporate by reference a planning product under this section if the relevant agency determines, with the concurrence of the lead agency and, if the planning product is necessary for a cooperating agency to issue a permit, review, or approval for the project, with the concurrence of the cooperating agency, that the following conditions have been met:

''(1) The planning product was developed through a planning process conducted pursuant to applicable Federal law.

''(2) The planning product was developed in consultation with appropriate Federal and State resource agencies and Indian tribes.

''(3) The planning process included broad multidisciplinary consideration of systems-level or corridor-wide transportation needs and potential effects, including effects on the human and natural environment.

''(4) The planning process included public notice that the planning products produced in the planning process may be adopted during a subsequent environmental review process in accordance with this section.

''(5) During the environmental review process, the relevant agency has—

''(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;

''(B) provided notice of the intention of the relevant agency to adopt or incorporate by reference the planning product; and

''(C) considered any resulting comments.

''(6) There is no significant new information or new circumstance that has a reasonable likelihood of affecting the continued validity or appropriateness of the planning product.

''(7) The planning product has a rational basis and is based on reliable and reasonably current data and reasonable and scientifically acceptable methodologies.

''(8) The planning product is documented in sufficient detail to support the decision or the results of the analysis and to meet requirements for use of the information in the environmental review process.

''(9) The planning product is appropriate for adoption or incorporation by reference and use in the environmental review process for the project and is incorporated in accordance with, and is sufficient to meet the requirements of, the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and section 1502.21 of title 40, Code of Federal Regulations (as in effect on the date of enactment of the FAST Act).

''(10) The planning product was approved within the 5-year period ending on the date on which the information is adopted or incorporated by reference.

''(e) EFFECT OF ADOPTION OR INCORPORATION BY REFERENCE.—Any planning product adopted or incorporated by reference by the relevant agency in accordance with this section may be—

''(1) incorporated directly into an environmental review process document or other environmental document; and

''(2) relied on and used by other Federal agencies in carrying out reviews of the project.

''(f) RULES OF CONSTRUCTION.—

''(1) IN GENERAL.—This section does not make the environmental review process applicable to the transportation planning process conducted under this title and chapter 53 of title 49.

''(2) TRANSPORTATION PLANNING ACTIVITIES.—Initiation of the environmental review process as a part of, or concurrently with, transportation planning activities does not subject transportation plans and programs to the environmental review process.

''(3) PLANNING PRODUCTS.—This section does not affect the use of planning products in the environmental review process pursuant to other authorities under any other provision of law or restrict the initiation of the environmental review process during planning.''.

SEC. 1306. DEVELOPMENT OF PROGRAMMATIC MITIGATION PLANS.

Section 169(f) of title 23, United States Code, is amended—

(1) by striking ''may use'' and inserting ''shall give substantial weight to''; and

(2) by inserting ''or other Federal environmental law'' before the period at the end.

SEC. 1307. TECHNICAL ASSISTANCE FOR STATES.

Section 326 of title 23, United States Code, is amended—

(1) in subsection (c)—

(A) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(B) by inserting after paragraph (1) the following:

''(2) ASSISTANCE TO STATES.—On request of a Governor of a State, the Secretary shall provide to the State technical assistance, training, or other support relating to—

''(A) assuming responsibility under subsection (a);

''(B) developing a memorandum of understanding under this subsection; or

''(C) addressing a responsibility in need of corrective action under subsection (d)(1)(B).''; and

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

''(1) TERMINATION BY SECRETARY.—The Secretary may terminate the participation of any State in the program if—

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

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

''(i) a notification of the determination of noncompliance;

''(ii) a period of not less than 120 days to take such corrective action as the Secretary determines to be necessary to comply with the applicable agreement; and

''(iii) on request of the Governor of the State, a detailed description of each responsibility in need of corrective action regarding an inadequacy identified under subparagraph (A); and

''(C) the State, after the notification and period described in clauses (i) and (ii) of subparagraph (B), fails to take satisfactory corrective action, as determined by the Secretary.''.

SEC. 1308. SURFACE TRANSPORTATION PROJECT DELIVERY PROGRAM.

Section 327 of title 23, United States Code, is amended—

(1) in subsection (a)(2)(B)(iii) by striking ''(42 U.S.C. 13 4321 et seq.)'' and inserting ''(42 U.S.C. 4321 et seq.)'';

(2) in subsection (c)(4) by inserting ''reasonably'' before ''considers necessary'';

(3) in subsection (e) by inserting ''and without further approval of'' after ''in lieu of'';

(4) in subsection (g)—

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

''(1) IN GENERAL.—To ensure compliance by a State with any agreement of the State under subsection (c) (including compliance by the State with all Federal laws for which responsibility is assumed under subsection (a)(2)), for each State participating in the program under this section, the Secretary shall—

''(A) not later than 180 days after the date of execution of the agreement, meet with the State to review implementation of the agreement and discuss plans for the first annual audit;

''(B) conduct annual audits during each of the first 4 years of State participation; and

''(C) ensure that the time period for completing an annual audit, from initiation to completion (including public comment and responses to those comments), does not exceed 180 days.''; and

(B) by adding at the end the following:

''(3) AUDIT TEAM.—

''(A) IN GENERAL.—An audit conducted under paragraph (1) shall be carried out by an audit team determined by the Secretary, in consultation with the State, in accordance with subparagraph (B).

''(B) CONSULTATION.—Consultation with the State under subparagraph (A) shall include a reasonable opportunity for the State to review and provide comments on the proposed members of the audit team.'';

(5) in subsection (j) by striking paragraph (1) and inserting the following:

''(1) TERMINATION BY SECRETARY.—The Secretary may terminate the participation of any State in the program if—

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

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

''(i) a notification of the determination of noncompliance;

''(ii) a period of not less than 120 days to take such corrective action as the Secretary determines to be necessary to comply with the applicable agreement; and

''(iii) on request of the Governor of the State, a detailed description of each responsibility in need of corrective action regarding an inadequacy identified under subparagraph (A); and

''(C) the State, after the notification and period provided under subparagraph (B), fails to take satisfactory corrective action, as determined by the Secretary.''; and

(6) by adding at the end the following:

''(k) CAPACITY BUILDING.—The Secretary, in cooperation with representatives of State officials, may carry out education, training, peer-exchange, and other initiatives as appropriate—

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

''(2) to promote information sharing and collaboration among States that are participating in the assignment program under this section.

''(l) RELATIONSHIP TO LOCALLY ADMINISTERED PROJECTS.—A State granted authority under this section may, as appropriate and at the request of a local government—

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

''(2) provide guidance and training on consolidating 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 law.''.

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

(a) PURPOSE.—The purpose of this section is to eliminate duplication of environmental reviews and approvals under State laws and the

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

(b) IN GENERAL.—Chapter 3 of title 23, United States Code, is amended by adding at the end the following:

"§ 330. Program for eliminating duplication of environmental reviews

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall establish a pilot 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.

''(3) 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 139 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; and

''(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 139 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) 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 alternative 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; and

''(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);

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

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

''(4) 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);

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

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

''(7) evidence of having sought, received, and addressed comments on the proposed application from the public; and

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

''(c) REVIEW OF APPLICATION.—In accordance with subsection (d), the Secretary shall—

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

''(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.

''(d) 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);

''(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 552 of title 5, including providing that any decision regarding the public availability of a document under those State laws is reviewable 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 more 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 decision by the Secretary to approve or disapprove an application submitted under this section.

''(e) 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 State—

''(A) to meet the requirements of this section; or

''(B) to 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, a claim seeking judicial review of a permit, license, or approval issued by a State under this section shall be barred unless the claim is filed not later than 2 years after the date of publication in the Federal Register by the Secretary of a notice that the permit, license, or approval is final pursuant to the law under which the action is taken.

''(B) DEADLINES.—

''(i) NOTIFICATION.—The State shall notify the Secretary of the final action of the State not later than 10 days after the final action is taken.

''(ii) PUBLICATION.—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 clause (i).

''(C) SAVINGS PROVISION.—Nothing in this subsection creates a right to judicial review or places any limit on filing a claim that a person has violated the terms of a permit, license, or approval.

''(3) NEW INFORMATION.—

''(A) IN GENERAL.—A State shall consider new information received after the close of a comment period if the information satisfies the requirements for a supplemental environmental impact statement under section 771.130 of title 23, Code of Federal Regulations (or successor regulations).

''(B) TREATMENT OF FINAL AGENCY ACTION.—

''(i) IN GENERAL.—The final agency action that follows preparation of a supplemental environmental impact statement, if required, shall be considered a separate final agency action, and the deadline for filing a claim for judicial review of the action shall be 2 years after the date of publication in the Federal Register by the Secretary of a notice announcing such action.

''(ii) DEADLINES.—

''(I) NOTIFICATION.—The State shall notify the Secretary of the final action of the State not later than 10 days after the final action is taken.

''(II) PUBLICATION.—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 subclause (I).

''(f) ELECTION.—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.

''(g) 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 section shall adopt or 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.).

''(h) 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 that 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 State 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 State program, or both, meets the requirements of such Act or program.

''(i) REVIEW AND TERMINATION.—

''(1) IN GENERAL.—A State program approved under this section shall at all times be in accordance with the requirements of this section.

''(2) REVIEW.—The Secretary shall review each State program approved under this section not less than once every 5 years.

''(3) PUBLIC NOTICE AND COMMENT.—In conducting the review process under paragraph (2), the Secretary shall provide notice and an opportunity for public comment.

''(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 accordance with the requirements of this section, the Secretary shall so notify 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 (2), the Secretary may extend for an additional 5-year period or terminate the authority of a State under this section to substitute the laws and regulations of the State for the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(j) 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 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.

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

''(l) 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 section 139(a).

''(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 53 of subtitle III of title 49, or subtitle V of title 49; and

''(B) a multimodal project.''.

(c) RULEMAKING.—

(1) 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.

(2) 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;

(ii) provide opportunity for public participation and comment, including access to the documentation necessary to review the potential impact of a project; and

(iii) ensure a consistent review of projects that would otherwise have been covered under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) CLERICAL AMENDMENT.—The analysis for chapter 3 of title 23, United States Code, is amended by adding at the end the following:

''330. Program for eliminating duplication of environmental reviews.''.

SEC. 1310. APPLICATION OF CATEGORICAL EXCLUSIONS FOR MULTIMODAL PROJECTS.

Section 304 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''operating authority that'' and inserting ''operating administration or secretarial office that has expertise but''; and

(ii) by inserting ''proposed multimodal'' after ''with respect to a''; and

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

''(2) LEAD AUTHORITY.—The term 'lead authority' means a Department of Transportation operating administration or secretarial office that has the lead responsibility for compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to a proposed multimodal project.'';

(2) in subsection (b) by inserting ''or title 23'' after ''under this title'';

(3) by striking subsection (c) and inserting the following:

''(c) APPLICATION OF CATEGORICAL EXCLUSIONS FOR MULTIMODAL PROJECTS.—In considering the environmental impacts of a proposed 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—

''(1) the lead authority makes a determination, with the concurrence of the cooperating authority—

''(A) on the applicability of a categorical exclusion to a proposed multimodal project; and

''(B) that the project satisfies the conditions for a categorical exclusion under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and this section;

''(2) the lead authority follows the implementing regulations of the cooperating authority or procedures under that Act; and

''(3) the lead authority determines that—

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

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

(4) by striking subsection (d) and inserting the following:

''(d) COOPERATING AUTHORITY EXPERTISE.—A cooperating authority shall provide expertise to the lead authority on aspects of the multimodal project in which the cooperating authority has expertise.''.

SEC. 1311. ACCELERATED DECISIONMAKING IN ENVIRONMENTAL REVIEWS.

(a) IN GENERAL.—Title 49, United States Code, is amended by inserting after section 304 the following:

''§ 304a. Accelerated decisionmaking in environmental reviews

''(a) IN GENERAL.—In preparing a final environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if the lead agency modifies the statement in response to comments that are minor and are confined to factual corrections or explanations of why the comments do not warrant additional 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—

''(1) cite the sources, authorities, and reasons that support the position of the agency; and

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

''(b) 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, unless—

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

''(2) there is a significant new circumstance or information relevant to environmental concerns that bears on the proposed action or the impacts of the proposed action.

''(c) ADOPTION AND INCORPORATION BY REFERENCE OF DOCUMENTS.—

''(1) AVOIDING DUPLICATION.—To prevent duplication of analyses and support expeditious and efficient decisions, the operating administrations of the Department of Transportation shall use adoption and incorporation by reference in accordance with this subsection.

''(2) ADOPTION OF DOCUMENTS OF OTHER OPERATING ADMINISTRATIONS.—An operating administration or a secretarial office within the Department of Transportation may adopt a draft environmental impact statement, an environmental assessment, or a final environmental impact statement of another operating administration for the use of the adopting operating administration when preparing an environmental assessment or final environmental impact statement for a project without recirculating the document for public review, if—

''(A) the adopting operating administration certifies that the proposed action is substantially the same as the project considered in the document to be adopted;

''(B) the other operating administration concurs with such decision; and

''(C) such actions are consistent with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(3) INCORPORATION BY REFERENCE.—An operating administration or secretarial office within the Department of Transportation may incorporate by reference all or portions of a draft environmental impact statement, an environmental assessment, or a final environmental impact statement for the use of the adopting operating administration when preparing an environmental assessment or final environmental impact statement for a project if—

''(A) the incorporated material is cited in the environmental assessment or final environmental impact statement and the contents of the incorporated material are briefly described;

''(B) the incorporated material is reasonably available for inspection by potentially interested persons within the time allowed for review and comment; and

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

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 49, United States Code, is amended by inserting after the item relating to section 304 the following:

''304a. Accelerated decisionmaking in environmental reviews.''.

SEC. 1312. IMPROVING STATE AND FEDERAL AGENCY ENGAGEMENT IN ENVIRONMENTAL REVIEWS.

(a) IN GENERAL.—Title 49, United States Code, is amended by inserting after section 306 the following:

''§ 307. Improving State and Federal agency engagement in environmental reviews

''(a) IN GENERAL.—

''(1) REQUESTS TO PROVIDE FUNDS.—A public entity receiving financial assistance from the Department of Transportation for 1 or more projects, or for a program of projects, for a public purpose may request that the Secretary allow the public entity to provide funds to Federal agencies, including the Department, State agencies, and Indian tribes participating in the environmental planning and review process for the project, projects, or program.

''(2) USE OF FUNDS.—The funds may be provided only to support activities that directly and meaningfully contribute to expediting and improving permitting and review processes, including planning, approval, and consultation processes for the project, projects, or program.

''(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 environmental review process, activities directly related to the environmental review process, dedicated staffing, training of agency personnel, information gathering and mapping, and development of programmatic agreements.

''(c) AMOUNTS.—A request under subsection (a) may be approved only for the additional amounts that the Secretary determines are necessary for the Federal agencies, State agencies, or Indian tribes participating in the environmental review process to timely conduct the review.

''(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 requesting public entity shall enter into an agreement 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 ensure—

''(A) to the maximum extent practicable, that expediting and improving the process of environmental review and permitting through the use of funds accepted and expended 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 section;

''(B) that the use of funds accepted under this section will not impact impartial decisionmaking with respect to environmental reviews or 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 review or permits have been carried out using funds authorized under this section.

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

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 49, United States Code, is amended by inserting after the item relating to section 306 the following:

''307. Improving State and Federal agency engagement in environmental reviews.''.

SEC. 1313. ALIGNING FEDERAL ENVIRONMENTAL REVIEWS.

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

''§ 310. Aligning Federal environmental reviews

''(a) COORDINATED AND CONCURRENT ENVIRONMENTAL REVIEWS.—Not later than 1 year after the date of enactment of this section, the Department of Transportation, in coordination with the heads of Federal agencies likely to have substantive review or approval responsibilities under Federal law, shall develop a coordinated and concurrent environmental review and permitting process for transportation projects when initiating an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (in this section referred to as 'NEPA').

''(b) CONTENTS.—The coordinated and concurrent environmental review and permitting process developed under subsection (a) shall—

''(1) ensure that the Department of Transportation and agencies of jurisdiction possess sufficient information early in the review process to determine a statement of a transportation project's purpose and need and range of alternatives for analysis that the lead agency and agencies of jurisdiction will rely on for concurrent environmental reviews and permitting decisions required for the proposed project;

''(2) achieve early concurrence or issue resolution during the NEPA scoping process on the Department of Transportation's statement of a project's purpose and need, and during development of the environmental impact statement on the range of alternatives for analysis, that the lead agency and agencies of jurisdiction will rely on for concurrent environmental reviews and permitting decisions required for the proposed project absent circumstances that require reconsideration in order to meet an agency of jurisdiction's obligations under a statute or Executive 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 jurisdiction's obligations under a statute or Executive order.

''(c) ENVIRONMENTAL CHECKLIST.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary of Transportation and Federal agencies of jurisdiction likely to have substantive review or approval responsibilities on 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 cooperating 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 environmental statutes, the Secretary of Transportation shall facilitate annual interagency collaboration sessions at the appropriate jurisdictional level to coordinate business plans and facilitate coordination of workload planning and workforce management.

''(2) PURPOSE OF COLLABORATION SESSIONS.—The interagency collaboration sessions shall ensure that agency staff is—

''(A) fully engaged;

''(B) utilizing the flexibility of existing regulations, policies, and guidance; and

''(C) identifying additional actions to facilitate high quality, efficient, and targeted environmental reviews and permitting decisions.

''(3) FOCUS OF COLLABORATION SESSIONS.—The interagency collaboration sessions, and the interagency collaborations generated by the sessions, shall focus on methods to—

''(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 processes.

''(4) CONSULTATION.—The interagency collaboration 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 of Transportation, in coordination with relevant Federal agencies, 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 Commerce, Science, and Transportation 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 accelerating 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 Department of Transportation 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—

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

''(B) the impact this section has had on accelerating 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 after the item relating to section 309 the following:

''310. Aligning Federal environmental reviews.''.

SEC. 1314. CATEGORICAL EXCLUSION FOR PROJECTS OF LIMITED FEDERAL ASSISTANCE.

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

(1) in paragraph (1)(A) by inserting ''(as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor)'' after ''$5,000,000''; and

(2) in paragraph (1)(B) by inserting ''(as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor)'' after ''$30,000,000''.

(b) RETROACTIVE APPLICATION.—The first adjustment 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 Act; and

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

SEC. 1315. PROGRAMMATIC AGREEMENT TEMPLATE.

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

''(e) PROGRAMMATIC AGREEMENT TEMPLATE.—

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

''(2) USE OF TEMPLATE.—The Secretary—

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

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

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

(b) CATEGORICAL EXCLUSION DETERMINATIONS.—Not later than 30 days after the date of

enactment of this Act, the Secretary shall revise section 771.117(g) of title 23, Code of Federal Regulations, to allow a programmatic agreement under this section to include responsibility for making categorical exclusion determinations—

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

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

SEC. 1316. ASSUMPTION OF AUTHORITIES.

(a) IN GENERAL.—The Secretary shall use the authority under section 106(c) of title 23, United States Code, to the maximum extent practicable, to allow a State to assume the responsibilities of the Secretary for project design, plans, specifications, estimates, contract awards, and inspection of projects, on both a project-specific and programmatic basis.

(b) SUBMISSION OF RECOMMENDATIONS.—Not later than 18 months after the date of enactment of this Act, the Secretary, in cooperation with the 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 recommendations for legislation to permit the assumption of additional authorities by States, including with respect to real estate acquisition and project design.

SEC. 1317. MODERNIZATION OF THE ENVIRONMENTAL REVIEW PROCESS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall examine ways to modernize, simplify, and improve the implementation of the National Environmental Policy Act of 1969 (42 U.S.C. 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) methods to encourage cooperating agencies to present analyses in a concise format; and

(4) any other improvements that can be made to modernize process implementation.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on 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).

SEC. 1318. ASSESSMENT OF PROGRESS ON ACCELERATING PROJECT DELIVERY.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall assess the progress made under this Act, MAP–21 (Public Law 112–141), and SAFETEA–LU (Public Law 109–59), including the amendments made by those Acts, to accelerate the delivery of Federal-aid highway and highway safety construction projects and public transportation capital projects by streamlining the environmental review and permitting process.

(b) CONTENTS.—The assessment required under subsection (a) shall evaluate—

(1) how often the various streamlining provisions have been used;

(2) which of the streamlining provisions have had the greatest impact on streamlining the environmental review and permitting process;

(3) what, if any, impact streamlining of the process has had on environmental protection;

(4) how, and the extent to which, streamlining provisions have improved and accelerated the process for permitting under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), 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 proceed under a traditional environmental assessment or environmental impact statement, and the number and percentage of projects that proceed 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.

(c) 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 Federal-aid highway and highway safety construction projects and public transportation capital projects without negatively impacting the environment; and

(2) best practices of other Federal agencies that should be considered for adoption by the Department.

(d) 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 containing the assessment and recommendations required under this section.

Subtitle D—Miscellaneous

SEC. 1401. PROHIBITION ON THE USE OF FUNDS FOR 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.

(c) AUTOMATED TRAFFIC ENFORCEMENT SYSTEM DEFINED.—In this section, the term ''automated traffic enforcement system'' means any camera that captures an image of a vehicle for the purposes of traffic law enforcement.

SEC. 1402. HIGHWAY TRUST FUND TRANSPARENCY AND ACCOUNTABILITY.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (g) and inserting the following:

''(g) HIGHWAY TRUST FUND TRANSPARENCY AND ACCOUNTABILITY REPORTS.—

''(1) 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.

''(2) REQUIREMENTS.—The Secretary shall ensure that the reports required under this subsection are made available 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.

''(3) CONTENTS OF REPORTS.—

''(A) APPORTIONED AND ALLOCATED PROGRAMS.—On a semiannual 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 category of unobligated funding, year-to-date, available for expenditure at the discretion of the Secretary;

''(v) the rates of obligation on and off 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.

''(B) PROJECT DATA.—On an annual basis, the Secretary shall make available a report that provides, for any project funded under this title (excluding projects for which funds are transferred to agencies other than the Federal Highway Administration) with an estimated total cost as of the start of construction greater than $25,000,000, and to the maximum extent practicable, other projects funded under this title, project data describing—

''(i) the specific location of the project;

''(ii) the total cost of the project;

''(iii) the amount of Federal funding obligated for the project;

''(iv) the program or programs from which Federal funds have been obligated for the project;

''(v) the type of improvement being made, such as categorizing the project as—

''(I) a road reconstruction project;

''(II) a new road construction project;

''(III) a new bridge construction project;

''(IV) a bridge rehabilitation project; or

''(V) a bridge replacement project;

''(vi) the ownership of the highway or bridge;

''(vii) whether the project is located in an area of the State with a population of—

''(I) less than 5,000 individuals;

''(II) 5,000 or more individuals but less than 50,000 individuals;

''(III) 50,000 or more individuals but less than 200,000 individuals; or

''(IV) 200,000 or more individuals; and

''(viii) available information on the estimated cost of the project as of the start of project construction, or the revised cost estimate based on a description of revisions to the scope of work or other factors affecting project cost other than cost overruns.''.

(b) CONFORMING AMENDMENT.—Section 1503 of MAP–21 (23 U.S.C. 104 note; Public Law 112–141) is amended by striking subsection (c).

SEC. 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).

''(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—

''(1) 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 as described in subsection (a); and

''(2) distribute the additional amount under paragraph (1)(B) to each of such programs in accordance with subsection (c).

''(c) DISTRIBUTION OF ADJUSTMENT AMONG 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; bears to

''(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.

''(3) AVAILABILITY FOR OBLIGATION.—Adjusted amounts under this subsection shall be available for obligation and administered in the same manner as other amounts made available for the program for which the amount is adjusted.

''(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 is authorized to be appropriated from the appropriate account or accounts of the Highway Trust Fund an amount equal to the amount of an adjustment for a fiscal year under subsection (b) for any of 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 1102 or 3018 of the FAST Act—

''(A) such limitation on obligations for such fiscal year shall be revised by an amount equal to such adjustment; and

''(B) the Secretary shall distribute such limitation on obligations, as revised under subparagraph (A), in accordance with such sections.

''(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 the administrative expenses of—

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

''(B) the National Highway Traffic 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.

''(3) MASS TRANSIT ACCOUNT.—The term 'Mass Transit Account' means the Mass Transit Account of the Highway Trust Fund established under section 9503(e)(1) of the Internal Revenue Code of 1986.''.

(b) CLERICAL 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) in paragraph (1)—

(i) in the matter preceding subparagraph (A) by striking ''may take into account'' and inserting ''shall consider'';

(ii) in subparagraph (B) by striking ''and'' at the end;

(iii) by redesignating subparagraph (C) as subparagraph (D); and

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

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

(B) in paragraph (2)—

(i) in subparagraph (C) by striking ''and'' at the end;

(ii) by redesignating subparagraph (D) as subparagraph (F); and

(iii) by inserting after subparagraph (C) the following:

''(D) the publication entitled 'Highway Safety Manual' of the American Association of State Highway and Transportation Officials;

''(E) the publication entitled 'Urban Street Design Guide' of the National Association of City Transportation Officials; and''; and

(2) in subsection (f) by inserting ''pedestrian walkways,'' after ''bikeways,''.

(b) DESIGN STANDARD FLEXIBILITY.—Notwithstanding section 109(o) of title 23, United States Code, a State may allow a local jurisdiction to use a roadway design publication that is different from the roadway design publication used by the State in which the local jurisdiction is located for the design of a project on a roadway under the ownership of the local jurisdiction (other than a highway on the Interstate System) if—

(1) the local jurisdiction is a direct recipient of Federal funds for the project;

(2) the roadway design publication—

(A) is recognized by the Federal Highway Administration; and

(B) is adopted by the local jurisdiction; and

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

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

Section 111(e) of title 23, United States Code, is amended by inserting ''(including new or modified freeway-to-crossroad interchanges inside a transportation management area)'' after ''the Interstate System''.

SEC. 1406. PERFORMANCE PERIOD ADJUSTMENT.

(a) NATIONAL HIGHWAY PERFORMANCE PROGRAM.—Section 119 of title 23, United States Code, is amended—

(1) in subsection (e)(7), by striking ''for 2 consecutive reports submitted under this paragraph shall include in the next report submitted'' and inserting ''shall include as part of the performance target report under section 150(e)''; and

(2) in subsection (f)(1)(A) in the matter preceding clause (i) by striking ''If, during 2 consecutive reporting periods, the condition of the Interstate System, excluding bridges on the Interstate System, in a State falls'' and inserting ''If a State reports that the condition of the Interstate System, excluding bridges on the Interstate System, has fallen''.

(b) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—Section 148(i) of title 23, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking ''performance targets of the State established under section 150(d) by the date that is 2 years after the date of the establishment of the performance targets'' and inserting ''safety performance targets of the State established under section 150(d)''; and

(2) in paragraphs (1) and (2), by inserting ''safety'' before ''performance targets'' each place it appears.

SEC. 1407. VEHICLE-TO-INFRASTRUCTURE EQUIPMENT.

(a) NATIONAL HIGHWAY PERFORMANCE PROGRAM.—Section 119(d)(2)(L) of title 23, United States Code, is amended by inserting '', including the installation of vehicle-to-infrastructure communication equipment'' after ''capital improvements''.

(b) SURFACE TRANSPORTATION BLOCK GRANT PROGRAM.—Section 133(b)(1)(D) of title 23, United States Code, is amended by inserting '', including the installation of vehicle-to-infrastructure communication equipment'' after ''capital improvements''.

SEC. 1408. FEDERAL SHARE PAYABLE.

(a) INNOVATIVE PROJECT DELIVERY METHODS.—Section 120(c)(3) of title 23, United States Code, is amended—

(1) in subparagraph (A)(ii)—

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

(B) by inserting ''or project delivery'' after ''or contracting'';

(2) in subparagraph (B)—

(A) in clause (iii) by inserting ''and alternative bidding'' before the semicolon at the end;

(B) in clause (iv) by striking ''or'' at the end;

(C) by redesignating clause (v) as clause (vi); and

(D) by inserting after clause (iv) the following:

''(v) innovative pavement materials that have a demonstrated life cycle of 75 or more years, are manufactured with reduced greenhouse gas emissions, and reduce construction-related congestion by rapidly curing; or''; and

(b) EMERGENCY RELIEF.—Section 120(e)(2) of title 23, United States Code, is amended by striking ''Federal land access transportation facilities'' and inserting ''other Federally owned roads that are open to public travel''.

SEC. 1409. MILK PRODUCTS.

Section 127(a) of title 23, United States Code, is amended by adding at the end the following:

''(13) MILK PRODUCTS.—A vehicle carrying fluid milk products shall be considered a load that cannot be easily dismantled or divided.''.

SEC. 1410. INTERSTATE WEIGHT LIMITS.

Section 127 of title 23, United States Code, is amended by adding at the end the following:

''(m) COVERED HEAVY-DUTY TOW AND RECOVERY VEHICLES.—

''(1) IN GENERAL.—The vehicle weight limitations set forth in this section do not apply to a covered heavy-duty tow and recovery vehicle.

''(2) COVERED HEAVY-DUTY TOW AND RECOVERY VEHICLE DEFINED.—In this subsection, the term 'covered heavy-duty tow and 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.

''(n) 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

Route 281, United States Route 84, Texas State Highway 44, or another roadway is designated as Interstate Route 69, a vehicle that could operate legally on that segment before the date of the designation may continue to operate on that segment, without regard to any requirement under this section.

''(o) CERTAIN LOGGING VEHICLES IN THE STATE OF WISCONSIN.—

''(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 98,000 pounds;

''(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.

''(p) OPERATION OF CERTAIN SPECIALIZED VEHICLES ON CERTAIN HIGHWAYS IN THE STATE OF ARKANSAS.—If any segment of United States Route 63 between the exits for highways 14 and 75 in the State of Arkansas is designated as part of the Interstate System, the single axle weight, tandem axle weight, gross vehicle weight, and bridge formula limits under subsection (a) and the width limitation under section 31113(a) of title 49 shall not apply to that segment with respect to the operation of any vehicle that could operate legally on that segment before the date of the designation.

''(q) 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 99,000 pounds;

''(C) has not less than 6 axles; and

''(D) is operating on a segment of Interstate Route 35 in the State of Minnesota from mile marker 235.4 to mile marker 259.552.

''(r) EMERGENCY VEHICLES.—

''(1) IN GENERAL.—Notwithstanding subsection (a), a State shall not enforce against an emergency vehicle a vehicle weight limit (up to a maximum gross vehicle weight of 86,000 pounds) of less than—

''(A) 24,000 pounds on a single steering axle;

''(B) 33,500 pounds on a single drive axle;

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

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

''(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.

''(s) NATURAL GAS VEHICLES.—A vehicle, if operated by an engine fueled primarily by natural gas, may exceed any vehicle weight limit (up to a maximum gross vehicle weight of 82,000 pounds) under this section by an amount that is equal to the difference between—

''(1) the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle; and

''(2) the weight of a comparable diesel tank and fueling system.''.

SEC. 1411. TOLLING; HOV FACILITIES; INTERSTATE RECONSTRUCTION AND REHABILITATION.

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

(1) in paragraph (3)(A), in the matter preceding clause (i)—

(A) by striking ''shall use'' and inserting ''shall ensure that''; and

(B) by inserting ''are used'' before ''only for'';

(2) by striking paragraph (4) and redesignating paragraphs (5) through (9) as paragraphs (4) through (8), respectively; and

(3) in subparagraph (B) of paragraph (4) (as so redesignated) by striking ''Federal-aid system'' and inserting ''Federal-aid highways'';

(4) by inserting after paragraph (8) (as so redesignated)—

''(9) EQUAL ACCESS FOR OVER-THE-ROAD BUSES.—An over-the-road bus that serves the public shall be provided access to a toll facility under the same rates, terms, and conditions as public transportation buses.''; and

(5) in paragraph (10)—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

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

''(C) OVER-THE-ROAD BUS.—The term 'over-the-road bus' has the meaning given the term in section 301 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181).''.

(b) HOV FACILITIES.—Section 166 of title 23, United States Code, is amended—

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

(2) in subsection (a)(1)—

*(A) by striking the paragraph heading and inserting ''**AUTHORITY OF PUBLIC AUTHORITIES**'';*

and

(B) by striking ''State agency'' and inserting ''public authority'';

(3) in subsection (b)—

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

(B) in paragraph (3)—

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

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

(iii) by adding at the end the following:

''(C) provides equal access under the same rates, terms, and conditions for all public transportation vehicles and over-the-road buses serving the public.'';

(C) in paragraph (4)(C)—

(i) in clause (i) by striking ''and'' at the end;

(ii) in clause (ii) by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(iii) ensure that over-the-road buses serving the public are provided access to the facility under the same rates, terms, and conditions as public transportation buses.''; and

(D) in paragraph (5)—

(i) by striking subparagraph (A) 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 by vehicles described in clauses (i) 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 30D(d)(1) of the Internal Revenue Code of 1986.''; and

(ii) in subparagraph (B) by striking ''2017'' and inserting ''2019'';

(4) in subsection (c)—

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

''(1) IN GENERAL.—Notwithstanding section 301, tolls may be charged under paragraphs (4) and (5) of subsection (b), subject to the requirements of section 129.''; and

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(5) in subsection (d)—

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

(B) in paragraph (1)—

(i) by striking subparagraphs (D) and (E); and

(ii) by inserting after subparagraph (C) the following:

''(D) MAINTENANCE OF OPERATING PERFORMANCE.—

''(i) SUBMISSION OF PLAN.—Not later than 180 days after the date on which a facility is degraded under paragraph (2), the public authority with jurisdiction over the facility shall submit to the Secretary for approval a plan that details the actions the public authority will take to make significant progress toward bringing the facility into compliance with the minimum average operating speed performance standard through changes to the operation of the facility, including—

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

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

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

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

''(ii) NOTICE OF APPROVAL OR DISAPPROVAL.—Not later than 60 days after the date of receipt of a plan under clause (i), the Secretary shall provide to the public authority a written notice indicating whether the Secretary has approved or disapproved the plan based on a determination of whether the implementation of the plan will make significant progress toward bringing the HOV facility into compliance with the minimum average operating speed performance standard.

''(iii) ANNUAL PROGRESS UPDATES.—Until the date on which the Secretary determines that the public authority has brought the HOV facility into compliance with this subsection, the public authority shall submit annual updates that describe—

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

''(II) the progress made by those actions.

''(E) COMPLIANCE.—If the public authority fails to bring a facility into compliance under subparagraph (D), the Secretary shall subject the public authority to appropriate program sanctions under section 1.36 of title 23, Code of Federal Regulations (or successor regulations), until the performance is no longer degraded.

''(F) WAIVER.—

''(i) IN GENERAL.—Upon the request of a public authority, the Secretary may waive the compliance requirements of subparagraph (E), if the Secretary determines that—

''(I) the waiver is in the best interest of the traveling public;

''(II) the public authority is meeting the conditions under subparagraph (D); and

''(III) the public authority has made a good faith effort to improve the performance of the facility.

''(ii) CONDITION.—The Secretary may require, as a condition of providing a waiver under this subparagraph, that a public authority take additional actions, as determined by the Secretary, to maximize the operating speed performance of the facility, even if such performance is below the level set under paragraph (2).'';

(6) in subsection (f)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by inserting ''solely'' before ''operating'';

(B) in paragraph (4)(B)(iii) by striking ''State agency'' and inserting ''public authority'';

(C) by striking paragraph (5);

(D) by redesignating paragraph (4) as paragraph (6); and

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

''(4) OVER-THE-ROAD BUS.—The term 'over-the-road bus' has the meaning given the term in section 301 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181).

''(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 having 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 tolls under paragraph (4) or (5) of subsection (b) is 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.''.

(c) INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION PILOT PROGRAM.—Section 1216(b) of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended—

(1) in paragraph (4)—

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

(B) in subparagraph (E) by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(F) the State has the authority required for the project to proceed.'';

(2) by redesignating paragraphs (6) through (8) as paragraphs (8) through (10), respectively; and

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

''(6) REQUIREMENTS FOR PROJECT COMPLETION.—

''(A) GENERAL TERM FOR EXPIRATION OF PROVISIONAL APPLICATION.—An application provisionally approved by the Secretary under this subsection shall expire 3 years after the date on which the application was provisionally approved if the State has not—

''(i) submitted a complete application to the Secretary that fully satisfies the eligibility criteria under paragraph (3) and the selection criteria under paragraph (4);

''(ii) completed the environmental review and permitting process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the pilot project; and

''(iii) executed a toll agreement with the Secretary.

''(B) EXCEPTIONS TO EXPIRATION.—Notwithstanding subparagraph (A), the Secretary may extend the provisional approval for not more than 1 additional year if the State demonstrates material progress toward implementation of the project as evidenced by—

''(i) substantial progress in completing the environmental review and permitting process for the pilot project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(ii) funding and financing commitments for the pilot project;

''(iii) expressions of support for the pilot project from State and local governments, community interests, and the public; and

''(iv) submission of a facility management plan pursuant to paragraph (3)(D).

''(C) CONDITIONS FOR PREVIOUSLY PROVISIONALLY APPROVED APPLICATIONS.—A State with a provisionally approved application for a pilot project as of the date of enactment of the FAST Act shall have 1 year after that date of enactment to meet the requirements of subparagraph (A) or receive an extension from the Secretary under subparagraph (B), or the application will expire.

''(7) DEFINITION.—In this subsection, the term 'provisional approval' or 'provisionally approved' means the approval by the Secretary of a partial application under this subsection, including the reservation of a slot in the pilot program.''.

(d) APPROVAL OF APPLICATIONS.—The Secretary may approve an application submitted under section 1604(c) of SAFETEA–LU (Public Law 109–59; 119 Stat. 1253) if the application, or any part of the application, was submitted before the deadline specified in section 1604(c)(8) of that Act.

SEC. 1412. PROJECTS FOR PUBLIC SAFETY RELATING TO IDLING TRAINS.

Section 130(a) 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 infrastructure at strategic locations along major national highways to improve the mobility of passenger and commercial vehicles that employ electric, hydrogen fuel cell, propane, and natural gas fueling technologies across the United States.

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

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

''(2) incorporate existing electric vehicle charging, 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 involve, on a voluntary basis, stakeholders that include—

''(1) the heads of other Federal agencies;

''(2) State and local officials;

''(3) representatives of—

''(A) energy utilities;

''(B) the electric, fuel cell electric, propane, and natural gas vehicle industries;

''(C) the freight and shipping industry;

''(D) clean technology firms;

''(E) the hospitality industry;

''(F) the restaurant industry;

''(G) highway rest stop vendors; and

''(H) industrial gas and hydrogen manufacturers; and

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

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

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

''(1) identifies electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, and natural gas fueling infrastructure and standardization needs for electricity providers, industrial gas providers, natural gas providers, infrastructure providers, vehicle manufacturers, electricity purchasers, and natural gas purchasers; and

''(2) establishes an aspirational goal of achieving strategic deployment of electric vehicle charging 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 for chapter 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 for the use of only privately owned vehicles of employees 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) AREAS UNDER OTHER FEDERAL AGENCIES.—The Administrator of General Services (on the request of a Federal agency) or the head of a Federal agency 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 requesting 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.

(C) USE OF VENDORS.—The Administrator of General Services, with respect to subparagraph (A) or (B), or the head of a Federal agency, with respect to subparagraph (B), may carry out such subparagraph 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 of carrying out the contract) as the Administrator or the head of the Federal agency, as the case may be, and the vendor may agree to.

(2) IMPOSITION OF FEES TO COVER COSTS.—

(A) FEES.—The Administrator of General Services or the head of the Federal agency under paragraph (1)(B) 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 such agency incurs in installing, 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 agency's appropriations account for the operations of the building where the battery recharging station is located; and

(ii) available for obligation without further appropriation during—

(I) the fiscal year collected; and

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

(3) 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—

(A) under Public Law 112–170 (2 U.S.C. 2171), relating to employees of the House of Representatives and individuals authorized to park in any parking area under the jurisdiction of the House of Representatives on the Capitol Grounds; 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) that is installed or constructed for Federal fleet vehicles, but that receives incidental use to recharge privately owned vehicles; or

(iii) that is otherwise installed or constructed pursuant to appropriations 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 Administrator's own initiative under this subsection;

(B) requests from other Federal agencies to install battery recharging stations; and

(C) the status and disposition of requests from other Federal agencies.

(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 military departments (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;

(2) by inserting before paragraph (2), as redesignated, the following:

''(1) 24-7 SOBRIETY PROGRAM.—The term '24-7 sobriety program' has the meaning given the term in section 405(d)(7)(A).'';

(3) in paragraph (5), as redesignated—

(A) in the matter preceding subparagraph (A), by inserting ''or combination of laws or programs'' after ''State law'';

(B) by amending subparagraph (A) to read as follows:

''(A) receive, for a period of not less than 1 year—

''(i) a suspension of all driving privileges;

''(ii) a restriction on driving privileges that limits the individual to operating only motor vehicles with an ignition interlock device installed, unless a special exception applies;

''(iii) a restriction on driving privileges that limits the individual to operating motor vehicles only if participating in, and complying with, a 24-7 sobriety program; or

''(iv) any combination of clauses (i) through (iii);'';

(C) by striking subparagraph (B);

(D) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(E) in subparagraph (C), as redesignated—

(i) in clause (i)(II) by inserting before the semicolon the following: ''(unless the State certifies that the general practice is that such an individual will be incarcerated)''; and

(ii) in clause (ii)(II) by inserting before the period at the end the following: ''(unless the State certifies that the general practice is that such an individual will receive 10 days of incarceration)''; and

(4) by adding at the end the following:

''(6) SPECIAL EXCEPTION.—The term 'special exception' means an exception under a State alcohol-ignition interlock law for the following circumstances:

''(A) The individual is required to operate an employer's motor vehicle in the course and scope of employment and the business entity that owns the vehicle is not owned or controlled by the individual.

''(B) The individual is certified by a medical doctor as being unable to provide a deep lung breath sample for analysis by an ignition interlock device.''.

SEC. 1415. ADMINISTRATIVE PROVISIONS TO ENCOURAGE POLLINATOR HABITAT AND FORAGE ON TRANSPORTATION RIGHTS-OF-WAY.

(a) IN GENERAL.—Section 319 of title 23, United States Code, is amended—

(1) in subsection (a) by inserting ''(including the enhancement of habitat and forage for pollinators)'' before ''adjacent''; and

(2) by adding at the end the following:

''(c) ENCOURAGEMENT OF POLLINATOR HABITAT AND FORAGE DEVELOPMENT AND PROTECTION ON TRANSPORTATION RIGHTS-OF-WAY.—In carrying out any program administered by the Secretary under this title, the Secretary shall, in conjunction with willing States, as appropriate—

''(1) encourage integrated vegetation management practices on roadsides and other transportation rights-of-way, including reduced mowing; and

''(2) encourage the development of habitat and forage for Monarch butterflies, other native pollinators, and honey bees through plantings of native forbs and grasses, including noninvasive, native milkweed species that can serve as migratory way stations for butterflies and facilitate migrations of other pollinators.''.

(b) PROVISION OF HABITAT, FORAGE, AND MIGRATORY WAY STATIONS FOR MONARCH BUTTERFLIES, OTHER NATIVE POLLINATORS, AND HONEY BEES.—Section 329(a)(1) of title 23, United States Code, is amended by inserting ''provision of habitat, forage, and migratory way stations for Monarch butterflies, other native pollinators, and honey bees,'' before ''and aesthetic enhancement''.

SEC. 1416. HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.

(a) IDENTIFICATION OF HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 112 Stat. 190; 119 Stat. 1213) is amended—

(1) by striking paragraph (13) and inserting the following:

''(13) Raleigh-Norfolk Corridor from Raleigh, North Carolina, through Rocky Mount, Williamston, and Elizabeth City, North Carolina, to Norfolk, Virginia.'';

(2) in paragraph (18)(D)—

(A) in clause (ii) by striking ''and'' at the end;

(B) in clause (iii) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(iv) include Texas State Highway 44 from United States Route 59 at Freer, Texas, to Texas State Highway 358.'';

(3) by striking paragraph (68) and inserting the following:

''(68) The Washoe County Corridor and the Intermountain West Corridor, which shall generally follow—

''(A) for the Washoe County Corridor, along Interstate Route 580/United States Route 95/United States Route 95A from Reno, Nevada, to Las Vegas, Nevada; and

''(B) for the Intermountain West Corridor, from the vicinity of Las Vegas, Nevada, north along United States Route 95 terminating at Interstate Route 80.''; and

(4) by adding at the end the following:

''(81) United States Route 117/Interstate Route 795 from United States Route 70 in Goldsboro, Wayne County, North Carolina, to Interstate Route 40 west of Faison, Sampson County, North Carolina.

''(82) United States Route 70 from its intersection with Interstate Route 40 in Garner, Wake County, North Carolina, to the Port at Morehead City, Carteret County, North Carolina.

''(83) The Sonoran Corridor along State Route 410 connecting Interstate Route 19 and Interstate Route 10 south of the Tucson International Airport.

''(84) The Central Texas Corridor commencing at the logical terminus of Interstate Route 10, generally following portions of United States Route 190 eastward, passing in the vicinity Fort Hood, Killeen, Belton, Temple, Bryan, College Station, Huntsville, Livingston, and Woodville, to the logical terminus of Texas Highway 63 at the Sabine River Bridge at Burrs Crossing.

''(85) Interstate Route 81 in New York from its intersection with Interstate Route 86 to the United States-Canadian border.

''(86) Interstate Route 70 from Denver, Colorado, to Salt Lake City, Utah.

''(87) The Oregon 99W Newberg-Dundee Bypass Route between Newberg, Oregon, and Dayton, Oregon.

''(88) Interstate Route 205 in Oregon from its intersection with Interstate Route 5 to the Columbia River.''.

(b) INCLUSION OF CERTAIN ROUTE SEGMENTS ON INTERSTATE SYSTEM.—Section 1105(e)(5)(A) of the Intermodal Surface Transportation Efficiency Act of 1991 (109 Stat. 597; 118 Stat. 293; 119 Stat. 1213) is amended in the first sentence—

(1) by inserting ''subsection (c)(13),'' after ''subsection (c)(9),'';

(2) by striking ''subsections (c)(18)'' and all that follows through ''subsection (c)(36)'' and inserting ''subsection (c)(18), subsection (c)(20), subparagraphs (A) and (B)(i) of subsection (c)(26), subsection (c)(36)''; and

(3) by striking ''and subsection (c)(57)'' and inserting ''subsection (c)(57), subsection (c)(68)(B), subsection (c)(81), subsection (c)(82), and subsection (c)(83)''.

(c) DESIGNATION.—Section 1105(e)(5)(C)(i) of the Intermodal Surface Transportation Efficiency Act of 1991 (109 Stat. 598; 126 Stat. 427) is amended by striking the final sentence and inserting the following: ''The routes referred to in subparagraphs (A) and (B)(i) of subsection (c)(26) and in subsection (c)(68)(B) are designated as Interstate Route I–11. The route referred to in subsection (c)(84) is designated as Interstate Route I–14.''.

(d) FUTURE INTERSTATE DESIGNATION.—Section 119(a) of the SAFETEA–LU Technical Corrections Act of 2008 (122 Stat. 1608) is amended by striking ''and, as a future Interstate Route 66 Spur, the Natcher Parkway in Owensboro, Kentucky'' and inserting ''between Henderson, Kentucky, and Owensboro, Kentucky, and, as a future Interstate Route 65 and 66 Spur, the William H. Natcher Parkway between Bowling Green, Kentucky, and Owensboro, Kentucky''.

SEC. 1417. WORK ZONE AND GUARD RAIL SAFETY TRAINING.

(a) IN GENERAL.—Section 1409 of SAFETEA–LU (23 U.S.C. 401 note) is amended—

*(1) by striking the section heading and inserting ''**WORK ZONE AND GUARD RAIL SAFETY TRAINING**''; and*

(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.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by striking the item relating to section 1409 and inserting the following:

''Sec. 1409. Work zone and guard rail safety training.''.

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 ''shall be made available'' and inserting ''For each of fiscal years 2016 through 2020, before making an apportionment under section 104(b)(3) of title 23, United States Code, the Secretary shall set aside, from amounts made available to carry out the highway safety improvement program under section 148 of such title for the fiscal year, $3,500,000''.

SEC. 1419. ELIMINATION OR MODIFICATION OF CERTAIN REPORTING REQUIREMENTS.

(a) FUNDAMENTAL PROPERTIES OF ASPHALTS REPORT.—Section 6016(e) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2183) is repealed.

(b) EXPRESS LANES DEMONSTRATION 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) waives the requirements of section 113 or 138 of title 23, United States Code;

(2) supersedes, amends, or modifies—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) 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 OF FUNDS.

(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 programmatic 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, which included—

(1) the development of new, cost-effective innovative material highway bridge applications;

(2) the reduction of maintenance costs and lifecycle costs of bridges, including the costs of new construction, replacement, or rehabilitation of deficient bridges;

(3) the development of construction techniques to increase safety and reduce construction time and traffic congestion;

(4) the development of engineering design criteria for innovative products and materials for use in highway bridges and structures;

(5) the development of cost-effective and innovative techniques to separate vehicle and pedestrian traffic from railroad traffic;

(6) the development of highway bridges and structures that will withstand natural disasters, including alternative processes for the seismic retrofit of bridges; and

(7) the development of new nondestructive bridge evaluation technologies and techniques.

(b) CONTENTS.—The study commissioned under subsection (a) shall include—

(1) an analysis of the performance of bridges that received funding under the program in meeting the goals described in paragraphs (1) through (7) of subsection (a);

(2) an analysis of the utility, compared to conventional materials and technologies, of each of the innovative materials and technologies used in projects for bridges under the program in meeting the needs of the United States in 2015 and in the future for a sustainable and low lifecycle cost transportation system;

(3) recommendations to Congress on how the installed and lifecycle costs of bridges could be reduced through the use of innovative materials and technologies, including, as appropriate, any changes in the design and construction of bridges needed to maximize the cost reductions; and

(4) a summary of any additional research that may be needed to further evaluate innovative approaches to reducing the installed and lifecycle costs of highway bridges.

(c) PUBLIC COMMENT.—Before commissioning the study under subsection (a), the Administrator shall provide an opportunity for public comment on the study proposal.

(d) DATA FROM STATES.—Each State that received funds under the program shall provide to the Transportation Research Board any relevant data needed to carry out the study commissioned under subsection (a).

(e) DEADLINE.—The Administrator shall submit to Congress the study commissioned under subsection (a) not later than 3 years after the date of enactment of this Act.

SEC. 1423. RELINQUISHMENT OF PARK-AND-RIDE LOT FACILITIES.

A State transportation agency may relinquish park-and-ride lot facilities or portions of park-and-ride lot facilities to a local government agency for highway purposes if authorized to do so under State law if the agreement providing for the relinquishment provides that—

(1) rights-of-way on the Interstate System will remain available for future highway improvements; and

(2) modifications to the facilities that could impair the highway or interfere with the free and safe flow of traffic are subject to the approval of the Secretary.

SEC. 1424. PILOT PROGRAM.

(a) IN GENERAL.—The Administrator of the Federal Highway Administration (referred to in this section as the ''Administrator'') may establish a pilot program that allows a State to utilize innovative approaches to maintain the right-of-way of Federal-aid highways within the State.

(b) LIMITATION.—A pilot program established under subsection (a) shall—

(1) terminate after not more than 4 years;

(2) include not more than 5 States; and

(3) be subject to guidelines published by the Administrator.

(c) REPORT.—If the Administrator establishes a pilot program under subsection (a), the Administrator shall, not more than 1 year after the completion of the pilot program, 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 on the results of the pilot program.

(d) SAVINGS PROVISION.—Nothing in this section may be construed to affect the requirements of section 111 of title 23, United States Code.

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 Federal Highway Administration, the State may allow the maintenance of a sign of a service club, charitable association, or religious service organization—

(1) that exists on the date of enactment of this Act (or was removed in the 3-year period ending on such date of enactment); and

(2) the area of which is less than or equal to 32 square feet.

SEC. 1426. MOTORCYCLIST ADVISORY COUNCIL.

The Secretary, acting through the Administrator of the Federal Highway Administration, shall appoint a Motorcyclist Advisory Council to coordinate with and advise the Administrator on infrastructure issues of concern to motorcyclists, including—

(1) barrier design;

(2) road design, construction, and maintenance practices; and

(3) the architecture and implementation of intelligent transportation system technologies.

SEC. 1427. HIGHWAY WORK ZONES.

It is the sense of Congress that the Federal Highway Administration should—

(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. 1428. USE OF DURABLE, RESILIENT, AND SUSTAINABLE MATERIALS AND PRACTICES.

To the extent practicable, the Secretary shall encourage the use of durable, resilient, and sustainable materials and practices, including the use of geosynthetic materials and other innovative technologies, in carrying out the activities of the Federal Highway Administration.

SEC. 1429. IDENTIFICATION OF ROADSIDE HIGHWAY SAFETY HARDWARE DEVICES.

(a) STUDY.—The Secretary shall conduct a study on methods for identifying roadside highway safety hardware devices to improve the data collected on the devices, as necessary for in-service evaluation of the devices.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall evaluate identification methods based on the ability of the method—

(1) to convey information on the devices, including manufacturing date, factory of origin, product brand, and model;

(2) to withstand roadside conditions; and

(3) to connect to State and regional inventories of similar devices.

(c) IDENTIFICATION METHODS.—The identification methods to be studied under this section include stamped serial numbers, radio-frequency identification, and such other methods as the Secretary determines appropriate.

(d) REPORT TO CONGRESS.—Not later than January 1, 2018, the Secretary shall submit to Congress a report on the results of the study under subsection (a).

SEC. 1430. USE OF MODELING AND SIMULATION TECHNOLOGY.

It is the sense of Congress that the Department should utilize, to the fullest and most economically feasible extent practicable, modeling

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, alleviate congestion, and 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 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 $74,000,000,000;

(4) travel and tourism provide significant economic benefits to the United States by generating nearly $2,100,000,000,000 in annual economic output; and

(5) the United States intermodal transportation network facilitates the large-scale movement of business and leisure travelers, and is the most important asset of the travel industry.

(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) State tourism offices;

(E) State departments of transportation;

(F) regional and metropolitan planning organizations; and

(G) local governments.

(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 private and public sectors on transportation issues impacting travel and tourism;

(4) gather information, develop technical advice, and make recommendations to the Secretary on policies that improve the condition and performance of an integrated national transportation system that—

(A) is safe, economical, and efficient; and

(B) maximizes the benefits to the United States generated through the travel and tourism industry;

(5) identify critical transportation facilities and corridors that facilitate and support the interstate and interregional transportation of passengers for tourism, commercial, and recreational activities;

(6) provide for development of measures of condition, safety, and performance for transportation related to travel and tourism;

(7) provide for development of transportation investment, data, and planning tools to assist Federal, State, and local officials in making investment decisions relating to transportation projects that improve travel and tourism; and

(8) 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, shall develop 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 volumes for the 20-year 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 EXEMPTIONS.

(a) IN GENERAL.—Any road, highway, railway, 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 of Homeland Security, or declared as an emergency 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 in operation or under construction 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 subject to the exemptions and expedited procedures under subsection (b).

(b) EXEMPTIONS AND EXPEDITED PROCEDURES.—

(1) ALTERNATIVE ARRANGEMENTS.—Alternative arrangements for an emergency under section 1506.11 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act) shall apply to reconstruction under subsection (a), and the reconstruction shall be considered necessary to control the immediate impacts of the emergency.

(2) STORMWATER DISCHARGE PERMITS.—A general permit for stormwater discharges from construction activities, if available, issued by the Administrator of the Environmental Protection Agency or the director of a State program under section 402(p) of the Federal Water Pollution Control Act (33 U.S.C. 1342(p)), as applicable, shall apply to reconstruction under subsection (a), on submission of a notice of intent to be subject to the permit.

(3) EMERGENCY PROCEDURES.—The emergency procedures for issuing permits in accordance with section 325.2(e)(4) of title 33, Code of Federal Regulations (as in effect on the date of enactment of this Act) shall apply to reconstruction under subsection (a), and the reconstruction shall be considered an emergency under that regulation.

(4) NATIONAL HISTORIC PRESERVATION ACT EXEMPTION.—Reconstruction under subsection (a) is eligible for an exemption from the requirements of the National Historic Preservation Act of 1966 pursuant to part 78 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(5) ENDANGERED SPECIES ACT EXEMPTION.—An exemption from the requirements of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) pursuant to section 7(p) of that Act (16 U.S.C. 1536(p)) shall apply to reconstruction under subsection (a) and, if the President makes the determination required under section 7(p) of that Act, the determinations required under subsections (g) and (h) of that section shall be deemed to be made.

(6) EXPEDITED CONSULTATION UNDER ENDANGERED SPECIES ACT.—Expedited consultation pursuant to section 402.05 of title 50, Code of Federal Regulations (as in effect on the date of enactment of this Act) shall apply to reconstruction under subsection (a).

(7) OTHER EXEMPTIONS.—Any reconstruction that is exempt under paragraph (5) shall also be exempt from requirements under—

(A) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(B) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); and

(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.).

SEC. 1433. REPORT ON HIGHWAY TRUST FUND ADMINISTRATIVE EXPENDITURES.

(a) INITIAL REPORT.—Not later than 150 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report describing the administrative expenses of the Federal Highway Administration funded from the Highway Trust Fund during the 3 most recent fiscal years.

(b) UPDATES.—Not later than 5 years after the date on which the report is submitted under subsection (a) and every 5 years thereafter, the Comptroller General shall submit to Congress a report that updates the information provided in the report under that subsection for the preceding 5-year period.

(c) INCLUSIONS.—Each report submitted under subsection (a) or (b) shall include a description of—

(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 to Congress.

SEC. 1435. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

Section 1528 of MAP–21 (40 U.S.C. 14501 note; Public Law 112–141) is amended—

(1) by striking ''2021'' each place it appears and inserting ''2050''; and

(2) by striking ''shall be 100 percent'' each place it appears and inserting ''shall be up to 100 percent, as determined by the State''.

SEC. 1436. APPALACHIAN REGIONAL DEVELOPMENT PROGRAM.

(a) HIGH-SPEED BROADBAND DEVELOPMENT INITIATIVE.—

(1) IN GENERAL.—Subchapter I of chapter 145 of subtitle IV of title 40, United States Code, is amended by adding at the end the following:

''§ 14509. High-speed broadband deployment initiative

''(a) IN GENERAL.—The Appalachian Regional Commission may provide technical assistance, make grants, enter into contracts, or otherwise provide amounts to individuals or entities in the Appalachian region for projects and activities—

''(1) to increase affordable access to broadband networks throughout the Appalachian region;

''(2) to conduct research, analysis, and training to increase broadband adoption efforts in the Appalachian region;

''(3) to provide technology assets, including computers, smartboards, and video projectors to educational systems throughout the Appalachian region;

''(4) to increase distance learning opportunities throughout the Appalachian region;

''(5) to increase the use of telehealth technologies in the Appalachian region; and

''(6) to promote e-commerce applications in the Appalachian region.

''(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any activity eligible for a grant under this section—

''(1) not more than 50 percent may be provided from amounts appropriated to carry out this section; and

''(2) notwithstanding paragraph (1)—

''(A) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, not more than 80 percent may be provided from amounts appropriated to carry out this section; and

''(B) in the case of a project to be carried out in a county for which an at-risk designation is in effect under section 14526, not more than 70 percent may be provided from amounts appropriated to carry out this section.

''(c) SOURCES OF ASSISTANCE.—Subject to subsection (b), a grant provided under this section may be provided from amounts made available to carry out this section in combination with amounts made available—

''(1) under any other Federal program; or

''(2) from any other source.

''(d) FEDERAL SHARE.—Notwithstanding any provision of law limiting the Federal share under any other Federal program, amounts made available to carry out this section may be used to increase that Federal share, as the Appalachian Regional Commission determines to be appropriate.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 145 of title 40, United States Code, is amended by inserting after the item relating to section 14508 the following:

''14509. High-speed broadband deployment initiative.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 14703 of title 40, United States Code, is amended—

(1) in subsection (a)(5), by striking ''fiscal year 2012'' and inserting ''each of fiscal years 2012 through 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.''.

(c) TERMINATION.—Section 14704 of title 40, United States Code, is amended by striking ''2012'' and inserting ''2020''.

(d) EFFECTIVE DATE.—This section and the amendments made by this section take effect on October 1, 2015.

SEC. 1437. 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 funds made available to the State under section 133(d)(1)(B) of title 23, 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 FUNDS.—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, 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) shall—

(1) 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; and

(2) remain in effect for the funds designated under subsection (a) for a fiscal year until the Governor of the State notifies the Secretary of the termination of the designation.

(g) UNOBLIGATED FUNDS AFTER TERMINATION.—Effective beginning on the date of a termination under subsection (f)(2), all remaining unobligated funds that were designated under subsection (a) for the fiscal year for which the designation is being terminated shall be made available to the State for the purposes described in section 133(d)(1)(B) of title 23, United States Code.

SEC. 1438. ADJUSTMENTS.

(a) IN GENERAL.—On July 1, 2020, of the unobligated balances of funds apportioned among the States under chapter 1 of title 23, United States Code, a total of $7,569,000,000 is permanently rescinded.

(b) 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 such title;

(3) the first sentence of section 133(d)(3)(A) of such title, as in effect on the day before the date of enactment of MAP–21 (Public Law 112–141);

(4) sections 133(d)(1) and 163 of such title, as in effect on the day before the date of enactment of SAFETEA–LU (Public Law 109–59); and

(5) section 104(b)(5) of such title, as in effect on the day before the date of enactment of MAP–21 (Public Law 112–141).

(c) DISTRIBUTION AMONG STATES.—The amount to be rescinded under this section from a State shall be determined by multiplying the total amount of the rescission in 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 subject to the rescission as of September 30, 2019, for all States.

(d) DISTRIBUTION WITHIN EACH STATE.—The amount to be rescinded under this section from each program to which the rescission applies within a State shall be determined by multiplying the required rescission amount calculated under subsection (c) for such State by the ratio that—

(1) the unobligated balance as of September 30, 2019, for such program in such State; bears to

(2) the unobligated balances as of September 30, 2019, for all programs to which the rescission applies in such State.

SEC. 1439. ELIMINATION OF BARRIERS TO IMPROVE AT-RISK BRIDGES.

(a) TEMPORARY AUTHORIZATION.—

(1) IN GENERAL.—Until the Secretary of the Interior takes the action described in subsection (b), the take of nesting swallows to facilitate a construction project on a bridge eligible for funding under title 23, United States Code, with any component condition rating of 3 or less (as defined by the National Bridge Inventory General Condition Guidance issued by the Federal Highway Administration) is authorized under the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) between April 1 and August 31.

(2) MEASURES TO MINIMIZE IMPACTS.—

(A) NOTIFICATION BEFORE TAKING.—Prior to the taking of nesting swallows authorized under paragraph (1), any person taking that action shall submit to the Secretary of the Interior a document that contains—

(i) the name of the person acting under the authority of paragraph (1) to take nesting swallows;

(ii) a list of practicable measures that will be undertaken to minimize or mitigate significant adverse impacts on the population of that species;

(iii) the time period during which activities will be carried out that will result in the taking of that species; and

(iv) an estimate of the number of birds, by species, to be taken in the proposed action.

(B) NOTIFICATION AFTER TAKING.—Not later than 60 days after the taking of nesting swallows authorized under paragraph (1), any person taking that action shall submit to the Secretary of the Interior a document that contains the number of birds, by species, taken in the action.

(b) AUTHORIZATION OF TAKE.—

(1) IN GENERAL.—The Secretary of the Interior, in consultation with the Secretary, shall promulgate a regulation under the authority of section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) authorizing the take of nesting swallows to facilitate bridge repair, maintenance, or construction—

(A) without individual permit requirements; and

(B) under terms and conditions determined to be consistent with treaties relating to migratory birds that protect swallow species occurring in the United States.

(2) TERMINATION.—On the effective date of a final rule under this subsection by the Secretary of the Interior, subsection (a) shall have no force or effect.

(c) SUSPENSION OR WITHDRAWAL OF TAKE AUTHORIZATION.—If the Secretary of the Interior, in consultation with the Secretary, determines that taking of nesting swallows carried out under the authority provided in subsection (a)(1) is having a significant adverse impact on swallow populations, the Secretary of the Interior may suspend that authority through publication in the Federal Register.

SEC. 1440. AT-RISK PROJECT PREAGREEMENT AUTHORITY.

(a) DEFINITION OF PRELIMINARY ENGINEERING.—In this section, the term ''preliminary engineering'' means allowable preconstruction project development and engineering costs.

(b) AT-RISK PROJECT PREAGREEMENT AUTHORITY.—A recipient or subrecipient of Federal-aid funds under title 23, United States Code, may—

(1) incur preliminary engineering costs for an eligible project under title 23, United States Code, before receiving project authorization from the State, in the case of a subrecipient, and the Secretary to proceed with the project; and

(2) request reimbursement of applicable Federal funds after the project authorization is received.

(c) ELIGIBILITY.—The Secretary may reimburse preliminary engineering costs incurred by a recipient or subrecipient under subsection (b)—

(1) if the costs meet all applicable requirements under title 23, United States Code, at the time the costs are incurred and the Secretary concurs that the requirements have been met;

(2) in the case of a project located within a designated nonattainment or maintenance area for air quality, if the conformity requirements of the Clean Air Act (42 U.S.C. 7401 et seq.) have been met; and

(3) if the costs would have been allowable if incurred after the date of the project authorization by the Department.

(d) AT-RISK.—A recipient or subrecipient that elects to use the authority provided under this section shall—

(1) assume all risk for preliminary engineering costs incurred prior to project authorization; and

(2) be responsible for ensuring and demonstrating to the Secretary that all applicable cost eligibility conditions are met after the authorization is received.

(e) RESTRICTIONS.—Nothing in this section—

(1) allows a recipient or subrecipient to use the authority under this section to advance a project beyond preliminary engineering prior to the completion of the environmental review process;

(2) waives the applicability of Federal requirements to a project other than the reimbursement of preliminary engineering costs incurred prior to an authorization to proceed in accordance with this section; or

(3) guarantees Federal funding of the project or the eligibility of the project for future Federal-aid highway funding.

SEC. 1441. REGIONAL INFRASTRUCTURE ACCELERATOR DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a regional infrastructure demonstration program (referred to in this section as the ''program'') to assist entities in developing improved infrastructure priorities and financing strategies for the accelerated development of a project that is eligible for funding under the TIFIA program under chapter 6 of title 23, United States Code.

(b) DESIGNATION OF REGIONAL INFRASTRUCTURE ACCELERATORS.—In carrying out the program, the Secretary may designate regional infrastructure accelerators that will—

(1) serve a defined geographic area; and

(2) act as a resource in the geographic area to qualified entities in accordance with this section.

(c) APPLICATION.—To be eligible for a designation under subsection (b), a proposed regional infrastructure 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 covered infrastructure projects, which shall include a plan—

(A) to evaluate and promote innovative financing methods for local projects, including the use of the TIFIA program under chapter 6 of title 23, United States Code;

(B) to build capacity of State, local, and tribal governments to evaluate and structure projects involving the investment of private capital;

(C) to provide technical assistance and information on best practices with respect to financing the projects;

(D) to increase transparency with respect to infrastructure project analysis and using innovative financing for public infrastructure projects;

(E) to deploy predevelopment capital programs designed to facilitate the creation of a pipeline of infrastructure projects available for investment;

(F) to bundle smaller-scale and rural projects into larger proposals that may be more attractive for investment; and

(G) to reduce transaction costs for public project sponsors.

(e) ANNUAL REPORT.—Not less frequently than once each year, the Secretary shall submit to Congress a report that describes the findings and effectiveness of the program.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program $12,000,000, of which the Secretary shall use—

(1) $11,750,000 for initial grants to regional infrastructure accelerators under subsection (b); and

(2) $250,000 for administrative costs of carrying out the program.

SEC. 1442. SAFETY FOR USERS.

(a) IN GENERAL.—The Secretary shall encourage each State and metropolitan planning organization to adopt standards for the design of Federal surface transportation projects that provide for the safe and adequate accommodation (as determined by the State) of all users of the surface transportation network, including motorized and nonmotorized users, in all phases of project planning, development, and operation.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall make available to the public a report cataloging examples of State law or State transportation policy that provide for the safe and adequate accommodation of all users of the surface transportation network, in all phases of project planning, development, and operation.

(c) BEST PRACTICES.—Based on the report under subsection (b), the Secretary shall identify and disseminate examples of best practices where States have adopted measures that have successfully provided for the safe and adequate accommodation of all users of the surface transportation network in all phases of project planning, development, and operation.

SEC. 1443. SENSE OF CONGRESS.

It is the sense of Congress that the engineering industry of the United States continues to provide critical technical expertise, innovation, and local knowledge to Federal and State agencies in order to efficiently deliver surface transportation projects to the public, and Congress recognizes the valuable contributions made by the engineering industry of the United States and urges the Secretary to reinforce those partnerships by encouraging State and local agencies to take full advantage of engineering industry capabilities to strengthen project performance, improve domestic competitiveness, and create jobs.

SEC. 1444. EVERY DAY COUNTS INITIATIVE.

(a) IN GENERAL.—It is in the national interest for the Department, State departments of transportation, and all other recipients of Federal transportation funds—

(1) to identify, accelerate, and deploy innovation aimed at shortening project delivery, enhancing the safety of the roadways of the United States, and protecting the environment;

(2) to ensure that the planning, design, engineering, construction, and financing of transportation projects is done in an efficient and effective manner;

(3) to promote the rapid deployment of proven solutions that provide greater accountability for public investments and encourage greater private sector involvement; and

(4) to create a culture of innovation within the highway community.

(b) EVERY DAY COUNTS INITIATIVE.—To advance the policy described in subsection (a), the Administrator of the Federal Highway Administration shall continue the Every Day Counts initiative to work with States, local transportation agencies, and industry stakeholders to identify and deploy proven innovative practices and products that—

(1) accelerate innovation deployment;

(2) shorten the project delivery process;

(3) improve environmental sustainability;

(4) enhance roadway safety; and

(5) reduce congestion.

(c) INNOVATION DEPLOYMENT.—

(1) IN GENERAL.—At least every 2 years, the Administrator shall work collaboratively with stakeholders to identify a new collection of innovations, best practices, and data to be deployed to highway stakeholders through case studies, webinars, and demonstration projects.

(2) REQUIREMENTS.—In identifying a collection described in paragraph (1), the Secretary shall take into account market readiness, impacts, benefits, and ease of adoption of the innovation or practice.

(d) PUBLICATION.—Each collection identified under subsection (c) shall be published by the Administrator on a publicly available Web site.

SEC. 1445. WATER INFRASTRUCTURE FINANCE AND INNOVATION.

Section 5028(a) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3907(a)) is amended—

(1) by striking paragraph (5); and

(2) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

SEC. 1446. TECHNICAL CORRECTIONS.

(a) TITLE 23.—Title 23, United States Code, is amended as follows:

(1) Section 119(d)(1)(A) is amended by striking ''mobility,'' and inserting ''congestion reduction, system reliability,''.

(2) Section 126(b)(1) is amended by striking ''133(d)'' and inserting ''133(d)(1)(A)''.

(3) Section 127(a)(3) is amended by striking ''118(b)(2) of this title'' and inserting ''118(b)''.

(4) Section 150(b)(5) is amended by striking ''national freight network'' and inserting ''National Highway Freight Network''.

(5) Section 150(c)(3)(B) is amended by striking the semicolon at the end and inserting a period.

(6) Section 150(e)(4) is amended by striking ''National Freight Strategic Plan'' and inserting ''national freight strategic plan''.

(7) Section 153(h)(2) is amended by striking ''paragraphs (1) through (3)'' and inserting ''paragraphs (1), (2), and (4)''.

(8) Section 154(c) is amended—

(A) in paragraph (1) by striking ''paragraphs (1), (3), and (4)'' and inserting ''paragraphs (1), (2), and (4)'';

(B) in paragraph (3)(A) by striking ''transferred'' and inserting ''reserved''; and

(C) in paragraph (5)—

(i) in the matter preceding subparagraph (A) by inserting ''or released'' after ''transferred''; and

(ii) in subparagraph (A) by striking ''under section 104(b)(l)'' and inserting ''under section 104(b)(1)''.

(9) Section 163(f)(2) is amended by striking ''118(b)(2)'' and inserting ''118(b)''.

(10) Section 164(b) is amended—

(A) in paragraph (3)(A) by striking ''transferred'' and inserting ''reserved''; and

(B) in paragraph (5) by inserting ''or released'' after ''transferred''.

(11) Section 165(c)(7) is amended by striking ''paragraphs (2), (4), (7), (8), (14), and (19) of section 133(b)'' and inserting ''paragraphs (1) through (4) of section 133(c) and section 133(b)(12)''.

(12) Section 202(b)(3) is amended—

(A) in subparagraph (A)(i), in the matter preceding subclause (I), by inserting ''(a)(6),'' after ''subsections''; and

(B) in subparagraph (C)(ii)(IV), by striking ''(III).]'' and inserting ''(III).''.

(13) Section 217(a) is amended by striking ''104(b)(3)'' and inserting ''104(b)(4)''.

(14) Section 515 is amended by striking ''this chapter'' each place it appears and inserting ''sections 512 through 518''.

(b) TITLE 49.—Section 6302(b)(3)(B)(vi)(III) of title 49, United States Code, is amended by striking ''6310'' and inserting ''6309''.

(c) SAFETEA–LU.—Section 4407 of SAFETEA–LU (Public Law 109–59; 119 Stat. 1777) is amended by striking ''hereby enacted into law'' and inserting ''granted''.

(d) MAP–21.—Effective as of July 6, 2012, and as if included therein as enacted, MAP–21 (Public Law 112–141) is amended as follows:

(1) Section 1109(a)(2) (126 Stat. 444) is amended by striking ''fourth'' and inserting ''fifth''.

(2) Section 1203 (126 Stat. 524) is amended—

(A) in subsection (a) by striking ''Section 150 of title 23, United States Code, is amended to read as follows'' and inserting ''Title 23, United States Code, is amended by inserting after section 149 the following''; and

(B) in subsection (b) by striking ''by striking the item relating to section 150 and inserting'' and inserting ''by inserting after the item relating to section 149''.

(3) Section 1313(a)(1) (126 Stat. 545) is amended to read as follows:

''(1) in the section heading by striking '**pilot**'; and''.

(4) Section 1314(b) (126 Stat. 549) is amended—

(A) by inserting ''chapter 3 of'' after ''analysis for''; and

(B) by inserting a period at the end of the matter proposed to be inserted.

(5) Section 1519(c) (126 Stat. 575) is amended—

(A) by striking paragraph (3);

(B) by redesignating paragraphs (4) through (12) as paragraphs (3) through (11), respectively;

(C) in paragraph (7), as redesignated by subparagraph (B)—

(i) by striking the period at the end of the matter proposed to be struck; and

(ii) by adding a period at the end; and

(D) in paragraph (8)(A)(i)(I), as redesignated by subparagraph (B), by striking ''than rail'' in the matter proposed to be struck and inserting ''than on rail''.

(e) TRANSPORTATION RESEARCH AND INNOVATIVE TECHNOLOGY ACT OF 2012.—Section 51001(a)(1) of the Transportation Research and Innovative Technology Act of 2012 (126 Stat. 864) is amended by striking ''sections 503(b), 503(d), and 509'' and inserting ''section 503(b)''.

TITLE II—INNOVATIVE PROJECT FINANCE

SEC. 2001. TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT OF 1998 AMENDMENTS.

(a) DEFINITIONS.—Section 601(a) of title 23, United States Code, is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''In this chapter, the'' and inserting ''The''; and

(B) by inserting ''to sections 601 through 609'' after ''apply'';

(2) in paragraph (2)—

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

(B) in subparagraph (C) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(D) capitalizing a rural projects fund.'';

(3) in paragraph (3) by striking ''this chapter'' and inserting ''the TIFIA program'';

(4) in paragraph (10)—

(A) by striking ''(10) MASTER CREDIT AGREEMENT.—'' and all that follows before subparagraph (A) and inserting the following:

''(10) MASTER CREDIT AGREEMENT.—The term 'master credit agreement' means a conditional agreement to extend credit assistance for a program of related projects secured by a common security pledge covered under section 602(b)(2)(A) or for a single project covered under section 602(b)(2)(B) that does not provide for a current obligation of Federal funds, and that would—'';

(B) in subparagraph (A) by striking ''subject to the availability of future funds being made available to carry out this chapter;'' and inserting ''subject to—

''(i) the availability of future funds being made available to carry out the TIFIA program; and

''(ii) the satisfaction of all of the conditions for the provision of credit assistance under the TIFIA program, including section 603(b)(1);''; and

(C) in subparagraph (D)—

(i) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively;

(ii) by inserting after clause (i) the following:

''(ii) receiving an investment grade rating from a rating agency;'';

(iii) in clause (iii) (as so redesignated) by striking ''in section 602(c)'' and inserting ''under the TIFIA program, including sections 602(c) and 603(b)(1)''; and

(iv) in clause (iv) (as so redesignated) by striking ''this chapter'' and inserting ''the TIFIA program'';

(5) in paragraph (12)—

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

(B) in subparagraph (D)(iv) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(E) a project to improve or construct public infrastructure that is located within walking distance of, and accessible to, a fixed guideway transit facility, passenger rail station, intercity bus station, or intermodal facility, including a transportation, public utility, or capital project described in section 5302(3)(G)(v) of title 49, and related infrastructure; and

''(F) the capitalization of a rural projects fund.'';

(6) 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), (20), (21), and (22), respectively;

(8) by inserting after paragraph (15) the following:

''(16) RURAL PROJECTS FUND.—The term 'rural projects fund' means a fund—

''(A) established by a State infrastructure bank in accordance with section 610(d)(4);

''(B) capitalized with the proceeds of a secured loan made to the bank in accordance with sections 602 and 603; and

''(C) for the purpose of making loans to sponsors of rural infrastructure projects in accordance with section 610.'';

(9) by inserting after paragraph (18) (as so redesignated) the following:

''(19) STATE INFRASTRUCTURE BANK.—The term 'State infrastructure bank' means an infrastructure bank established under section 610.''; and

(10) in paragraph (22) (as so redesignated), by inserting ''established under sections 602 through 609'' after ''Department''.

(b) DETERMINATION OF ELIGIBILITY AND PROJECT SELECTION.—Section 602 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1) in the matter preceding subparagraph (A), by striking ''this chapter'' and inserting ''the TIFIA program'';

(B) in paragraph (2)(A) by striking ''this chapter'' and inserting ''the TIFIA program'';

(C) in paragraph (3) by striking ''this chapter'' and inserting ''the TIFIA program'';

(D) in paragraph (5)—

(i) by striking the paragraph heading and inserting ''ELIGIBLE PROJECT COST PARAMETERS.—'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''subparagraph (B), to be eligible for assistance under this chapter, a project'' and inserting ''subparagraph (B), a project under the TIFIA program'';

(II) by striking clause (i) and inserting the following:

''(i) $50,000,000; and''; and

(III) in clause (ii) by striking ''assistance''; and

(iii) in subparagraph (B)—

(I) by striking the subparagraph designation and heading and all that follows through ''In the case'' and inserting the following:

''(B) EXCEPTIONS.—

''(i) INTELLIGENT TRANSPORTATION SYSTEMS.—In the case''; and

(II) by adding at the end the following:

''(ii) TRANSIT-ORIENTED DEVELOPMENT PROJECTS.—In the case of a project described in section 601(a)(12)(E), eligible project costs shall be reasonably anticipated to equal or exceed $10,000,000.

''(iii) RURAL PROJECTS.—In the case of a rural infrastructure project or a project capitalizing a rural projects fund, eligible project costs shall be reasonably anticipated to equal or exceed $10,000,000, but not to exceed $100,000,000.

''(iv) LOCAL INFRASTRUCTURE PROJECTS.—Eligible project costs shall be reasonably anticipated to equal or exceed $10,000,000 in the case of a project or program of projects—

''(I) in which the applicant is a local government, public authority, or instrumentality of local government;

''(II) located on a facility owned by a local government; or

''(III) for which the Secretary determines that a local government is substantially involved in the development of the project.'';

(E) in paragraph (9), in the matter preceding subparagraph (A), by striking ''this chapter'' and inserting ''the TIFIA program''; and

(F) in paragraph (10)—

(i) by striking ''To be eligible'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), to be eligible'';

(ii) by striking ''this chapter'' each place it appears and inserting ''the TIFIA program'';

(iii) by striking ''not later than'' and inserting ''no later than''; and

(iv) by adding at the end the following:

''(B) RURAL PROJECTS FUND.—In the case of a project capitalizing a rural projects fund, the State infrastructure bank shall demonstrate, not later than 2 years after the date on which a secured loan is obligated for the project under the TIFIA program, that the bank has executed a loan agreement with a borrower for a rural infrastructure project in accordance with section 610. After the demonstration is made, the bank may draw upon the secured loan. At the end of the 2-year period, to the extent the bank has not used the loan commitment, the Secretary may extend the term of the loan or withdraw the loan commitment.'';

(2) in subsection (b) by striking paragraph (2) and inserting the following:

''(2) MASTER CREDIT AGREEMENTS.—

''(A) PROGRAM OF RELATED PROJECTS.—The Secretary may enter into a master credit agreement for a program of related projects secured by a common security pledge on terms acceptable to the Secretary.

''(B) ADEQUATE FUNDING NOT AVAILABLE.—If the Secretary fully obligates funding to eligible projects for a fiscal year and adequate funding is not available to fund a credit instrument, a project sponsor of an eligible project may elect to enter into a master credit agreement and wait to execute a credit instrument until the fiscal year for which additional funds are available to receive credit assistance.'';

(3) in subsection (c)(1), in the matter preceding subparagraph (A), by striking ''this chapter'' and inserting ''the TIFIA program''; and

(4) in subsection (e) by striking ''this chapter'' and inserting ''the TIFIA program''.

(c) SECURED LOAN TERMS AND LIMITATIONS.—Section 603 of title 23, United States Code, is amended—

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

''(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 the maturity of such interim construction financing is later than 1 year after the substantial completion of the project; and

''(B) later than 1 year after the date of substantial completion of the project.'';

(2) in subsection (b)—

(A) in paragraph (2)—

(i) by striking ''The amount of'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), the amount of''; and

(ii) by adding at the end the following:

''(B) RURAL PROJECTS FUND.—In the case of a project capitalizing a rural projects fund, the maximum amount of a secured loan made to a State infrastructure bank shall be determined in accordance with section 602(a)(5)(B)(iii).'';

(B) in paragraph (3)(A)(i)—

(i) in subclause (III) by striking ''or'' at the end;

(ii) in subclause (IV) by striking ''and'' at the end and inserting ''or''; and

(iii) by adding at the end the following:

''(V) in the case of a secured loan for a project capitalizing a rural projects fund, any other dedicated revenue sources available to a State infrastructure bank, including repayments from loans made by the bank for rural infrastructure projects; and'';

(C) in paragraph (4)(B)—

(i) in clause (i) by striking ''under this chapter'' and inserting ''or a rural projects fund under the TIFIA program''; and

(ii) in clause (ii) by inserting ''and rural project funds'' after ''rural infrastructure projects'';

(D) in paragraph (5)—

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

(ii) in the matter preceding clause (i) (as so redesignated) by striking ''The final'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), the final''; and

(iii) by adding at the end the following:

''(B) RURAL PROJECTS FUND.—In the case of a project capitalizing a rural projects fund, the final maturity date of the secured loan shall not exceed 35 years after the date on which the secured loan is obligated.'';

(E) in paragraph (8) by striking ''this chapter'' and inserting ''the TIFIA program''; and

(F) in paragraph (9)—

(i) by striking ''The total Federal assistance provided on a project receiving a loan under this chapter'' and inserting the following:

''(A) IN GENERAL.—The total Federal assistance provided for a project receiving a loan under the TIFIA program''; and

(ii) by adding at the end the following:

''(B) RURAL PROJECTS FUND.—A project capitalizing a rural projects fund shall satisfy subparagraph (A) through compliance with the Federal share requirement described in section 610(e)(3)(B).''; and

(3) by adding at the end the following:

''(f) STREAMLINED APPLICATION PROCESS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the FAST Act, the Secretary shall make available an expedited application process or processes available at the request of entities seeking secured loans under the TIFIA program that use a set or sets of conventional terms established pursuant to this section.

''(2) TERMS.—In establishing the streamlined application process required by this subsection, the Secretary may include terms commonly included in prior credit agreements and allow for an expedited application period, including—

''(A) the secured loan is in an amount of not greater than $100,000,000;

''(B) the secured loan is secured and payable from pledged revenues not affected by project performance, such as a tax-backed revenue pledge, tax increment financing, or a system-backed pledge of project revenues; and

''(C) repayment of the loan commences not later than 5 years after disbursement.''.

(d) PROGRAM ADMINISTRATION.—Section 605 of title 23, United States Code, is amended—

(1) by striking ''this chapter'' each place it appears and inserting ''the TIFIA program''; and

(2) by adding at the end the following:

''(f) ASSISTANCE TO SMALL PROJECTS.—

''(1) RESERVATION OF FUNDS.—Of the funds made available to carry out the TIFIA program for each fiscal year, and after the set aside under section 608(a)(5), not less than $2,000,000 shall be made available for the Secretary to use in lieu of fees collected under subsection (b) for projects under the TIFIA program having eligible project costs that are reasonably anticipated not to equal or exceed $75,000,000.

''(2) RELEASE OF FUNDS.—Any funds not used under paragraph (1) 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.''.

(e) STATE AND LOCAL PERMITS.—Section 606 of title 23, United States Code, is amended in the matter preceding paragraph (1) by striking ''this chapter'' and inserting ''the TIFIA program''.

(f) REGULATIONS.—Section 607 of title 23, United States Code, is amended by striking ''this chapter'' and inserting ''the TIFIA program''.

(g) FUNDING.—Section 608 of title 23, United States Code, is amended—

(1) by striking ''this chapter'' each place it appears and inserting ''the TIFIA program''; and

(2) in subsection (a)—

(A) in paragraph (2) by inserting ''of'' after ''504(f)'';

(B) in paragraph (3)—

(i) in subparagraph (A), by inserting ''or rural projects funds'' after ''rural infrastructure projects''; and

(ii) in subparagraph (B), by inserting ''or rural projects funds'' after ''rural infrastructure projects'';

(C) by striking paragraphs (4) and (6) and redesignating paragraph (5) as paragraph (4); and

(D) by inserting at the end the following:

''(5) ADMINISTRATIVE COSTS.—Of the amounts made available to carry out the TIFIA program, the Secretary may use not more than $6,875,000 for fiscal year 2016, $7,081,000 for fiscal year 2017, $7,559,000 for fiscal year 2018, $8,195,000 for fiscal year 2019, and $8,441,000 for fiscal year 2020 for the administration of the TIFIA program.''.

(h) REPORTS TO CONGRESS.—Section 609 of title 23, United States Code, is amended by striking ''this chapter (other than section 610)'' each place it appears and inserting ''the TIFIA program''.

(i) STATE INFRASTRUCTURE BANK PROGRAM.—Section 610 of title 23, United States Code, is amended—

(1) in subsection (a) by adding at the end the following:

''(11) RURAL INFRASTRUCTURE PROJECT.—The term 'rural infrastructure project' has the meaning given the term in section 601.

''(12) RURAL PROJECTS FUND.—The term 'rural projects fund' has the meaning given the term in section 601.'';

(2) in subsection (d)—

(A) in paragraph (1)(A) by striking ''each of fiscal years'' and all that follows through the end of subparagraph (A) and inserting ''each of fiscal years 2016 through 2020 under each of paragraphs (1), (2), and (5) of section 104(b); and'';

(B) in paragraph (2) by striking ''fiscal years 2005 through 2009'' and inserting ''fiscal years 2016 through 2020'';

(C) in paragraph (3) by striking ''fiscal years 2005 through 2009'' and inserting ''fiscal years 2016 through 2020'';

(D) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively;

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

''(4) RURAL PROJECTS FUND.—Subject to subsection (j), the Secretary may permit a State entering into a cooperative agreement under this section to establish a State infrastructure bank to deposit into the rural projects fund of the bank the proceeds of a secured loan made to the bank in accordance with sections 602 and 603.''; and

(F) in paragraph (6) (as so redesignated) by striking ''section 133(d)(3)'' and inserting ''section 133(d)(1)(A)(i)'';

(3) by striking subsection (e) and inserting the following:

''(e) FORMS OF ASSISTANCE FROM STATE INFRASTRUCTURE BANKS.—

''(1) IN GENERAL.—A State infrastructure bank established under this section may—

''(A) with funds deposited into the highway account, transit account, or rail account of the bank, make loans or provide other forms of credit assistance to a public or private entity to carry out a project eligible for assistance under this section; and

''(B) with funds deposited into the rural projects fund, make loans to a public or private entity to carry out a rural infrastructure project.

''(2) SUBORDINATION OF LOAN.—The amount of a loan or other form of credit assistance provided for a project described in paragraph (1) may be subordinated to any other debt financing for the project.

''(3) MAXIMUM AMOUNT OF ASSISTANCE.—A State infrastructure bank established under this section may—

''(A) with funds deposited into the highway account, transit account, or rail account of the bank, make loans or provide other forms of credit assistance to a public or private entity in an amount up to 100 percent of the cost of carrying out a project eligible for assistance under this section; and

''(B) with funds deposited into the rural projects fund, make loans to a public or private entity in an amount not to exceed 80 percent of the cost of carrying out a rural infrastructure project.

''(4) INITIAL ASSISTANCE.—Initial assistance provided with respect to a project from Federal funds deposited into a State infrastructure bank under this section may not be made in the form of a grant.'';

(4) in subsection (g)—

(A) in paragraph (1) by striking ''each account'' and inserting ''the highway account, the transit account, and the rail account''; and

(B) in paragraph (4) by inserting '', except that any loan funded from the rural projects fund of the bank shall bear interest at or below the interest rate charged for the TIFIA loan provided to the bank under section 603'' after ''feasible''; and

(5) in subsection (k) by striking ''fiscal years 2005 through 2009'' and inserting ''fiscal years 2016 through 2020''.

SEC. 2002. AVAILABILITY PAYMENT CONCESSION 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 106(b)(1) 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)—

(A) in subparagraph (C) by inserting ''functional'' before ''landscaping and''; and

(B) in subparagraph (E) by striking ''bicycle storage facilities and installing equipment'' and inserting ''bicycle storage shelters and parking facilities and the installation of equipment'';

(2) in paragraph (3)—

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

''(F) leasing equipment or a facility for use in public transportation;'';

(B) in subparagraph (G)—

(i) in clause (iv) by adding ''and'' at the end;

(ii) in clause (v) by striking ''and'' at the end; and

(iii) by striking clause (vi);

(C) by striking subparagraph (I) and inserting the following:

''(I) the provision of nonfixed route paratransit transportation services in accordance with section 223 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12143), but only for grant recipients that are in compliance with applicable requirements of that Act, including both fixed route and demand responsive service, and only for amounts—

''(i) not to exceed 10 percent of such recipient's annual formula apportionment under sections 5307 and 5311; or

''(ii) not to exceed 20 percent of such recipient's annual formula apportionment under sections 5307 and 5311, if, consistent with guidance issued by the Secretary, the recipient demonstrates that the recipient meets at least 2 of the following requirements:

''(I) Provides an active fixed route travel training program that is available for riders with disabilities.

''(II) Provides that all fixed route and paratransit operators participate in a passenger safety, disability awareness, and sensitivity training class on at least a biennial basis.

''(III) Has memoranda of understanding in place with employers and the American Job Center to increase access to employment opportunities for people with disabilities.'';

(D) in subparagraph (K) by striking ''or'' at the end;

(E) in subparagraph (L) by striking the period at the end and inserting a semicolon; and

(F) by adding at the end the following:

''(M) associated transit improvements; or

''(N) technological changes or innovations to modify low or no emission vehicles (as defined in section 5339(c)) or facilities.''; and

(3) by adding at the end the following:

''(24) VALUE CAPTURE.—The term 'value capture' means recovering the increased property value to property located near public transportation resulting from investments in public transportation.''.

SEC. 3003. METROPOLITAN AND STATEWIDE TRANSPORTATION PLANNING.

(a) IN GENERAL.—Section 5303 of title 49, United States Code, is amended—

(1) in subsection (a)(1) by inserting ''resilient'' after ''development of'';

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

(3) in subsection (d)—

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

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

''(3) REPRESENTATION.—

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

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

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

(C) in paragraph (5), as so redesignated, by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

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

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

(6) in subsection (h)(1)—

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

(B) in subparagraph (H) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(I) improve the resiliency and reliability of the transportation system.'';

(7) in subsection (i)—

(A) in paragraph (2)—

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

(ii) in subparagraph (G)—

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

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

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

(B) in paragraph (6)(A)—

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

(ii) by inserting ''(including intercity bus operators, 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 (8) by striking ''paragraph (2)(C)'' each place it appears and inserting ''paragraph (2)(E)'';

(8) in subsection (k)(3)—

(A) in subparagraph (A) 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), job access projects,'' after ''reduction''; and

(B) by adding at the end the following:

''(C) CONGESTION MANAGEMENT PLAN.—A metropolitan planning organization serving a 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 transportation 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 proposed projects and programs to reduce congestion and increase job access opportunities.

''(D) PARTICIPATION.—In developing the plan under subparagraph (C), a metropolitan planning organization shall consult with employers, private and non-profit providers of public transportation, transportation management organizations, and organizations that provide job access reverse commute projects or job-related services to low-income individuals.'';

(9) in subsection (l)—

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

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

(10) in subsection (p) by striking ''Funds set aside under section 104(f)'' and inserting ''Funds apportioned under section 104(b)(5)''; and

(11) by adding at the end the following:

''(r) BI-STATE METROPOLITAN PLANNING ORGANIZATION.—

''(1) DEFINITION OF BI-STATE MPO REGION.—In this subsection, the term 'Bi-State Metropolitan Planning Organization' has the meaning given the term 'region' in subsection (a) of Article II of the Lake Tahoe Regional Planning Compact (Public Law 96–551; 94 Stat. 3234).

''(2) TREATMENT.—For the purpose of this title, the Bi-State Metropolitan Planning Organization shall be treated as—

''(A) a metropolitan planning organization;

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

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

(b) STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.—Section 5304 of title 49, United States Code, is amended—

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

(2) in subsection (d)—

(A) in paragraph (1)—

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

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

(iii) by adding at the end the following:

''(I) improve the resiliency and reliability of the transportation system.''; and

(B) in paragraph (2)—

(i) in subparagraph (B)(ii) by striking ''urbanized''; and

(ii) in subparagraph (C) by striking ''urbanized''; and

(3) in subsection (f)(3)(A)(ii)—

(A) by inserting ''public ports,'' before ''freight shippers,''; and

(B) 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''.

SEC. 3004. URBANIZED AREA FORMULA GRANTS.

Section 5307 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2) by inserting ''or demand response service, excluding ADA complementary paratransit service,'' before ''during'' each place it appears; and

(B) by adding at the end the following:

''(3) EXCEPTION TO THE SPECIAL RULE.—Notwithstanding paragraph (2), if a public transportation system described in such paragraph executes a written agreement with 1 or more other public transportation systems within the urbanized area to allocate funds for the purposes described in the paragraph by a method other than by measuring vehicle revenue hours, each public transportation system that is a

party to the written agreement may follow the terms of the written agreement without regard to measured vehicle revenue hours referred to in the paragraph.''; and

(2) in subsection (c)(1)—

(A) in subparagraph (C), by inserting ''in accordance with the recipient's transit asset management plan'' after ''equipment and facilities''; and

(B) in subparagraph (K), by striking ''Census—'' and all that follows through clause (ii) and inserting the following: ''Census, will submit an annual report listing projects carried out in the preceding fiscal year under this section for associated transit improvements as defined in section 5302; and''.

SEC. 3005. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS.

(a) IN GENERAL.—Section 5309 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking ''and weekend days'';

(B) in paragraph (6)—

(i) in subparagraph (A) by inserting '', small start projects,'' after ''new fixed guideway capital projects''; and

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

''(B) 2 or more projects that are any combination of new fixed guideway capital projects, small start projects, and core capacity improvement projects.''; and

(C) in paragraph (7)—

(i) in subparagraph (A), by striking ''$75,000,000'' and inserting ''$100,000,000''; and

(ii) in subparagraph (B), by striking ''$250,000,000'' and inserting ''$300,000,000'';

(2) in subsection (d)—

(A) in paragraph (1)(B) by striking '', policies and land use patterns that promote public transportation,''; and

(B) in paragraph (2)(A)—

(i) in clause (iii) by adding ''and'' after the semicolon;

(ii) by striking clause (iv); and

(iii) by redesignating clause (v) as clause (iv);

(3) in subsection (g)(2)(A)(i) by striking ''the policies and land use patterns that support public transportation,'';

(4) in subsection (h)(6)—

(A) by striking ''In carrying out'' and inserting the following:

''(A) IN GENERAL.—In carrying out''; and

(B) by adding at the end the following:

''(B) OPTIONAL EARLY RATING.—At the request of the project sponsor, the Secretary shall evaluate and rate the project in accordance with paragraphs (4) and (5) and subparagraph (A) of this paragraph upon completion of the analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).'';

(5) in subsection (i)—

(A) in paragraph (1) by striking ''subsection (d) or (e)'' and inserting ''subsection (d), (e), or (h)'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A) by inserting ''new fixed guideway capital project or core capacity improvement'' after ''federally funded'';

(ii) by striking subparagraph (D) and inserting the following:

''(D) the program of interrelated projects, when evaluated as a whole—

''(i) meets the requirements of subsection (d)(2), subsection (e)(2), or paragraphs (3) and (4) of subsection (h), as applicable, if the program is comprised entirely of—

''(I) new fixed guideway capital projects;

''(II) core capacity improvement projects; or

''(III) small start projects; or

''(ii) meets the requirements of subsection (d)(2) if the program is comprised of any combination of new fixed guideway capital projects, small start projects, and core capacity improvement projects;''; and

(iii) in subparagraph (F), by inserting ''or subsection (h)(5), as applicable'' after ''subsection (f)''; and

(C) by striking paragraph (3)(A) and inserting the following:

''(A) PROJECT ADVANCEMENT.—A project receiving a grant under this section that is part of a program of interrelated projects may not advance—

''(i) in the case of a small start project, from the project development phase to the construction phase unless the Secretary determines that the program of interrelated projects meets the applicable requirements of this section and there is a reasonable likelihood that the program will continue to meet such requirements; or

''(ii) in the case of a new fixed guideway capital project or a core capacity improvement project, from the project development phase to the engineering phase, or from the engineering phase to the construction phase, unless the Secretary determines that the program of interrelated projects meets the applicable requirements of this section and there is a reasonable likelihood that the program will continue to meet such requirements.'';

(6) in subsection (l)—

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

''(1) IN GENERAL.—

''(A) ESTIMATION OF NET CAPITAL PROJECT COST.—Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary shall estimate the net capital project cost.

''(B) GRANTS.—

''(i) GRANT FOR NEW FIXED GUIDEWAY CAPITAL PROJECT.—A grant for a new fixed guideway capital project shall not exceed 80 percent of the net capital project cost.

''(ii) FULL FUNDING GRANT AGREEMENT FOR NEW FIXED GUIDEWAY CAPITAL PROJECT.—A full funding grant agreement for a new fixed guideway capital project shall not include a share of more than 60 percent from the funds made available under this section.

''(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 of the incremental cost to increase the capacity in the corridor

''(iv) GRANT FOR SMALL START PROJECT.—. A grant for a small start project shall not exceed 80 percent of the net capital project costs.''; and

(B) 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 remain available to that project for 4 fiscal years, including the fiscal year in 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.

''(2) USE OF DEOBLIGATED AMOUNTS.—An amount available under this section that is deobligated may be used for any purpose under this section.''; and

(8) by adding at the end the following:

''(p) SPECIAL RULE.—For the purposes of calculating the cost effectiveness of a project described in subsection (d) or (e), the Secretary shall not reduce or eliminate the capital costs of art and non-functional landscaping elements from the annualized capital cost calculation.

''(q) JOINT PUBLIC TRANSPORTATION AND INTERCITY PASSENGER RAIL PROJECTS.—

''(1) IN GENERAL.—The Secretary may make grants for new fixed guideway capital projects and core capacity improvement projects that provide both public transportation and intercity passenger rail service.

''(2) ELIGIBLE COSTS.—Eligible costs for a project under this subsection shall be limited to the net capital costs of the public transportation costs attributable to the project based on projected use of the new segment or expanded capacity of the project corridor, not including project elements designed to achieve or maintain a state of good repair, as determined by the Secretary under paragraph (4).

''(3) PROJECT JUSTIFICATION AND LOCAL FINANCIAL COMMITMENT.—A project under this subsection shall be evaluated for project justification and local financial commitment under subsections (d), (e), (f), and (h), as applicable to the project, based on—

''(A) the net capital costs of the public transportation costs attributable to the project as determined under paragraph (4); and

''(B) the share of funds dedicated to the project from sources other than this section included in the unified finance plan for the project.

''(4) CALCULATION OF NET CAPITAL PROJECT COST.—The Secretary shall estimate the net capital costs of a project under this subsection based on—

''(A) engineering studies;

''(B) studies of economic feasibility;

''(C) the expected use of equipment or facilities; and

''(D) the public transportation costs attributable to the project.

''(5) GOVERNMENT SHARE OF NET CAPITAL PROJECT COST.—

''(A) GOVERNMENT SHARE.—The Government share shall not exceed 80 percent of the net capital cost attributable to the public transportation costs of a project under this subsection as determined under paragraph (4).

''(B) NON-GOVERNMENT SHARE.—The remainder of the net capital cost attributable to the public transportation costs of a project under this subsection shall be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.''.

(b) EXPEDITED PROJECT DELIVERY FOR CAPITAL INVESTMENT GRANTS PILOT PROGRAM.—

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

(A) APPLICANT.—The term ''applicant'' means a State or local governmental authority that applies for a grant under this subsection.

(B) CAPITAL PROJECT; FIXED GUIDEWAY; LOCAL GOVERNMENTAL AUTHORITY; PUBLIC TRANSPORTATION; STATE; STATE OF GOOD REPAIR.—The terms ''capital project'', ''fixed guideway'', ''local governmental authority'', ''public transportation'', ''State'', and ''state of good repair'' have the meanings given those terms in section 5302 of title 49, United States Code.

(C) CORE CAPACITY IMPROVEMENT PROJECT.—The term ''core capacity improvement project''—

(i) means a substantial corridor-based capital investment in an existing fixed guideway system that increases the capacity of a corridor by not less than 10 percent; and

(ii) may include project elements designed to aid the existing fixed guideway system in making substantial progress towards achieving a state of good repair.

(D) CORRIDOR-BASED BUS RAPID TRANSIT PROJECT.—The term ''corridor-based bus rapid transit project'' means a small start project utilizing buses in which the project represents a substantial investment in a defined corridor as demonstrated by features that emulate the services provided by rail fixed guideway public transportation systems—

(i) including—

(I) defined stations;

(II) traffic signal priority for public transportation vehicles;

(III) short headway bidirectional services for a substantial part of weekdays; and

(IV) any other features the Secretary may determine support a long-term corridor investment; and

(ii) the majority of which does not operate in a separated right-of-way dedicated for public transportation use during peak periods.

(E) ELIGIBLE PROJECT.—The term ''eligible project'' means a new fixed guideway capital project, a small start project, or a core capacity improvement project that has not entered into a full funding grant agreement with the Federal Transit Administration before the date of enactment of this Act.

(F) FIXED GUIDEWAY BUS RAPID TRANSIT PROJECT.—The term ''fixed guideway bus rapid transit project'' means a bus capital project—

(i) in which the majority of the project operates in a separated right-of-way 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 services provided by rail fixed guideway public transportation systems.

(G) NEW FIXED GUIDEWAY CAPITAL PROJECT.—The term ''new fixed guideway capital project'' means—

(i) a fixed guideway 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) RECIPIENT.—The term ''recipient'' means a recipient of funding under chapter 53 of title 49, United States Code.

(I) SMALL START PROJECT.—The term ''small start project'' means a new fixed guideway capital project, a fixed guideway bus rapid transit project, or a corridor-based bus rapid transit project for which—

(i) the Federal assistance provided or to be provided under this subsection is less than $75,000,000; and

(ii) the total estimated net capital cost is less than $300,000,000.

(2) GENERAL AUTHORITY.—The Secretary may make grants under this subsection to States and local governmental authorities to assist in financing—

(A) new fixed guideway capital projects or small start projects, including the acquisition of real property, the initial acquisition of rolling stock for the system, the acquisition of rights-of-way, and relocation, for projects in the advanced stages of planning and design; and

(B) core capacity improvement projects, including the acquisition of real property, the acquisition of rights-of-way, double tracking, signalization improvements, electrification, expanding system platforms, acquisition of rolling stock associated with corridor improvements increasing capacity, construction of infill stations, and such other capacity improvement projects as the Secretary determines are appropriate to increase the capacity of an existing fixed guideway system corridor by not less than 10 percent. Core capacity improvement projects do not include elements to improve general station facilities or parking, or acquisition of rolling stock alone.

(3) GRANT REQUIREMENTS.—

(A) IN GENERAL.—The Secretary may make not more than 8 grants under this subsection for eligible projects if the Secretary determines that—

(i) the eligible project is part of an approved transportation plan required under sections 5303 and 5304 of title 49, United States Code;

(ii) the applicant has, or will have—

(I) the legal, financial, and technical capacity to carry out the eligible project, including the safety and security aspects of the eligible project;

(II) satisfactory continuing control over the use of the equipment or facilities;

(III) the technical and financial capacity to maintain new and existing equipment and facilities; and

(IV) advisors providing guidance to the applicant on the terms and structure of the project that are independent from investors in the project;

(iii) the eligible project is supported, or will be supported, in part, through a public-private partnership, provided such support is determined by local policies, criteria, and decision-making under section 5306(a) of title 49, United States Code;

(iv) the eligible project is justified based on findings presented by the project sponsor to the Secretary, including—

(I) mobility improvements attributable to the project;

(II) environmental benefits associated with the project;

(III) congestion relief associated with the project;

(IV) economic development effects derived as a result of the project; and

(V) estimated ridership projections;

(v) the eligible project is supported by an acceptable degree of local financial commitment (including evidence of stable and dependable financing sources); and

(vi) the eligible project will be operated and maintained by employees of an existing provider of fixed guideway or bus rapid transit public transportation in the service area of the project, or if none exists, by employees of an existing public transportation provider in the service area.

(B) CERTIFICATION.—An applicant that has submitted the certifications required under subparagraphs (A), (B), (C), and (H) of section 5307(c)(1) of title 49, United States Code, shall be deemed to have provided sufficient information upon which the Secretary may make the determinations required under this paragraph.

(C) TECHNICAL CAPACITY.—The Secretary shall use an expedited technical capacity review process for applicants that have recently and successfully completed not less than 1 new fixed guideway capital project, small start project, or core capacity improvement project, if—

(i) the applicant achieved budget, cost, and ridership outcomes for the project that are consistent with or better than projections; and

(ii) the applicant demonstrates that the applicant continues to have the staff expertise and other resources necessary to implement a new project.

(D) FINANCIAL COMMITMENT.—

(i) REQUIREMENTS.—In determining whether an eligible project is supported by an acceptable degree of local financial commitment and shows evidence of stable and dependable financing sources for purposes of subparagraph (A)(v), the Secretary shall require that—

(I) each proposed source of capital and operating financing is stable, 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.

(ii) CONSIDERATIONS.—In assessing the stability, reliability, and availability of proposed sources of financing under clause (i), the Secretary shall consider—

(I) the reliability of the forecasting methods used to estimate costs and revenues made by the applicant and the contractors to the applicant;

(II) existing grant commitments;

(III) the degree to which financing sources are dedicated to the proposed eligible project;

(IV) any debt obligation that exists or is proposed by the applicant, for the proposed eligible project or other public transportation purpose; and

(V) private contributions to the eligible project, including cost-effective project delivery, management or transfer of project risks, expedited project schedule, financial partnering, and other public-private partnership strategies.

(E) LABOR STANDARDS.—The requirements under section 5333 of title 49, United States Code, shall apply to each recipient of a grant under this subsection.

(4) PROJECT ADVANCEMENT.—An applicant that desires a grant under this subsection and meets the requirements of paragraph (3) shall submit to the Secretary, and the Secretary shall approve for advancement, a grant request that contains—

(A) identification of an eligible project;

(B) a schedule and finance plan for the construction and operation of the eligible project;

(C) an analysis of the efficiencies of the proposed eligible project development and delivery methods and innovative financing arrangement for the eligible project, including any documents related to the—

(i) public-private partnership required under paragraph (3)(A)(iii); and

(ii) project justification required under paragraph (3)(A)(iv); and

(D) a certification that the existing public transportation system of the applicant or, in the event that the applicant does not operate a public transportation system, the public transportation system to which the proposed project will be attached, is in a state of good repair.

(5) WRITTEN NOTICE FROM THE SECRETARY.—

(A) IN GENERAL.—Not later than 120 days after the date on which the Secretary receives a grant request of an applicant under paragraph (4), the Secretary shall provide written notice to the applicant—

(i) of approval of the grant request; or

(ii) if the grant request does not meet the requirements under paragraph (4), of disapproval of the grant request, including a detailed explanation of the reasons for the disapproval.

(B) CONCURRENT NOTICE.—The Secretary shall provide concurrent notice of an approval or disapproval of a grant request under subparagraph (A) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(6) WAIVER.—The Secretary may grant a waiver to an applicant that does not comply with paragraph (4)(D) if—

(A) the eligible project meets the definition of a core capacity improvement project; and

(B) the Secretary certifies that the eligible project will allow the applicant to make substantial progress in achieving a state of good repair.

(7) SELECTION CRITERIA.—The Secretary may enter into a full funding grant agreement with an applicant under this subsection for an eligible project for which an application has been submitted and approved for advancement by the Secretary under paragraph (4), only if the applicant has completed the planning and activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(8) LETTERS OF INTENT AND FULL FUNDING GRANT AGREEMENTS.—

(A) LETTERS OF INTENT.—

(i) AMOUNTS INTENDED TO BE OBLIGATED.—The Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for an eligible project under this subsection, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the eligible project. When a letter is issued for an eligible project under this subsection, the amount shall be sufficient to complete at least an operable segment.

(ii) TREATMENT.—The issuance of a letter under clause (i) is deemed not to be an obligation under section 1108(c), 1501, or 1502(a) of

title 31, United States Code, or an administrative commitment.

(B) FULL FUNDING GRANT AGREEMENTS.—

(i) IN GENERAL.—Except as provided in clause (v), an eligible project shall be carried out under this subsection through a full funding grant agreement.

(ii) CRITERIA.—The Secretary shall enter into a full funding grant agreement, based 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 (5)(A)(i).

(iii) TERMS.—A full funding grant agreement shall—

(I) establish the terms of participation by the Federal Government in the eligible project;

(II) establish the maximum amount of Federal financial assistance for the eligible project;

(III) include the period of time for completing construction of the eligible project, consistent with the terms of the public-private partnership agreement, even if that period extends beyond the period of an authorization; and

(IV) make timely and efficient management of the eligible project easier according to the law of the United States.

(iv) SPECIAL FINANCIAL RULES.—

(I) IN GENERAL.—A full funding grant agreement under this subparagraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this subparagraph, to obligate an additional amount from future available budget authority specified in law.

(II) STATEMENT OF CONTINGENT COMMITMENT.—A full funding grant agreement shall state that the contingent commitment is not an obligation of the Federal Government.

(III) INTEREST AND OTHER FINANCING COSTS.—Interest and other financing costs of efficiently carrying out a part of the eligible project within a reasonable time are a cost of 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.

(IV) COMPLETION OF OPERABLE SEGMENT.—The amount stipulated in an agreement under this subparagraph for a new fixed guideway capital project, core capacity improvement project, or small start project shall be sufficient to complete at least an operable segment.

(v) EXCEPTION.—

(I) IN GENERAL.—The Secretary, to the maximum extent practicable, shall provide Federal assistance under this subsection for a small start project in a single grant. If the Secretary cannot provide such a single grant, the Secretary may execute an expedited grant agreement in order to include a commitment on the part of the Secretary to provide funding for the project in future fiscal years.

(II) TERMS OF EXPEDITED GRANT AGREEMENTS.—In executing an expedited grant agreement under this clause, the Secretary may include in the agreement terms similar to those established under clause (iii).

(C) LIMITATION ON AMOUNTS.—

(i) IN GENERAL.—The Secretary may enter into full funding grant agreements under this paragraph for eligible projects that contain contingent commitments to incur obligations in such amounts as the Secretary determines are appropriate.

(ii) APPROPRIATION REQUIRED.—An obligation may be made under this paragraph only when amounts are appropriated for obligation.

(D) NOTIFICATION TO CONGRESS.—

(i) IN GENERAL.—Not later than 30 days before the date on which the Secretary issues a letter of intent or enters into a full funding grant agreement for an eligible project under this paragraph, the Secretary shall notify, in writing, the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives of the proposed letter of intent or full funding grant agreement.

(ii) CONTENTS.—The written notification under clause (i) shall include a copy of the proposed letter of intent or full funding grant agreement for the eligible project.

(9) GOVERNMENT SHARE OF NET CAPITAL PROJECT COST.—

(A) IN GENERAL.—A grant for an eligible project shall not exceed 25 percent of the net capital project cost.

(B) REMAINDER OF NET CAPITAL PROJECT COST.—The remainder of the net capital project cost shall be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.

(C) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed as authorizing the Secretary to require a non-Federal financial commitment for a project that is more than 75 percent of the net capital project cost.

(D) SPECIAL RULE FOR ROLLING STOCK COSTS.—In addition to amounts allowed pursuant to subparagraph (A), a planned extension to a fixed guideway system may include the cost of rolling stock previously purchased if the applicant satisfies the Secretary that only amounts other than amounts provided by the Federal Government were used and that the purchase was made for use on the extension. A refund or reduction of the remainder may be made only if a refund of a proportional amount of the grant of the Federal Government is made at the same time.

(E) FAILURE TO CARRY OUT PROJECT.—If an applicant does not carry out an eligible project for reasons within the control of the applicant, the applicant shall repay all Federal funds awarded for the eligible project from all Federal funding sources, for all eligible project activities, facilities, and equipment, plus reasonable interest and penalty charges allowable by law.

(F) CREDITING OF FUNDS RECEIVED.—Any funds received by the Federal Government under this paragraph, other than interest and penalty charges, shall be credited to the appropriation account from which the funds were originally derived.

(10) AVAILABILITY OF AMOUNTS.—

(A) IN GENERAL.—An amount made available for an eligible project shall remain available to that eligible project for 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.

(B) USE OF DEOBLIGATED AMOUNTS.—An amount available under this subsection that is deobligated may be used for any purpose under this subsection.

(11) ANNUAL REPORT ON EXPEDITED PROJECT DELIVERY FOR CAPITAL INVESTMENT GRANTS.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report that includes a proposed amount to be available to finance grants for anticipated projects under this subsection.

(12) BEFORE AND AFTER STUDY AND REPORT.—

(A) STUDY REQUIRED.—Each recipient shall conduct a study that—

(i) describes and analyzes the impacts of the eligible project on public transportation services and public transportation ridership;

(ii) describes and analyzes the consistency of predicted and actual benefits and costs of the innovative project development and delivery methods or innovative financing for the eligible project; and

(iii) identifies reasons for any differences between predicted and actual outcomes for the eligible project.

(B) SUBMISSION OF REPORT.—Not later than 2 years after an eligible project that is selected under this subsection begins revenue operations, the recipient shall submit to the Secretary a report on the results of the study conducted under subparagraph (A).

(13) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

(A) require the privatization of the operation or maintenance of any project for which an applicant seeks funding under this subsection;

(B) revise the determinations by local policies, criteria, and decisionmaking under section 5306(a) of title 49, United States Code;

(C) alter the requirements for locally developed, coordinated, and implemented transportation plans under sections 5303 and 5304 of title 49, United States Code; or

(D) alter the eligibilities or priorities for assistance under this subsection or section 5309 of title 49, United States Code.

SEC. 3006. ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES.

(a) IN GENERAL.—Section 5310 of title 49, United States Code, is amended—

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

''(1) RECIPIENT.—The term 'recipient' means—

''(A) a designated recipient or a State that receives a grant under this section directly; or

''(B) a State or local governmental entity that operates a public transportation service.''; and

(2) by adding at the end the following:

''(i) BEST PRACTICES.—The Secretary shall collect from, review, and disseminate to public transportation agencies—

''(1) innovative practices;

''(2) program models;

''(3) new service delivery options;

''(4) findings from activities under subsection (h); and

''(5) transit cooperative research program reports.''.

(b) PILOT PROGRAM FOR INNOVATIVE COORDINATED ACCESS AND MOBILITY.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''eligible project'' has the meaning given the term ''capital project'' in section 5302 of title 49, United States Code; and

(B) the term ''eligible recipient'' means a recipient or subrecipient, as those terms are defined in section 5310 of title 49, United States Code.

(2) GENERAL AUTHORITY.—The Secretary may make grants under this subsection to eligible recipients to assist in financing innovative projects for the transportation disadvantaged that improve the 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.

(3) APPLICATION.—An eligible recipient shall submit to the Secretary an application that, at a minimum, contains—

(A) a detailed description of the eligible project;

(B) an identification of all eligible project partners and their specific role in the eligible project, including—

(i) private entities engaged in the coordination of nonemergency medical transportation services for the transportation disadvantaged; or

(ii) 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 coordinated transportation services;

(ii) reduce duplication of service, if applicable; and

(iii) provide innovative solutions in the State or community; and

(D) specific performance measures the eligible project will use to quantify actual outcomes against expected outcomes.

(4) REPORT.—The Secretary 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-Government 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 authorized under chapter 53 of title 49, United States Code.

(c) COORDINATED MOBILITY.—

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

(A) ALLOCATED COST MODEL.—The term ''allocated cost model'' means a method of determining the cost of trips by allocating the cost to each trip purpose served by a transportation provider in a manner that is proportional to the level of transportation service that the transportation provider delivers for each trip purpose, to the extent permitted by applicable Federal 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 transportation coordination, including nonemergency medical transportation;

(B) identifies a strategy to strengthen interagency collaboration;

(C) addresses any outstanding recommendations made by the Council in the 2005 Report to the President relating to the implementation of Executive Order 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 recommendations by the Comptroller General concerning local coordination of transportation services;

(E) examines and proposes changes to Federal regulations that will eliminate Federal barriers to local transportation coordination, including non-emergency medical transportation; and

(F) recommends to Congress changes to Federal laws, including chapter 7 of title 42, United States Code, that will eliminate Federal barriers to local transportation coordination, including nonemergency medical transportation.

(3) DEVELOPMENT OF COST-SHARING POLICY IN COMPLIANCE WITH APPLICABLE FEDERAL LAWS.—In establishing the cost-sharing policy required under paragraph (2), the Council may consider, to the extent practicable—

(A) the development of recommended strategies for grantees of programs funded by members of the Council, including strategies for grantees of programs that fund 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, 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 containing final recommendations of the Council, transmit such report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, 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 distributed on a competitive basis by the Secretary.

''(B) $30,000,000 for each fiscal year shall be apportioned as formula grants, as provided in subsection (j).'';

(2) in subsection (g)(3)—

(A) 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-Government sources;

''(B) may be provided from revenues from the sale of advertising and concessions;'';

(C) in subparagraph (F) (as so redesignated) by inserting '', including 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 segment of intercity bus service''; and

(3) in subsection (j)(1)—

(A) in subparagraph (A)(iii), by striking ''(as defined by the Bureau of the Census)'' and inserting ''(American Indian Areas, Alaska Native Areas, and Hawaiian Home Lands, as defined by the Bureau of the Census)''; and

(B) by adding at the end the following:

''(E) ALLOCATION BETWEEN MULTIPLE INDIAN TRIBES.—If more than 1 Indian tribe provides public transportation service on tribal lands in a single Tribal Statistical Area, and the Indian tribes do not determine how to allocate the funds apportioned under clause (iii) of subparagraph (A) between the Indian tribes, the Secretary shall allocate the funds so that each Indian tribe shall receive an amount equal to the total amount apportioned under such clause (iii) multiplied by the ratio of the number of annual unlinked passenger trips provided by each Indian tribe, as reported to the National Transit Database, to the total unlinked passenger trips provided by all Indian tribes in the Tribal Statistical Area.''.

(b) CONFORMING AMENDMENTS.—Section 5311 of such 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 subparagraph (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)''.

SEC. 3008. PUBLIC TRANSPORTATION INNOVATION.

(a) CONSOLIDATION OF PROGRAMS.—Section 5312 of title 49, United States Code, is amended—

(1) by striking the section designation and heading and inserting the following:

''§ 5312. Public transportation innovation'';

(2) by redesignating subsections (a) through (f) as subsections (b) through (g), respectively;

(3) by inserting before subsection (b) (as so redesignated) the following:

''(a) IN GENERAL.—The Secretary shall provide assistance for projects and activities to advance innovative public transportation research and development in accordance with the requirements of this section.'';

(4) in subsection (e) (as so redesignated)—

(A) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by inserting ''demonstration, deployment, or evaluation'' before ''project that'';

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

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

(iv) by adding at the end the following:

''(C) the deployment of low or no emission vehicles, zero emission vehicles, or associated advanced technology.''; and

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

''(5) PROHIBITION.—The Secretary may not make grants under this subsection for the demonstration, deployment, or evaluation of a vehicle that is in revenue service unless the Secretary determines that the project makes significant technological advancements in the vehicle.

''(6) DEFINITIONS.—In this subsection—

''(A) the term 'direct carbon emissions' means the quantity of direct greenhouse gas emissions from a vehicle, as determined by the Administrator of the Environmental Protection Agency;

''(B) the term 'low or no emission vehicle' means—

''(i) a passenger vehicle used to provide public transportation that the Secretary determines sufficiently reduces energy consumption or harmful emissions, including direct carbon emissions, when compared to a comparable standard vehicle; or

''(ii) a zero emission vehicle used to provide public transportation; and

''(C) the term 'zero emission vehicle' means a low or no emission vehicle that produces no carbon or particulate matter.'';

(5) by adding at the end the following:

''(h) LOW OR NO EMISSION VEHICLE COMPONENT ASSESSMENT.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'covered institution of higher education' means an institution of higher education with which the Secretary enters into a contract or cooperative agreement, or to which the Secretary makes a grant, under paragraph (2)(B) to operate a facility selected under paragraph (2)(A);

''(B) the terms 'direct carbon emissions' and 'low or no emission vehicle' have the meanings given those terms in subsection (e)(6);

''(C) the term 'institution of higher education' has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and

''(D) the term 'low or no emission vehicle component' means an item that is separately installed in and removable from a low or no emission vehicle.

''(2) ASSESSING LOW OR NO EMISSION VEHICLE COMPONENTS.—

''(A) IN GENERAL.—The Secretary shall competitively 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.—

''(i) IN GENERAL.—The Secretary shall enter into a contract or cooperative agreement with, or make a grant to, at least one institution of higher education to operate and maintain a facility selected under subparagraph (A).

''(ii) REQUIREMENTS.—An institution of higher education described in clause (i) shall have—

''(I) capacity to carry out transportation-related advanced component and vehicle evaluation;

''(II) laboratories capable of testing and evaluation; and

''(III) direct access to or a partnership with a testing facility capable of emulating real-world circumstances in order to test low or no emission vehicle components installed on the intended vehicle.

''(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) COMPLIANCE WITH SECTION 5318.—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 5318.

''(G) SEPARATE FACILITY.—A facility selected under subparagraph (A) shall be separate and distinct from the facility operated and maintained under section 5318.

''(3) LOW OR NO EMISSION VEHICLE COMPONENT PERFORMANCE REPORTS.—Not later than 2 years after the date of enactment of the Federal Public Transportation Act of 2015, and annually thereafter, the Secretary shall issue a report on low or no emission vehicle component assessments conducted at each facility 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.

''(4) PUBLIC AVAILABILITY OF ASSESSMENTS.—Each assessment conducted at a facility selected under paragraph (2)(A) shall be made publicly available, including to affected industries.

''(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require—

''(A) a low or no emission vehicle component to be tested at a facility selected under paragraph (2)(A); or

''(B) the development or disclosure of a privately funded component assessment.''.

(6) in subsection (f) (as so redesignated)—

(A) by striking ''(f)'' and all that follows before paragraph (1) and inserting the following:

''(g) ANNUAL REPORT ON RESEARCH.—Not later than the first Monday in February of each year, the Secretary shall make available to the public on the Web site of the Department of Transportation, a report that includes—''; and

(B) in paragraph (1) by adding ''and'' at the end;

(C) in paragraph (2) by striking ''; and'' and inserting a period; and

(D) by striking paragraph (3); and

(7) by adding at the end the following:

''(i) TRANSIT COOPERATIVE RESEARCH PROGRAM.—

''(1) IN GENERAL.—The amounts made available under section 5338(a)(2)(G)(ii) are available for a public transportation cooperative research program.

''(2) INDEPENDENT GOVERNING BOARD.—

''(A) ESTABLISHMENT.—The Secretary shall establish an independent governing board for the program under this subsection.

''(B) RECOMMENDATIONS.—The board shall recommend public transportation research, development, and technology transfer activities the Secretary considers appropriate.

''(3) FEDERAL ASSISTANCE.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out activities under this subsection that the Secretary considers appropriate.

''(4) GOVERNMENT SHARE OF COSTS.—If there would be a clear and direct financial benefit to an entity under a grant or contract financed under this subsection, the Secretary shall establish a Government share consistent with that benefit.

''(5) LIMITATION ON APPLICABILITY.—Subsections (f) and (g) shall not apply to activities carried out under this subsection.''.

(b) CONFORMING AMENDMENTS.—Section 5312 of such title (as amended by subsection (a) of this section) is further amended—

(1) in subsection (c)(1) by striking ''subsection (a)(2)'' and inserting ''subsection (b)(2)'';

(2) in subsection (d)—

(A) in paragraph (1) by striking ''subsection (a)(2)'' and inserting ''subsection (b)(2)''; and

(B) in paragraph (2)(A) by striking ''subsection (b)'' and inserting ''subsection (c)'';

(3) in subsection (e)(2) in each of subparagraphs (A) and (B) by striking ''subsection (a)(2)'' and inserting ''subsection (b)(2)''; and

(4) in subsection (f)(2) by striking ''subsection (d)(4)'' and inserting ''subsection (e)(4)''.

(c) CLERICAL AMENDMENT.—The analysis for chapter 53 of such title is amended by striking the item relating to section 5312 and inserting the following:

''5312. Public transportation innovation.''.

SEC. 3009. TECHNICAL ASSISTANCE AND WORKFORCE DEVELOPMENT.

(a) IN GENERAL.—Section 5314 of title 49, United States Code, is amended to read as follows:

''§ 5314. Technical assistance and workforce development

''(a) TECHNICAL ASSISTANCE AND STANDARDS.—

''(1) TECHNICAL ASSISTANCE AND STANDARDS DEVELOPMENT.—

''(A) IN 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; and

''(ii) the development of voluntary and consensus-based standards and best practices by the public transportation industry, including standards and best practices for safety, fare collection, intelligent transportation systems, accessibility, procurement, security, asset management to maintain a state of good repair, operations, maintenance, vehicle propulsion, communications, and vehicle electronics.

''(2) TECHNICAL ASSISTANCE.—The Secretary, through a competitive bid process, may enter into contracts, cooperative agreements, and other agreements with national nonprofit organizations that have the appropriate demonstrated capacity to provide public-transportation-related technical assistance under this subsection. The Secretary may enter into such contracts, cooperative agreements, and other agreements to assist providers of public transportation to—

''(A) comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) through technical assistance, demonstration programs, research, public education, and other activities related to complying with such Act;

''(B) comply with human services transportation coordination requirements and to enhance the coordination of Federal resources for human services transportation with those of the Department of Transportation through technical assistance, training, and support services related to complying with such requirements;

''(C) meet the transportation needs of elderly individuals;

''(D) increase transit ridership in coordination with metropolitan planning organizations and other entities through development around public transportation stations through technical assistance and the development of tools, guidance, and analysis related to market-based development around transit stations;

''(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(m);

''(H) assist with the development and deployment of low or no emission vehicles (as defined in section 5339(c)(1)) or low or no emission vehicle components (as defined in section 5312(h)(1)); and

''(I) any other technical assistance activity that the Secretary determines is necessary to advance the interests of public transportation.

''(3) ANNUAL REPORT ON TECHNICAL ASSISTANCE.—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, the Committee on Science, Space, and Technology, 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).

''(4) GOVERNMENT SHARE OF COSTS.—

''(A) 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.

''(b) 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 activities. A program may include—

''(A) an employment training program;

''(B) 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;

''(C) research on public transportation personnel and training needs;

''(D) training and assistance for veteran and minority business opportunities; and

''(E) consensus-based national training standards and certifications in partnership with industry stakeholders.

''(2) INNOVATIVE PUBLIC TRANSPORTATION FRONTLINE WORKFORCE DEVELOPMENT PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish a competitive 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) improve 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.

''(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 resources needs of large public transportation providers;

''(iii) address the workforce and human resources needs of small public transportation providers;

''(iv) address the workforce and human resources needs of urban public transportation providers;

''(v) address the workforce and human resources needs of rural public transportation providers;

''(vi) advance training related to maintenance of low or no emission vehicles and facilities used in public transportation;

''(vii) target areas with high rates of unemployment;

''(viii) advance opportunities for minorities, women, veterans, individuals with disabilities, low-income populations, and other underserved populations; and

''(ix) address in-demand industry sector or occupation, as such term is 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, job retention, and wages, using performance metrics established in consultation with the Secretary and the Secretary of Labor and consistent with metrics used by programs under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.); and

''(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, not later than December 31 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 using 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 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;

''(x) ways to make public transportation accessible to individuals with disabilities;

''(xi) construction, construction management, insurance, and risk management;

''(xii) maintenance;

''(xiii) contract administration;

''(xiv) inspection;

''(xv) innovative finance;

''(xvi) workplace safety; and

''(xvii) public transportation security.

''(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) EXISTING PROGRAMS.—A recipient may use amounts made available under subparagraph (A) to carry out existing local education and training programs for public transportation employees supported by the Secretary, the Department of Labor, or the Department of Education.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 53 of such title is amended by striking the item relating to section 5314 and inserting the following:

''5314. Technical assistance and workforce development.''.

SEC. 3010. PRIVATE SECTOR PARTICIPATION.

(a) IN GENERAL.—Section 5315 of title 49, United States Code, is amended by adding at the end the following:

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter—

''(1) the eligibilities, requirements, or priorities for assistance provided under this chapter; or

''(2) the requirements of section 5306(a).''.

(b) MAP–21 TECHNICAL CORRECTION.—Section 20013(d) of MAP–21 (Public Law 112–141; 126 Stat. 694) is amended by striking ''5307(c)'' and inserting ''5307(b)''.

SEC. 3011. GENERAL PROVISIONS.

Section 5323 of title 49, United States Code, is amended—

(1) in subsection (h)—

(A) in paragraph (1), by striking ''or'' at the end;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

''(2) pay incremental costs of incorporating art or non-functional landscaping into facilities, including the costs of an artist on the design team; or'';

(2) in subsection (j)—

(A) in paragraph (2), by striking subparagraph (C) and inserting the following:

''(C) when procuring rolling stock (including train control, communication, traction power equipment, and rolling stock prototypes) under this chapter—

''(i) the cost of components and subcomponents produced in the United States—

''(I) for fiscal years 2016 and 2017, is more than 60 percent of the cost of all components of the rolling stock;

''(II) for fiscal years 2018 and 2019, is more than 65 percent of the cost of all components of the rolling stock; and

''(III) for fiscal year 2020 and each fiscal year thereafter, is more than 70 percent of the cost of all components of the rolling stock; and

''(ii) final assembly of the rolling stock has occurred in the United States; or'';

(B) by redesignating paragraphs (5) through (9) as paragraphs (7) through (11), respectively;

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

''(5) ROLLING STOCK FRAMES OR CAR SHELLS.—In carrying out paragraph (2)(C) in the case of a rolling stock procurement receiving assistance under this chapter in which the average cost of a rolling stock vehicle in the procurement is more than $300,000, if rolling stock frames or car shells are not produced in the United States, the Secretary shall include in the calculation of the domestic content of the rolling stock the cost of steel or iron that is produced in the United States and used in the rolling stock frames or car shells.

''(6) CERTIFICATION OF DOMESTIC SUPPLY AND DISCLOSURE.—

''(A) CERTIFICATION OF DOMESTIC SUPPLY.—If the Secretary denies an application for a waiver under paragraph (2), the Secretary shall provide to the applicant a written certification that—

''(i) the steel, iron, or manufactured goods, as applicable, (referred to in this subparagraph as the 'item') is produced in the United States in a sufficient and reasonably available amount;

''(ii) the item produced in the United States is of a satisfactory quality; and

''(iii) includes a list of known manufacturers in the United States from which the item can be obtained.

''(B) DISCLOSURE.—The Secretary shall disclose the waiver denial and the written certification to the public in an easily identifiable location on the website of the Department of Transportation.'';

(D) in paragraph (8), as so redesignated, by striking ''Federal Public Transportation Act of 2012'' and inserting ''Federal Public Transportation Act of 2015''; and

(E) by inserting after paragraph (11), as so redesignated, the following:

''(12) STEEL AND IRON.—For purposes of this subsection, steel and iron meeting the requirements of section 661.5(b) of title 49, Code of Federal Regulations may be considered produced in the United States.

''(13) DEFINITION OF SMALL PURCHASE.—For purposes of determining whether a purchase qualifies for a general public interest waiver under paragraph (2)(A) of this subsection, including under any regulation promulgated under that paragraph, the term 'small purchase' means a purchase of not more than $150,000.'';

(3) in subsection (q)(1), by striking the second sentence; and

(4) by adding at the end the following:

''(s) VALUE CAPTURE REVENUE ELIGIBLE FOR LOCAL SHARE.—Notwithstanding any other provision of law, a recipient of assistance under this chapter may use the revenue generated from value capture financing mechanisms as local matching funds for capital projects and operating costs eligible under this chapter.

''(t) SPECIAL CONDITION ON CHARTER BUS TRANSPORTATION SERVICE.—If, in a fiscal year, the Secretary is prohibited by law from enforcing regulations related to charter bus service under part 604 of title 49, Code of Federal Regulations, for any transit agency that during fiscal year 2008 was both initially granted a 60-day period to come into compliance with such part 604, and then was subsequently granted an exception from such part—

''(1) the transit agency shall be precluded from receiving its allocation of urbanized area formula grant funds for such fiscal year; and

''(2) any amounts withheld pursuant to paragraph (1) shall be added to the amount that the Secretary may apportion under section 5336 in the following fiscal year.''.

SEC. 3012. PROJECT MANAGEMENT OVERSIGHT.

Section 5327 of title 49, United States Code, is amended—

(1) in subsection (c) by striking ''section 5338(i)'' and inserting section ''5338(f)'' ; and

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''section 5338(i)'' and inserting section 5338(f); and

(ii) by striking ''and'' at the end; and

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

''(2) a requirement that oversight—

''(A) begin during the project development phase of a project, unless the Secretary finds it more appropriate to begin the oversight during another phase of the project, to maximize the transportation benefits and cost savings associated with project management oversight; and

''(B) be limited to quarterly reviews of compliance by the recipient with the project management plan approved under subsection (b) unless the Secretary finds that the recipient requires more frequent oversight because the recipient has failed to meet the requirements of such plan and the project may be at risk of going over budget or becoming behind schedule; and

''(3) a process for recipients that the Secretary has found require more frequent oversight to return to quarterly reviews for purposes of paragraph (2)(B).''.

SEC. 3013. PUBLIC TRANSPORTATION SAFETY PROGRAM.

Section 5329 of title 49, United States Code, is amended—

(1) in subsection (b)(2)—

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

(B) by redesignating subparagraph (D) as subparagraph (E); and

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

''(D) minimum safety standards to ensure the safe operation of public transportation systems that—

''(i) are not related to performance standards for public transportation vehicles developed under subparagraph (C); and

''(ii) to the extent practicable, take into consideration—

''(I) relevant recommendations of the National Transportation Safety Board;

''(II) best practices standards developed by the public transportation industry;

''(III) any minimum safety standards or performance criteria being implemented across the public transportation industry;

''(IV) relevant recommendations from the report under section 3020 of the Federal Public Transportation Act of 2015; and

''(V) any additional information that the Secretary determines necessary and appropriate; and'';

(2) in subsection (e)—

(A) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

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

''(8) FEDERAL SAFETY MANAGEMENT.—

''(A) IN GENERAL.—If the Secretary determines that a State safety oversight program is not being carried out in accordance with this section, has become inadequate to ensure the enforcement of Federal safety regulation, or is incapable of providing adequate safety oversight consistent with the prevention of substantial risk of death, or personal injury, the Secretary shall administer the State safety oversight program until the eligible State develops a State safety oversight program certified by the Secretary in accordance with this subsection.

''(B) TEMPORARY FEDERAL OVERSIGHT.—In making a determination under subparagraph (A), the Secretary shall—

''(i) transmit to the eligible State and affected recipient or recipients, a written explanation of the determination or subsequent finding, including any intention to withhold funding under this section, the amount of funds proposed to be withheld, and if applicable, a formal notice of a withdrawal of State safety oversight program approval; and

''(ii) require the State to submit a State safety oversight program or modification for certification by the Secretary that meets the requirements of this subsection.

''(C) FAILURE TO CORRECT.—If the Secretary determines in accordance with subparagraph (A), that a State safety oversight program or modification required pursuant to subparagraph (B)(ii), submitted by a State is not sufficient, the Secretary may—

''(i) withhold funds available under paragraph (6) in an amount determined by the Secretary;

''(ii) beginning 1 year after the date of the determination, withhold not more than 5 percent of the amount required to be appropriated for use in a State or an urbanized area in the State under section 5307, until the State safety oversight program or modification has been certified; and

''(iii) use any other authorities authorized under this chapter considered necessary and appropriate.

''(D) ADMINISTRATIVE AND OVERSIGHT ACTIVITIES.—To carry out administrative and oversight activities authorized by this paragraph, the Secretary may use grant funds apportioned to an eligible State, under paragraph (6), to develop or carry out a State safety oversight program.'';

(3) in subsection (f)(2), by inserting ''or the public transportation industry generally'' after ''recipients'';

(4) in subsection (g)(1)—

(A) in the matter preceding subparagraph (A) by striking ''an eligible State, as defined in subsection (e),'' and inserting ''a recipient'';

(B) in subparagraph (C) by striking ''and'' at the end;

(C) in subparagraph (D) by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(E) withholding not more than 25 percent of financial assistance under section 5307.'';

(5) in subsection (g)(2)(A)—

(A) by inserting after ''funds'' the following: ''or withhold funds''; and

(B) by inserting ''or (1)(E)'' after ''paragraph (1)(D)''; and

(6) by striking subsection (h) and inserting the following:

''(h) RESTRICTIONS AND PROHIBITIONS.—

''(1) RESTRICTIONS AND PROHIBITIONS.—The Secretary shall issue restrictions and prohibitions by whatever means are determined necessary and appropriate, without regard to section 5334(c), if, through testing, inspection, investigation, audit, or research carried out under this chapter, the Secretary determines that an unsafe condition or practice, or a combination of unsafe conditions and practices, exist such that there is a substantial risk of death or personal injury.

''(2) NOTICE.—The notice of restriction or prohibition shall describe the condition or practice, the subsequent risk and the standards and procedures required to address the restriction or prohibition.

''(3) CONTINUED AUTHORITY.—Nothing in this subsection shall be construed as limiting the Secretary's authority to maintain a restriction or prohibition for as long as is necessary to ensure that the risk has been substantially addressed.''.

SEC. 3014. APPORTIONMENTS.

Section 5336 of title 49, United States Code, is amended—

(1) in subsection (a) in the matter preceding paragraph (1) by striking ''subsection (h)(4)'' and inserting ''subsection (h)(5)'';

(2) in subsection (b)(2)(E) 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);''; and

(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 200,000 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)—

(A) in paragraph (2) by inserting ''vehicle'' after ''motorbus''; and

(B) by adding at the end the following:

''(5) USE OF FUNDS.—Amounts apportioned under this subsection may be used for any project that is an eligible project under subsection (b)(1).''; and

(3) by adding at the end the following:

''(e) GOVERNMENT SHARE OF COSTS.—

''(1) CAPITAL PROJECTS.—A grant for a capital project under this section shall be for 80 percent of the net project cost of the project. The recipient may provide additional local matching amounts.

''(2) REMAINING COSTS.—The remainder of the net project cost shall be provided—

''(A) in cash from non-Government sources;

''(B) from revenues derived 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.''.

(b) CONFORMING AMENDMENTS.—Section 5337 of such title is further amended—

(1) in subsection (c)(1) by striking ''5338(a)(2)(I)'' and inserting ''5338(a)(2)(K)''; and

(2) in subsection (d)(2) by striking ''5338(a)(2)(I)'' and inserting ''5338(a)(2)(K)''.

SEC. 3016. AUTHORIZATIONS.

Section 5338 of title 49, United States Code, is amended to read as follows:

''SEC. 5338. AUTHORIZATIONS.

''(a) GRANTS.—

''(1) IN GENERAL.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5305, 5307, 5310, 5311, 5312, 5314, 5318, 5335, 5337, 5339, and 5340, section 20005(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) $9,733,353,407 for fiscal year 2018;

''(D) $9,939,380,030 for fiscal year 2019; and

''(E) $10,150,348,462 for fiscal year 2020.

''(2) ALLOCATION OF FUNDS.—Of the amounts made available under paragraph (1)—

''(A) $130,732,000 for fiscal year 2016, $133,398,933 for fiscal year 2017, $136,200,310 for fiscal year 2018, $139,087,757 for fiscal year 2019, and $142,036,417 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 20005(b) of the Federal Public Transportation Act of 2012;

''(C) $4,538,905,700 for fiscal year 2016, $4,629,683,814 for fiscal year 2017, $4,726,907,174 for fiscal year 2018, $4,827,117,606 for fiscal year 2019, and $4,929,452,499 for fiscal year 2020 shall be allocated in accordance with section 5336 to provide financial assistance for urbanized areas under section 5307;

''(D) $262,949,400 for fiscal year 2016, $268,208,388 for fiscal year 2017, $273,840,764 for fiscal year 2018, $279,646,188 for fiscal year 2019, and $285,574,688 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, $659,322,031 for fiscal year 2019, and $673,299,658 for fiscal year 2020 shall be available to provide financial assistance for rural areas under section 5311, of which not less than—

''(i) $35,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5311(c)(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 5312, of which—

''(i) $3,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5312(h); and

''(ii) $5,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5312(i);

''(H) $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);

''(I) $3,000,000 for each of fiscal years 2016 through 2020 shall be available for bus testing under section 5318;

''(J) $4,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5335;

''(K) $2,507,000,000 for fiscal year 2016, $2,549,670,000 for fiscal year 2017, $2,593,703,558 for fiscal year 2018, $2,638,366,859 for fiscal year 2019, and $2,683,798,369 for fiscal year 2020 shall be available to carry out section 5337;

''(L) $427,800,000 for fiscal year 2016, $436,356,000 for fiscal year 2017, $445,519,476 for fiscal year 2018, $454,964,489 for fiscal year 2019, and $464,609,736 for fiscal year 2020 shall be available for the bus and buses facilities program under section 5339(a);

''(M) $268,000,000 for fiscal year 2016, $283,600,000 for fiscal year 2017, $301,514,000 for fiscal year 2018, $322,059,980 for fiscal year 2019, and $344,044,179 for fiscal year 2020 shall be available for buses and bus facilities competitive grants under section 5339(b) and no or low emission grants under section 5339(c), of which $55,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5339(c); and

''(N) $536,261,539 for fiscal year 2016, $544,433,788 for fiscal year 2017, $552,783,547 for fiscal year 2018, $561,315,120 for fiscal year 2019 and $570,032,917 for fiscal year 2020, to carry out section 5340 to provide financial assistance for urbanized areas under section 5307 and rural areas under section 5311, of which—

''(i) $272,297,083 for fiscal year 2016, $279,129,510 for fiscal year 2017, $286,132,747 for fiscal year 2018, $293,311,066 for fiscal year 2019, $300,668,843 for fiscal year 2020 shall be for growing States under section 5340(c); and

''(ii) $263,964,457 for fiscal year 2016, $265,304,279 for fiscal year 2017, $266,650,800 for fiscal year 2018, $268,004,054 for fiscal year 2019, $269,364,074 for fiscal year 2020 shall be for high density States under section 5340(d).

''(b) RESEARCH, DEVELOPMENT, DEMONSTRATION, AND DEPLOYMENT PROGRAM.—There are authorized to be appropriated to carry out section 5312, other than subsections (h) and (i) of that section, $20,000,000 for each of fiscal years 2016 through 2020.

''(c) TECHNICAL ASSISTANCE AND TRAINING.—There are authorized to be appropriated to carry out section 5314, $5,000,000 for each of fiscal years 2016 through 2020.

''(d) CAPITAL INVESTMENT GRANTS.—There are authorized to be appropriated to carry out section 5309 of this title and section 3005(b) of the Federal Public Transportation Act of 2015, $2,301,785,760 for each of fiscal years 2016 through 2020.

''(e) ADMINISTRATION.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out section 5334, $115,016,543 for each of fiscal years 2016 through 2020.

''(2) SECTION 5329.—Of the amounts authorized to be appropriated under paragraph (1), not less than $5,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5329.

''(3) SECTION 5326.—Of the amounts made available under paragraph (2), not less than $2,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5326.

''(f) OVERSIGHT.—

''(1) IN GENERAL.—Of the amounts made available to carry out this chapter for a fiscal year, the Secretary may use not more than the following amounts for the activities described in paragraph (2):

''(A) 0.5 percent of amounts made available to carry out section 5305.

''(B) 0.75 percent of amounts made available to carry out section 5307.

''(C) 1 percent of amounts made available to carry out section 5309.

''(D) 1 percent of amounts made available to carry out section 601 of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110-432; 126 Stat. 4968).

''(E) 0.5 percent of amounts made available to carry out section 5310.

''(F) 0.5 percent of amounts made available to carry out section 5311.

''(G) 1 percent of amounts made available to carry out section 5337, of which not less than 0.25 percent of amounts made available for this subparagraph shall be available to carry out section 5329.

''(H) 0.75 percent of amounts made available to carry out section 5339.

''(2) ACTIVITIES.—The activities described in this paragraph are as follows:

''(A) Activities to oversee the construction of a major capital project.

''(B) Activities to review and audit the safety and security, procurement, management, and financial compliance of a recipient or subrecipient of funds under this chapter.

''(C) Activities to provide technical assistance generally, and to provide technical assistance to correct deficiencies identified in compliance reviews and audits carried out under this section.

''(3) GOVERNMENT SHARE OF COSTS.—The Government shall pay the entire cost of carrying out a contract under this subsection.

''(4) AVAILABILITY OF CERTAIN FUNDS.—Funds made available under paragraph (1)(C) shall be made available to the Secretary before allocating the funds appropriated to carry out any project under a full funding grant agreement.

''(g) GRANTS AS CONTRACTUAL OBLIGATIONS.—

''(1) GRANTS FINANCED FROM HIGHWAY TRUST FUND.—A grant or contract that is approved by the Secretary and financed with amounts made available from the Mass Transit Account of the Highway Trust Fund pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project.

''(2) GRANTS FINANCED FROM GENERAL FUND.—A grant or contract that is approved by the Secretary and financed with amounts appropriated in advance from the General Fund of the Treasury pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project only to the extent that amounts are appropriated for such purpose by an Act of Congress.

''(h) 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 5339 of title 49, United States Code, is amended to read as follows:

''§ 5339. 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 subsection (c)(1);

''(B) the term 'State' means a State of the United States; and

''(C) the term 'territory' means the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the United States Virgin Islands.

''(2) GENERAL AUTHORITY.—The Secretary may make grants under this subsection to assist eligible recipients described in paragraph (4)(A) in financing capital projects—

''(A) to replace, rehabilitate, and purchase buses and related equipment, including technological changes or innovations to modify low or no emission vehicles or facilities; and

''(B) to construct bus-related facilities.

''(3) GRANT REQUIREMENTS.—The requirements of—

''(A) section 5307 shall apply to recipients of grants made in urbanized areas under this subsection; and

''(B) section 5311 shall apply to recipients of grants made in rural areas under this subsection.

''(4) ELIGIBLE RECIPIENTS.—

''(A) RECIPIENTS.—Eligible recipients under this subsection are—

''(i) designated recipients that allocate funds to fixed route bus operators; or

''(ii) State or local governmental entities that operate fixed route bus service.

''(B) SUBRECIPIENTS.—A recipient that receives a grant under this subsection may allocate amounts of the grant to subrecipients that are public agencies or private nonprofit organizations engaged in public transportation.

''(5) DISTRIBUTION OF GRANT FUNDS.—Funds allocated under section 5338(a)(2)(L) shall be distributed as follows:

''(A) NATIONAL DISTRIBUTION.—$90,500,000 for each of fiscal years 2016 through 2020 shall be allocated to all States and territories, with each State receiving $1,750,000 for each such fiscal year and each territory receiving $500,000 for each such fiscal year.

''(B) DISTRIBUTION USING POPULATION AND SERVICE FACTORS.—The remainder of the funds not otherwise distributed under subparagraph (A) shall be allocated pursuant to the formula set forth in section 5336 other than subsection (b).

''(6) TRANSFERS OF APPORTIONMENTS.—

''(A) TRANSFER FLEXIBILITY FOR NATIONAL DISTRIBUTION FUNDS.—The Governor of a State may transfer any part of the State's apportionment under paragraph (5)(A) to supplement amounts apportioned to the State under section 5311(c) 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 expend in an urbanized area with a population of less than 200,000 any amounts apportioned under paragraph (5)(B) that are not allocated to designated recipients in urbanized areas with a population of 200,000 or more.

''(7) GOVERNMENT SHARE OF COSTS.—

''(A) CAPITAL PROJECTS.—A grant for a capital project under this subsection shall be for 80 percent of the net capital costs of the project. A recipient of a grant under this subsection may provide additional local matching amounts.

''(B) REMAINING COSTS.—The remainder of the net project cost shall be provided—

''(i) in cash from non-Government sources other than revenues from providing public transportation services;

''(ii) from revenues derived from the sale of advertising and concessions;

''(iii) from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital;

''(iv) from amounts received under a service agreement with a State or local social service agency or private social service organization; or

''(v) from revenues generated from value capture financing mechanisms.

''(8) PERIOD OF AVAILABILITY TO RECIPIENTS.—Amounts made available under this subsection may be obligated by a recipient for 3 fiscal years after the fiscal year in which the amount is apportioned. Not later than 30 days after the end of the 3-fiscal-year period described in the preceding sentence, any amount that is not obligated on the last day of such period shall be added to the amount that may be apportioned under this subsection in the next fiscal year.

''(9) PILOT 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 grant 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 under section 5326.

''(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 multistate area may participate in only 1 State pool.

''(D) ALLOCATIONS TO PARTICIPATING STATES.—For each fiscal year, the Secretary shall allocate to each State participating in the program the total amount of funds that otherwise would be allocated to the urbanized areas 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 the amount that is allocated to the State for a fiscal year under subparagraph (D) among the eligible recipients participating in the State's pool in a manner that supports the transit asset management plans of the recipients under section 5326.

''(F) ALLOCATION PLANS.—A State participating in the program shall develop an allocation plan for the period of fiscal years 2016 through 2020 to ensure that an eligible recipient participating in the State's pool receives under the program an amount of funds that equals the amount of funds that would have otherwise been available to the eligible recipient for that period pursuant to the formulas referred to in paragraph (5).

''(G) GRANTS.—The Secretary shall 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).

''(b) 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—

''(A) replacing, rehabilitating, purchasing, or leasing buses or related equipment; and

''(B) rehabilitating, purchasing, constructing, or leasing bus-related facilities.

''(2) GRANT CONSIDERATIONS.—In making grants under this subsection, the Secretary shall consider the age and condition of buses, bus fleets, related equipment, and bus-related facilities.

''(3) STATEWIDE APPLICATIONS.—A State may submit a statewide application on behalf of a public agency or private nonprofit organization engaged in public transportation in rural areas or other areas for which the State allocates funds. The submission of a statewide application shall not preclude the submission and consideration of any application under this subsection from other eligible recipients (as described in subsection (a)(4)) in an urbanized area in a State.

''(4) REQUIREMENTS FOR THE SECRETARY.—The Secretary shall—

''(A) disclose all metrics and evaluation procedures to be used in considering grant applications under this subsection upon issuance of the notice of funding availability in the Federal Register; and

''(B) publish a summary of final scores for selected projects, metrics, and other evaluations used in awarding grants under this subsection in the Federal Register.

''(5) RURAL PROJECTS.—Not less than 10 percent of the amounts made available under this subsection in a fiscal year shall be distributed to projects in rural areas.

''(6) GRANT REQUIREMENTS.—

''(A) IN GENERAL.—A grant under this subsection shall be subject to the requirements of—

''(i) section 5307 for 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 the cost of an eligible project carried out under this subsection shall not exceed 80 percent.

''(7) AVAILABILITY OF FUNDS.—Any amounts made available to carry out this subsection—

''(A) shall remain available for 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 to 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.

''(c) LOW OR NO EMISSION GRANTS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'direct carbon emissions' means the quantity of direct greenhouse gas emissions from a vehicle, as determined by the Administrator of the Environmental Protection Agency;

''(B) the term 'eligible project' means a project or program of projects in an eligible area for—

''(i) acquiring low or no emission vehicles;

''(ii) leasing low or no emission vehicles;

''(iii) acquiring low or no emission vehicles with a leased power source;

''(iv) constructing facilities and related equipment for low or no emission vehicles;

''(v) leasing facilities and related equipment for low or no emission vehicles;

''(vi) constructing new public transportation facilities to accommodate low or no emission vehicles; or

''(vii) rehabilitating or improving existing public transportation facilities to accommodate low or no emission vehicles;

''(C) the term 'leased power source' means a removable power source, as defined in subsection (c)(3) of section 3019 of the Federal Public Transportation Act of 2015 that is made available through a capital lease under such section;

''(D) the term 'low or no emission bus' means a bus that is a low or no emission vehicle;

''(E) the term 'low or no emission vehicle' means—

''(i) a passenger vehicle used to provide public transportation that the Secretary determines sufficiently reduces energy consumption or harmful emissions, including direct carbon emissions, when compared to a comparable standard vehicle; or

''(ii) a zero emission vehicle used to provide public transportation;

''(F) the term 'recipient' means a designated recipient, a local governmental authority, or a State that receives a grant under this subsection for an eligible project; and

''(G) the term 'zero emission vehicle' means a low or no emission vehicle that produces no carbon or particulate matter.

''(2) GENERAL AUTHORITY.—The Secretary may make grants to recipients to finance eligible projects under this subsection.

''(3) GRANT REQUIREMENTS.—

''(A) IN GENERAL.—A grant under this subsection shall be subject to the requirements of section 5307.

''(B) GOVERNMENT SHARE OF COSTS FOR CERTAIN PROJECTS.—Section 5323(i) applies to eligible projects carried out under this subsection, unless the recipient requests a lower grant percentage.

''(C) COMBINATION OF FUNDING SOURCES.—

''(i) COMBINATION PERMITTED.—An eligible project carried out under this subsection may receive funding under section 5307 or any other provision of law.

''(ii) GOVERNMENT SHARE.—Nothing in this subparagraph shall be construed to alter the Government share required under paragraph (7), section 5307, or any other provision of law.

''(4) COMPETITIVE PROCESS.—The Secretary shall—

''(A) not later than 30 days after the date on which amounts are made available for obligation under this subsection for a full fiscal year, solicit grant applications for eligible projects on a competitive basis; and

''(B) award a grant under this subsection based on the solicitation under subparagraph (A) not later than the earlier of—

''(i) 75 days after the date on which the solicitation expires; or

''(ii) the end of the fiscal year in which the Secretary solicited the grant applications.

''(5) CONSIDERATION.—In awarding grants under this subsection, the Secretary shall only consider eligible projects relating to the acquisition or leasing of low or no emission buses or bus facilities that—

''(A) make greater reductions in energy consumption and harmful emissions, including direct carbon emissions, than comparable standard buses or other low or no emission buses; and

''(B) are part of a long-term integrated fleet management plan for the recipient.

''(6) AVAILABILITY OF FUNDS.—Any amounts made available to carry out this subsection—

''(A) shall remain available to an eligible project for 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 to an eligible project in the following fiscal year.

''(7) GOVERNMENT SHARE OF COSTS.—

''(A) IN GENERAL.—The Federal share of the cost of an eligible project carried out under this subsection shall not exceed 80 percent.

''(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of an eligible project carried out under this subsection may be derived from in-kind contributions.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by striking the item relating to section 5339 and inserting the following:

''5339. Grants for buses and bus facilities.''.

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 3028 of the Federal Public Transportation Act of 2015 shall not exceed—

(1) $9,347,604,639 in fiscal year 2016;

(2) $9,733,706,043 in fiscal year 2017;

(3) $9,733,353,407 in fiscal year 2018;

(4) $9,939,380,030 in fiscal year 2019; and

(5) $10,150,348,462 in fiscal year 2020.

SEC. 3019. INNOVATIVE PROCUREMENT.

(a) DEFINITION.—In this section, the term ''grantee'' means a recipient or subrecipient of 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 subclause (I);

(iii) the terms ''lead nonprofit entity'' and ''lead procurement agency'' mean an eligible nonprofit entity or a State government, respectively, that acts in an administrative capacity on behalf of each participant in a cooperative procurement contract;

(iv) the term ''participant'' means a grantee that participates in a cooperative procurement contract; and

(v) the term ''participate'' means to purchase rolling stock and related equipment under a cooperative procurement contract using assistance provided under 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—

(I) subject to subclauses (II) and (III), may be for an initial term of not more than 2 years;

(II) may include not more than 3 optional extensions for terms of not more than 1 year each; and

(III) may be in effect for a total period of not more than 5 years, including each extension authorized under subclause (II).

(v) ADMINISTRATIVE EXPENSES.—A lead procurement agency or lead nonprofit entity, as applicable, that enters into a cooperative procurement contract—

(I) may charge the participants in the contract for the cost of administering, planning, and providing technical assistance for the contract in an amount that is not more than 1 percent of the total value of the contract; and

(II) with respect to the cost described in subclause (I), may incorporate the cost into the price of the contract or directly charge the participants for the cost, but not both.

(2) STATE COOPERATIVE PROCUREMENT SCHEDULES.—

(A) AUTHORITY.—A State government may enter into a cooperative procurement contract with 1 or more vendors if—

(i) the vendors agree to provide an option to purchase rolling stock and related equipment to the State government and any other participant; and

(ii) the State government acts throughout the term of the contract as the lead procurement agency.

(B) APPLICABILITY OF POLICIES AND PROCEDURES.—In procuring rolling stock and related equipment under a cooperative 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 applicable Federal law.

(3) PILOT PROGRAM FOR NONPROFIT COOPERATIVE PROCUREMENTS.—

(A) ESTABLISHMENT.—The Secretary shall establish and carry out a pilot program to demonstrate the effectiveness of cooperative procurement contracts administered by 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 nonbinding 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 with expertise in public transportation or procurement, and other stakeholders as the Secretary determines appropriate.

(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, a nonprofit entity coordinating for such clearinghouse with the Secretary, and grantees.

(ii) PARTICIPATION.—No grantee shall be required to submit procurement information to the database.

(c) LEASING ARRANGEMENTS.—

(1) CAPITAL LEASE DEFINED.—

(A) IN GENERAL.—In this subsection, the term ''capital lease'' means any agreement under which a grantee acquires the right to use rolling stock or related equipment for a specified period of time, in exchange for a periodic payment.

(B) MAINTENANCE.—A capital lease may require that the lessor provide maintenance of the rolling stock or related equipment covered by the lease.

(2) PROGRAM TO SUPPORT INNOVATIVE LEASING ARRANGEMENTS.—

(A) AUTHORITY.—A grantee may use assistance provided under chapter 53 of title 49, United States Code, to enter into a capital lease if—

(i) the rolling stock or related equipment covered under the lease is eligible 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 639 of title 49, Code of Federal Regulations, or any successor regulation, and implementing guidance applicable to leasing shall not apply to a capital lease.

(ii) BUY AMERICA.—The requirements under section 5323(j) 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 installed in, and removable from, a zero emission vehicle; and

(II) may include a battery, a fuel cell, an ultra-capacitor, or other advanced power source used in a zero emission vehicle; and

(ii) the term ''zero emission vehicle'' has the meaning given the term in section 5339(c) 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 this section, a removable power source 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).

(d) BUY AMERICA.—The requirements of section 5323(j) of title 49, United States Code, shall apply to all procurements under this section.

SEC. 3020. REVIEW OF PUBLIC TRANSPORTATION SAFETY STANDARDS.

(a) REVIEW REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall begin a review of the safety standards and protocols used in public transportation systems in the United States that examines the efficacy of existing standards and protocols.

(2) CONTENTS OF REVIEW.—In conducting the review under this paragraph, the Secretary shall review—

(A) minimum safety performance standards developed by the public transportation industry;

(B) safety performance standards, practices, or protocols in use by rail fixed guideway public transportation systems, including—

(i) written emergency plans and procedures for passenger evacuations;

(ii) training programs to ensure public transportation personnel compliance and readiness in emergency situations;

(iii) coordination plans approved by recipients with local emergency responders having jurisdiction over a rail fixed guideway public transportation system, including—

(I) emergency preparedness training, drills, and familiarization programs for the first responders; and

(II) the scheduling of regular field exercises to ensure appropriate response and effective radio and public safety communications;

(iv) maintenance, testing, and inspection programs to ensure the proper functioning of—

(I) tunnel, station, and vehicle ventilation systems;

(II) signal and train control systems, track, mechanical systems, and other infrastructure; and

(III) other systems as necessary;

(v) certification requirements for train and bus operators and control center employees;

(vi) consensus-based standards, practices, or protocols available to the public transportation industry; and

(vii) any other standards, practices, or protocols the Secretary determines appropriate; and

(C) rail and bus safety standards, practices, or protocols in use by public transportation systems, regarding—

(i) rail and bus design and the workstation of rail and bus operators, as it relates to—

(I) the reduction of blindspots that contribute to accidents involving pedestrians; and

(II) protecting rail and bus operators from the risk of assault;

(ii) scheduling fixed route rail and bus service with adequate time and access for operators to use restroom facilities;

(iii) fatigue management; and

(iv) crash avoidance and worthiness.

(b) EVALUATION.—After conducting the review under subsection (a), the Secretary shall, in consultation with representatives of the public transportation industry, evaluate the need to establish additional Federal minimum public transportation safety standards.

(c) REPORT.—After completing the review and evaluation required under subsections (a) and (b), and not later than 1 year after the date of enactment of this Act, the Secretary shall make available on a publicly accessible Web site, a report that includes—

(1) findings based on the review conducted under subsection (a);

(2) the outcome of the evaluation conducted under subsection (b);

(3) a comprehensive set of recommendations to improve the safety of the public transportation industry, including recommendations for statutory changes if applicable; and

(4) actions that the Secretary will take to address the recommendations provided under paragraph (3), including, if necessary, the authorities under section 5329(b)(2)(D) of title 49, United States Code.

SEC. 3021. STUDY ON EVIDENTIARY PROTECTION FOR PUBLIC TRANSPORTATION SAFETY PROGRAM INFORMATION.

(a) STUDY.—The Secretary shall enter into an agreement with the Transportation Research Board of the National Academies of Sciences, Engineering, and Medicine, to conduct a study to evaluate whether it is in the public interest, including public safety and the legal rights of persons injured in public transportation accidents, to withhold from discovery or admission into evidence in a Federal or State court proceeding any plan, report, data, or other information or portion thereof, submitted to, developed, produced, collected, or obtained by the Secretary or the Secretary's representative for purposes of complying with the requirements under section 5329 of title 49, United States Code, including information related to a recipient's safety plan, safety risks, and mitigation measures.

(b) COORDINATION.—In conducting the study under subsection (a), the Transportation Research Board shall coordinate with the legal research entities of the National Academies of Sciences, Engineering, and Medicine, including the Committee on Law and Justice and the Committee on Science, Technology, and Law, and 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 National Academies of Sciences, Engineering, and Medicine shall issue a report, with the findings of the study under subsection (a), including any recommendations on statutory changes regarding evidentiary protections that will increase public transportation safety.

SEC. 3022. IMPROVED PUBLIC TRANSPORTATION SAFETY MEASURES.

(a) REQUIREMENTS.—Not later than 90 days after publication of the report required in section 3020, the Secretary shall issue a notice of proposed rulemaking on protecting public transportation operators from the risk of assault.

(b) CONSIDERATION.—In the proposed rulemaking, the Secretary shall consider—

(1) different safety needs of drivers of different modes;

(2) differences in operating environments;

(3) the use of technology to mitigate driver assault risks;

(4) existing experience, from both agencies and operators that already are using or testing driver assault mitigation infrastructure; and

(5) the impact of the rule on future rolling stock procurements and vehicles currently in revenue service.

(c) SAVINGS CLAUSE.—Nothing in this section may be construed as prohibiting the Secretary from issuing different comprehensive worker protections, including standards for mitigating assaults.

SEC. 3023. PARATRANSIT SYSTEM UNDER FTA APPROVED COORDINATED PLAN.

Notwithstanding the provisions of section 37.131(c) of title 49, Code of Federal Regulations, any paratransit system currently coordinating complementary paratransit service for more than 40 fixed route agencies shall be permitted to continue using an existing tiered, distance-based coordinated paratransit fare system, if the fare for the existing tiered, distance-based coordinated paratransit fare system is not increased by a greater percentage than any increase to the fixed route fare for the largest transit agency in the complementary paratransit service area.

SEC. 3024. REPORT ON POTENTIAL OF INTERNET OF THINGS.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report on the potential of the Internet of Things to improve transportation services in rural, suburban, and urban areas.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) a survey of the communities, cities, and States that are using innovative transportation systems to meet the needs of ageing populations;

(2) best practices to protect privacy and security, as determined as a result of such survey; and

(3) recommendations with respect to the potential of the Internet of Things to assist local, State, and Federal planners to develop more efficient and accurate projections of the transportation needs of rural, suburban, and urban communities.

SEC. 3025. REPORT ON PARKING SAFETY.

(a) STUDY.—The Secretary shall conduct a study on the safety of certain transportation facilities and locations, focusing on any property damage, injuries, deaths, and other incidents that occur or originate at locations intended to encourage public use of alternative transportation, including—

(1) carpool lots;

(2) mass transit lots;

(3) local, State, or regional rail stations;

(4) rest stops;

(5) college or university lots;

(6) bike paths or walking trails; and

(7) any other locations that the Secretary considers appropriate.

(b) REPORT.—Not later than 8 months 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 Banking, Housing, and Urban Affairs of the Senate a report on the results of the study.

(c) 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. 3026. 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; 80 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; and

(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 on or after the date of enactment of this Act, the Secretary of Transportation shall have sole authority to appoint Federal Directors 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 to low-income workers in accessing 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 financing the installation of positive train control systems required under section 20157 of title 49, United States Code.

(b) USES.—The amounts made available under subsection (a) of this section shall be awarded by the Secretary on a competitive basis, and grant funds awarded under this section shall not exceed 80 percent of the total cost of a project.

(c) CREDIT ASSISTANCE.—At the request of an eligible applicant under this section, the Secretary may use amounts awarded to the entity to pay the subsidy and administrative costs necessary to provide the entity Federal credit assistance under sections 502 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.), with respect to the project for which the grant was awarded.

(d) ELIGIBLE RECIPIENTS.—The amounts made available under subsection (a) of this section may be used only to assist a recipient of funds under chapter 53 of title 49, United States Code.

(e) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to 1 percent from the amounts made available under subsection (a) of this section for the costs of project management oversight of grants authorized under that subsection.

(f) SAVINGS CLAUSE.—Nothing in this section may be construed as authorizing the amounts appropriated under subsection (a) to be used for any purpose other than financing the installation of positive train control systems.

(g) GRANTS FINANCED FROM HIGHWAY TRUST FUND.—A grant that is approved by the Secretary and financed with amounts made available from the Mass Transit Account of the Highway Trust Fund under this section is a contractual obligation of the Government to pay the Government share of the cost of the project.

(h) AVAILABILITY OF AMOUNTS.—Notwithstanding subsection (j), amounts made available under this section shall remain available until expended.

(i) OBLIGATION LIMITATION.—Funds made available under this section shall be subject to obligation limit of section 3018 of the Federal Public Transportation Act of 2015.

(j) SUNSET.—The Secretary of Transportation shall provide the grants, direct loans, and loan guarantees under subsections (b) and (c) by September 30, 2018.

SEC. 3029. AMENDMENT TO TITLE 5.

(a) IN GENERAL.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

''Federal Transit Administrator.''.

(b) CONFORMING AMENDMENT.—Section 5314 of title 5, United States Code, is amended by striking ''Federal Transit Administrator.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first pay period beginning on or after the first day of the first fiscal year beginning after the date of enactment of this Act.

SEC. 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 such title, 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 such title, 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 such title, are repealed.

(e) SECTION 5325.—Section 5325 of title 49, United States Code is amended—

(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) ALLOCATION.—The Secretary shall apportion the amounts made available under section 5338(b)(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''; and

(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):

(1) HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of title 23, United States Code—

(A) $243,500,000 for fiscal year 2016;
(B) $252,300,000 for fiscal year 2017;
(C) $261,200,000 for fiscal year 2018;
(D) $270,400,000 for fiscal year 2019; and
(E) $279,800,000 for fiscal year 2020.

(2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out section 403 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.

(3) NATIONAL PRIORITY SAFETY PROGRAMS.—For carrying out section 405 of title 23, United States Code—

(A) $274,700,000 for fiscal year 2016;
(B) $277,500,000 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.

(4) NATIONAL DRIVER REGISTER.—For the National Highway Traffic Safety Administration to carry out chapter 303 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.

(5) 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.

(6) ADMINISTRATIVE EXPENSES.—For administrative and related operating expenses of the National Highway Traffic Safety Administration in carrying out chapter 4 of title 23, United States Code, and this 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) $26,817,000 for fiscal year 2020.

(b) 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—

(1) shall only be used to carry out such program; and

(2) may not be used by States or local governments for construction purposes.

(c) APPLICABILITY OF TITLE 23.—Except as otherwise provided in chapter 4 of title 23, United States Code, and 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 apportioned 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 grant (other than planning and administration) shall be available for the purpose of crediting the State during such fiscal year for the non-Federal share of the cost of any 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 project.

(f) GRANT APPLICATION AND DEADLINE.—To receive a grant under chapter 4 of title 23, United States Code, a State shall submit an application, and the Secretary shall establish a single deadline for such applications to enable the award of grants early in the next fiscal year.

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; and

(C) by adding at the end the following:

''(viii) to increase driver awareness of commercial motor vehicles to prevent crashes and reduce injuries and fatalities;'';

(2) in subsection (c)(4), by adding at the end the following:

''(C) SURVEY.—A State in which an automated traffic enforcement system is installed shall expend funds apportioned to that State under this section to conduct a biennial survey that the Secretary shall make publicly available through the Internet Web site of the Department of Transportation that includes—

''(i) a list of automated traffic enforcement systems in the State;

''(ii) adequate data to measure the transparency, accountability, and safety attributes of each automated traffic enforcement system; and

''(iii) a comparison of each automated traffic enforcement system with—

''(I) Speed Enforcement Camera Systems Operational Guidelines (DOT HS 810 916, March 2008); and

''(II) Red Light Camera Systems Operational Guidelines (FHWA–SA–05–002, January 2005).'';

(3) by striking subsection (g) and inserting the following:

''(g) RESTRICTION.—Nothing in this section may be construed to authorize the appropriation or expenditure of funds for highway construction, maintenance, or design (other than design of safety features of highways to be incorporated into guidelines).'';

(4) in subsection (k)—

(A) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively;

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

''(3) ELECTRONIC SUBMISSION.—The Secretary, in coordination with the Governors Highway Safety Association, shall develop procedures to allow States to submit highway safety plans under this subsection, including any attachments to the plans, in electronic form.''; and

(C) in paragraph (6)(A), as so redesignated, by striking ''60 days'' and inserting ''45 days''; and

(5) in subsection (m)(2)(B)—

(A) in clause (vii) by striking ''and'' at the end;

(B) in clause (viii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(ix) increase driver awareness of commercial motor vehicles to prevent crashes and reduce injuries and fatalities; and

''(x) support for school-based driver's education classes to improve teen knowledge about—

''(I) safe driving practices; and

''(II) State graduated driving license requirements, including behind-the-wheel training required to meet those requirements.''.

SEC. 4003. HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.

Section 403 of title 23, United States Code, is amended—

(1) in subsection (h)—

(A) in paragraph (1) by striking ''may'' and inserting ''shall'';

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

''(2) FUNDING.—The Secretary shall obligate from funds made available to carry out this section for the period covering fiscal years 2017 through 2020 not more than $21,248,000 to conduct the research described in paragraph (1).'';

(C) in paragraph (3) by striking ''If the Administrator utilizes the authority under paragraph (1), the'' and inserting ''The''; and

(D) in paragraph (4) by striking ''If the Administrator conducts the research authorized under paragraph (1), the'' and inserting ''The''; and

(2) by adding at the end the following:

''(i) 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.

''(j) 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.

(a) 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.

''(c) 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.

''(d) 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 405; and

''(2) providing, out of National Highway Traffic Safety Administration resources, most of the means necessary for national advertising and education efforts associated with the campaigns.

''(e) USE OF FUNDS.—Funds made available to carry out this section may be used only for activities described in subsection (c).

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

''(1) CAMPAIGN.—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.''.

(b) 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 highway deaths and injuries. Funds shall be allocated according to the following:

''(1) OCCUPANT PROTECTION.—In each fiscal year, 13 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 State traffic safety information system improvements (as described in subsection (c)).

''(3) IMPAIRED DRIVING COUNTERMEASURES.—In each fiscal year, 52.5 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 (d)).

''(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 (e)).

''(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 (f)).

''(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 (g)).

''(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 (h)).

''(8) TRANSFERS.—Notwithstanding paragraphs (1) through (7), the Secretary shall reallocate, before the last day of any fiscal year, any amounts remaining available to carry out any of the activities described in subsections (b) through (h) to increase the amount made available under section 402, in order to ensure, to the maximum extent possible, that all such amounts are obligated during such fiscal year.

''(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 (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 1 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) IMPAIRED DRIVING COUNTERMEASURES.—Section 405(d) of title 23, United States Code, is amended—

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

''(4) USE OF GRANT AMOUNTS.—

''(A) REQUIRED PROGRAMS.—High-range States shall use grant funds for—

''(i) high-visibility enforcement efforts; and

''(ii) any of the activities described in subparagraph (B) if—

''(I) the activity is described in the statewide plan; and

''(II) the Secretary approves the use of funding for such activity.

''(B) AUTHORIZED PROGRAMS.—Medium-range and low-range States may use grant funds for—

''(i) 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 professionals (including law enforcement, prosecutors, judges, and probation officers) to assist such professionals in handling impaired driving cases, hiring traffic safety resource prosecutors, 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 assessment 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 a 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 24-7 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 24-7 SOBRIETY PROGRAMS.—The Secretary shall make a separate grant under this subsection to each State that—

''(i) adopts and is enforcing a law that requires all individuals convicted of driving under the influence of alcohol or of driving while intoxicated to receive a restriction on driving privileges; and

''(ii) provides a 24-7 sobriety program.'';

(E) in subparagraph (C), as redesignated, by inserting ''and subparagraph (B)'' after ''subparagraph (A)'';

(F) in subparagraph (D), as redesignated, by inserting ''and subparagraph (B)'' after ''subparagraph (A)'';

(G) by amending subparagraph (E), as redesignated, to read as follows:

''(E) FUNDING.—

''(i) FUNDING FOR GRANTS TO STATES WITH ALCOHOL-IGNITION INTERLOCK LAWS.—Not more than 12 percent of the amounts made available to carry out this subsection in a fiscal year shall be made available by the Secretary for making grants under subparagraph (A).

''(ii) FUNDING FOR GRANTS TO STATES WITH 24-7 SOBRIETY PROGRAMS.—Not more than 3 percent of the amounts made available to carry out this subsection in a fiscal year shall be made available by the Secretary for making grants under subparagraph (B).''; and

(H) by adding at the end the following:

''(F) EXCEPTIONS.—A State alcohol-ignition interlock law under subparagraph (A) may include exceptions for the following circumstances:

''(i) The individual is required to operate an employer's motor vehicle in the course and scope of employment and the business entity that owns the vehicle is not owned or controlled by the individual.

''(ii) The individual is certified by a medical doctor as being unable to provide a deep lung breath sample for analysis by an ignition interlock device.

''(iii) A State-certified ignition interlock provider is not available within 100 miles of the individual's residence.''; and

(3) in paragraph (7)—

(A) in subparagraph (A)—

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

(I) by striking ''or a State agency'' and inserting ''or an agency with jurisdiction''; and

(II) by inserting ''bond,'' before ''sentence'';

(ii) in clause (i) by striking ''who plead guilty or'' and inserting ''who was arrested for, plead guilty to, or''; and

(iii) in clause (ii)(I) by inserting ''at a testing location'' after ''per day''; and

(B) in subparagraph (D) by striking the second period at the end.

(d) DISTRACTED DRIVING GRANTS.—Section 405(e) of title 23, United States Code, is amended to read as follows:

''(e) DISTRACTED DRIVING GRANTS.—

''(1) IN GENERAL.—The Secretary shall award a grant under this subsection to any State that includes distracted driving awareness as part of the State's driver's license examination, and enacts and enforces a law that meets the requirements set forth in paragraphs (2) and (3).

''(2) PROHIBITION ON TEXTING WHILE DRIVING.—A State law meets the requirements set forth in this paragraph if the law—

''(A) prohibits a driver from texting through 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 communication device while stopped in traffic.

''(3) PROHIBITION ON YOUTH CELL PHONE USE WHILE DRIVING OR STOPPED IN TRAFFIC.—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 if the driver is—

''(i) younger than 18 years of age; or

''(ii) in the learner's permit or intermediate license stage set forth in subsection (g)(2)(B);

''(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 communication device while stopped in traffic.

''(4) PERMITTED EXCEPTIONS.—A law that meets the requirements set forth in paragraph (2) or (3) may provide exceptions for—

''(A) a driver who uses a personal wireless communications device to contact emergency services;

''(B) emergency services personnel who use a personal wireless communications device while—

''(i) operating an emergency services vehicle; and

''(ii) engaged in the performance of their duties as emergency services personnel;

''(C) an individual employed as a commercial motor vehicle driver or a school bus driver who uses a personal wireless communications device within the scope of such individual's employment if such use is permitted under the regulations promulgated pursuant to section 31136 of title 49; and

''(D) 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—

''(i) to 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 law 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 conformed its distracted driving data to the most recent Model Minimum Uniform Crash Criteria published by the Secretary.

''(6) ADDITIONAL DISTRACTED DRIVING GRANTS.—

''(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 available for grants under this subsection to award grants to any State that—

''(i) in fiscal year 2017—

''(I) certifies that it has enacted a basic text messaging statute that—

''(aa) is applicable to drivers of all ages; and

''(bb) makes violation of the basic text messaging statute a primary offense or secondary enforcement action as allowed by State statute; and

''(II) is otherwise ineligible for a grant under this subsection; and

''(ii) in fiscal year 2018—

''(I) 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 (5) and subject to clauses (ii) and (iii) of this subparagraph, amounts received by a State under subparagraph (A) may be used for activities related to the enforcement of distracted driving laws, including for public information and awareness purposes.

''(ii) FISCAL YEAR 2017.—In fiscal year 2017, up to 15 percent of the amounts received by a State under subparagraph (A) may be used for any eligible project or activity under section 402.

''(iii) FISCAL YEAR 2018.—In fiscal year 2018, up to 25 percent of the amounts received by a State under subparagraph (A) may be used for any eligible project or activity under section 402.

''(7) ALLOCATION TO SUPPORT STATE DISTRACTED DRIVING LAWS.—Of the amounts available under this subsection in a fiscal year for distracted driving grants, the Secretary may expend not more than $5,000,000 for the development and placement of broadcast media to reduce distracted driving of motor vehicles.

''(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 332(c)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C. 332(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) PUBLIC ROAD.—The term 'public road' has the meaning given such term in section 402(c).

''(E) TEXTING.—The term 'texting' 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(f) of title 23, United States Code, is amended—

(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 such section for fiscal year 2009.'';

(2) in paragraph (4) by adding at the end the following:

''(C) FLEXIBILITY.—Not more than 50 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.''; and

(3) by adding at the end the following:

''(6) SHARE-THE-ROAD MODEL LANGUAGE.—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall update and provide to the States model language, for use in traffic safety education courses, driver's manuals, and other driver training materials, that provides instruction for drivers of motor vehicles on the importance of sharing the road safely with motorcyclists.''.

(f) MINIMUM REQUIREMENTS FOR STATE GRADUATED DRIVER LICENSING INCENTIVE GRANT PROGRAM.—Section 405(g) of title 23, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A) by striking ''21'' and inserting ''18''; and

(B) by amending subparagraph (B) to read as follows:

''(B) LICENSING PROCESS.—A State is in compliance with the 2-stage licensing process described in this subparagraph if the State's driver's license laws include—

''(i) a learner's permit stage that—

''(I) is at least 6 months in duration;

''(II) contains a prohibition on the driver using a personal wireless communications device (as defined in subsection (e)) while driving except under an exception permitted under paragraph (4) of that subsection, and makes a violation of the prohibition a primary offense;

''(III) requires applicants to successfully pass a vision and knowledge assessment prior to receiving a learner's permit;

''(IV) requires that the driver be accompanied and supervised at all times while the driver is operating a motor vehicle by a licensed driver who is at least 21 years of age or is a State-certified driving instructor;

''(V) has a requirement that the driver—

''(aa) complete a State-certified driver education or training course; or

''(bb) obtain at least 50 hours of behind-the-wheel training, with at least 10 hours at night, with a licensed driver; and

''(VI) remains in effect until the driver—

''(aa) reaches 16 years of age and enters the intermediate stage; or

''(bb) reaches 18 years of age;

''(ii) an intermediate stage that—

''(I) commences immediately after the expiration of the learner's permit stage and successful completion of a driving skills assessment;

''(II) is at least 6 months in duration;

''(III) prohibits the driver from using a personal wireless communications device (as defined in subsection (e)) while driving except under an exception permitted under paragraph (4) of that subsection, and makes a violation of the prohibition a primary offense;

''(IV) for the first 6 months of the intermediate stage, restricts driving at night between the hours of 10:00 p.m. and 5:00 a.m. when not supervised by a licensed driver 21 years of age or older, excluding transportation to work, school, religious activities, or emergencies;

''(V) prohibits the driver from operating a motor vehicle with more than 1 nonfamilial passenger younger than 21 years of age unless a licensed driver who is at least 21 years of age is in the motor vehicle; and

''(VI) remains in effect until the driver reaches 17 years of age; and

''(iii) learner's permit and intermediate stages that each require, in addition to any other penalties imposed by State law, that the granting of an unrestricted driver's license be automatically delayed for any individual who, during the learner's permit or intermediate stage, is convicted of a driving-related offense during the first 6 months, including—

''(I) driving while intoxicated;

''(II) misrepresentation of the individual's age;

''(III) reckless driving;

''(IV) driving without wearing a seat belt;

''(V) speeding; or

''(VI) any other driving-related offense, as determined by the Secretary.''; and

(2) by adding at the end the following:

''(6) SPECIAL RULE.—Notwithstanding paragraph (5), 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 the number of drivers under age 18 involved in fatal crashes in the State per the total number of drivers under age 18 in the State 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:

''(h) NONMOTORIZED SAFETY.—

''(1) GENERAL AUTHORITY.—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 motor vehicle.

''(2) FEDERAL SHARE.—The Federal share of the cost of a project carried out 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 total annual crash 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;

''(B) enforcement mobilizations and campaigns designed to enforce State traffic laws applicable to pedestrian and bicycle safety; and

''(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:

''(f) TRACKING PROCESS.—The Secretary shall develop a process to identify and mitigate possible systemic issues across States and regional offices by reviewing oversight findings and recommended actions identified in triennial State management reviews.''.

SEC. 4007. STOP MOTORCYCLE CHECKPOINT FUNDING.

Notwithstanding section 153 of title 23, United States Code, the Secretary may not provide a grant or any funds to a State, county, town, township, Indian tribe, municipality, or other local government that may be used for any program—

(1) to check helmet usage; or

(2) to create checkpoints that specifically target motorcycle operators or motorcycle passengers.

SEC. 4008. MARIJUANA-IMPAIRED DRIVING.

(a) STUDY.—The Secretary, in consultation with the heads of other Federal agencies as appropriate, shall conduct a study on marijuana-impaired driving.

(b) ISSUES TO BE EXAMINED.—In conducting the study, the Secretary shall examine, at a minimum, the following:

(1) Methods to detect marijuana-impaired driving, including devices capable of measuring marijuana levels in motor vehicle operators.

(2) A review of impairment standard research for driving under the influence of marijuana.

(3) Methods to differentiate the cause of a driving impairment between alcohol and marijuana.

(4) State-based policies on marijuana-impaired driving.

(5) The role and extent of marijuana impairment in motor vehicle accidents.

(c) REPORT.—

(1) 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 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.

(2) CONTENTS.—The report shall include, at a minimum, the following:

(A) FINDINGS.—The findings of the Secretary based on the study, including, at a minimum, the following:

(i) An assessment of methodologies and technologies for measuring driver impairment resulting from the use of marijuana, including the use of marijuana in combination with alcohol.

(ii) A description and assessment of the role of marijuana as a causal factor in traffic crashes and the extent of the problem of 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:

(i) 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.

(ii) If feasible, an impairment standard for driving under the influence of marijuana.

(iii) Methodologies for increased data collection regarding the prevalence and effects of marijuana-impaired driving.

(d) MARIJUANA DEFINED.—In this section, the term ''marijuana'' includes all substances containing tetrahydrocannabinol.

SEC. 4009. INCREASING PUBLIC AWARENESS OF THE DANGERS OF DRUG-IMPAIRED DRIVING.

(a) ADDITIONAL ACTIONS.—The Administrator of the National Highway Traffic Safety Administration, in consultation with the White House Office of National Drug Control Policy, the Secretary of Health and Human Services, State highway safety offices, and other interested parties, as determined by the Administrator, shall identify and carry out additional actions that should be undertaken by the Administration to assist States in their efforts to increase public awareness of the dangers of drug-impaired driving, including the dangers of driving while under the influence of heroin or prescription opioids.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit 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).

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 title 23, United States Code, 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 such section;

(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 1906 of SAFETEA–LU (23 U.S.C. 402 note) is amended—

(1) in subsection (a)(1)—

(A) by striking ''(A) has enacted'' and all that follows through ''(B) is maintaining'' and inserting ''is maintaining''; and

(B) by striking ''and any passengers'';

(2) 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 costs of—

''(1) collecting and maintaining data on traffic stops; and

''(2) evaluating the results of the data.'';

(3) by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively;

(4) in subsection (c)(2), 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 shall set aside $7,500,000 for each of fiscal years 2017 through 2020 to carry out this section.'';

(C) in paragraph (2)—

(i) 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 Comptroller General of the United States reviews and reports on the overall value of the National Roadside Survey to researchers and other public safety stakeholders, the differences between a National Roadside Survey site and typical law enforcement checkpoints, and the effectiveness of the National Roadside Survey methodology at protecting the privacy of the driving public, as requested by the Committee on Appropriations of the Senate on June 5, 2014 (Senate Report 113–182), the Secretary shall report to Congress on the National Highway Traffic Safety Administration's progress toward reviewing that report and implementing any recommendations made in that report.

SEC. 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 (b)(1)—

(i) in subparagraph (C) by striking ''paragraph (3)'' and inserting ''paragraph (2)''; and

(ii) in subparagraph (E)—

(I) by striking ''in which'' and inserting ''for which''; and

(II) by striking ''under subsection (f)'' and inserting ''under subsection (k)''; and

(B) in subsection (k)(5), as redesignated by this Act, by striking ''under paragraph (2)(A)'' and inserting ''under paragraph (3)(A)''.

(2) Section 403(e) is amended by striking ''chapter 301'' and inserting ''chapter 301 of title 49''.

(3) Section 405 is amended—

(A) in subsection (d)—

(i) in paragraph (5) by striking ''under section 402(c)'' and inserting ''under section 402''; and

(ii) in paragraph (6)(D), as redesignated by this Act, by striking ''on the basis of the apportionment formula set forth in section 402(c)'' and inserting ''in proportion to the State's apportionment under section 402 for fiscal year 2009''; and

(B) in subsection (f)(4)(A)(iv)—

(i) by striking ''such as the'' and inserting ''including''; and

(ii) by striking ''developed under subsection (g)''.

SEC. 4015. EFFECTIVE DATE FOR CERTAIN PROGRAMS.

Notwithstanding any other provision of this Act, except for the technical corrections in section 4014, the amendments made by this Act to sections 164, 402, and 405 of 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. 5101. 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

''(a) 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 in 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 multiple-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—

''(A) implements performance-based activities, including deployment and maintenance of technology to enhance the efficiency and effectiveness of commercial motor vehicle safety programs;

''(B) designates a lead State commercial motor vehicle safety agency responsible for administering the plan throughout the State;

''(C) contains satisfactory assurances that the lead State commercial motor vehicle safety agency has or will have the legal authority, resources, and qualified personnel necessary to enforce the regulations, standards, and orders;

''(D) contains satisfactory assurances that the State will devote adequate resources to the administration of the plan and enforcement of the regulations, standards, and orders;

''(E) provides a right of entry (or other method a State may use that the Secretary determines is adequate to obtain necessary information) and inspection to carry out the plan;

''(F) provides that all reports required under this section be available to the Secretary on request;

''(G) provides that the lead State commercial motor vehicle safety agency will adopt the reporting requirements and use the forms for recordkeeping, inspections, and investigations that the Secretary prescribes;

''(H) requires all registrants of commercial motor vehicles to demonstrate knowledge of applicable safety regulations, standards, and orders of the Federal Government and the State;

''(I) provides that the State will grant maximum reciprocity for inspections conducted under the North American Inspection Standards through the use of a nationally accepted system that allows ready identification of previously inspected commercial motor vehicles;

''(J) ensures that activities described in subsection (h), if financed through grants to the State made under this section, will not diminish the effectiveness of the development and implementation of the programs to improve motor carrier, commercial motor vehicle, and driver safety as described in subsection (b);

''(K) ensures that the lead State commercial motor vehicle safety agency will coordinate the plan, data collection, and information systems with the State highway safety improvement program required under section 148(c) of title 23;

''(L) ensures participation in appropriate Federal Motor Carrier Safety Administration information technology and data systems and other information systems by all appropriate jurisdictions receiving motor carrier safety assistance program funding;

''(M) ensures that information is exchanged among the States in a timely manner;

''(N) provides satisfactory assurances that the State will undertake efforts that will emphasize and improve enforcement of State and local traffic safety laws and regulations related to commercial motor vehicle safety;

''(O) provides satisfactory assurances that the State will address national priorities and performance goals, including—

''(i) activities aimed at removing impaired commercial motor vehicle drivers from the highways of the United States through adequate enforcement of regulations on the use of alcohol and controlled substances and by ensuring ready roadside access to alcohol detection and measuring equipment;

''(ii) activities aimed at providing an appropriate level of training to State motor carrier safety assistance program officers and employees on recognizing drivers impaired by alcohol or controlled substances; and

''(iii) when conducted with an appropriate commercial motor vehicle inspection, criminal interdiction activities, and appropriate strategies for carrying out those interdiction activities, including interdiction 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) and listed in part 1308 of title 21, Code of Federal Regulations, as updated and republished from time to time) by any occupant of a commercial motor vehicle;

''(P) provides that the State has established and dedicated sufficient resources to a program to ensure that—

''(i) the State collects and reports to the Secretary accurate, complete, and timely motor carrier safety data; and

''(ii) the State participates in a national motor carrier safety data correction system prescribed by the Secretary;

''(Q) ensures that the State will cooperate in the enforcement of financial responsibility requirements under sections 13906, 31138, and 31139 and regulations issued under those sections;

''(R) ensures consistent, effective, and reasonable sanctions;

''(S) ensures that roadside inspections will be conducted at locations that are adequate to protect the safety of drivers and enforcement personnel;

''(T) provides that the State will include in the training manuals for the licensing examination to drive noncommercial motor vehicles and commercial motor vehicles information on best practices for driving safely in the vicinity of noncommercial and commercial motor vehicles;

''(U) provides that the State will enforce the registration requirements of sections 13902 and 31134 by prohibiting the operation of any vehicle discovered to be operated by a motor carrier without a registration issued under those sections or to be operated beyond the scope of the motor carrier's registration;

''(V) provides that the State will conduct comprehensive and highly visible traffic enforcement and commercial motor vehicle safety inspection programs in high-risk locations and corridors;

''(W) except in the case of an imminent hazard or obvious safety hazard, ensures that an inspection of a vehicle transporting passengers for a motor carrier of passengers is conducted at a bus station, terminal, border crossing, maintenance facility, destination, or other location where a motor carrier may make a planned stop (excluding a weigh station);

''(X) ensures that the State will transmit to its roadside inspectors notice of each Federal exemption granted under section 31315(b) of this title and sections 390.23 and 390.25 of title 49, Code of Federal Regulations, and provided to the State by the Secretary, including the name of the person that received the exemption and any terms and conditions that apply to the exemption;

''(Y) except as provided in subsection (d), provides that the State—

''(i) will conduct safety audits of interstate and, at the State's discretion, intrastate new entrant motor carriers under section 31144(g); and

''(ii) if the State authorizes a third party to conduct safety audits under section 31144(g) on its behalf, the State verifies the quality of the work conducted and remains solely responsible for the management and oversight of the activities;

''(Z) provides that the State agrees to fully participate in the performance and registration information systems management under section 31106(b) not later than October 1, 2020, by complying with the conditions for participation under paragraph (3) of that section, or demonstrates to the Secretary an alternative approach for identifying and immobilizing a motor carrier with serious safety deficiencies in a manner that provides an equivalent level of safety;

''(AA) in the case of a State that shares a land border with another country, provides that the State—

''(i) will conduct a border commercial motor vehicle safety program focusing on international commerce that includes enforcement and related projects; or

''(ii) will forfeit all funds calculated by the Secretary based on border-related activities if the State declines to conduct the program described in clause (i) in its plan; and

''(BB) in the case of a State that meets the other requirements of this section and agrees to comply with the requirements established in subsection (l)(3), provides that the State may fund operation and maintenance costs associated with innovative technology deployment under subsection (l)(3) with motor carrier safety assistance program funds authorized under section 31104(a)(1).

''(3) PUBLICATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall publish each approved State multiple-year plan, and each annual update thereto, on a publically accessible Internet Web site of the Department of Transportation not later than 30 days after the date the Secretary approves the plan or update.

''(B) LIMITATION.—Before publishing an approved State multiple-year plan or annual update under subparagraph (A), the Secretary shall redact any information identified by the State that, if disclosed—

''(i) would reasonably be expected to interfere with enforcement proceedings; or

''(ii) would reveal enforcement techniques or procedures that would reasonably be expected to risk circumvention of the law.

''(d) EXCLUSION OF U.S. TERRITORIES.—The requirement that a State conduct safety audits of new entrant motor carriers under subsection (c)(2)(Y) does not apply to a territory of the United States unless required by the Secretary.

''(e) INTRASTATE COMPATIBILITY.—The Secretary shall prescribe regulations specifying tolerance guidelines and standards for ensuring compatibility of intrastate commercial motor vehicle safety laws, including regulations, with Federal motor carrier safety regulations to be enforced under subsections (b) and (c). To the extent practicable, the guidelines and standards shall allow for maximum flexibility while ensuring a degree of uniformity that will not diminish motor vehicle safety.

''(f) MAINTENANCE OF EFFORT.—

''(1) BASELINE.—Except as provided under paragraphs (2) and (3) and in accordance with section 5107 of the FAST Act, a State plan under subsection (c) shall provide that the total expenditure of amounts of the lead State commercial motor vehicle safety agency responsible for administering the plan will be maintained at a level each fiscal year that is at least equal to—

''(A) the average level of that expenditure for fiscal years 2004 and 2005; or

''(B) the level of that expenditure for the year in which the Secretary implements a new allocation formula under section 5106 of the FAST Act.

''(2) ADJUSTED BASELINE AFTER FISCAL YEAR 2017.—At the request of a State, the Secretary may evaluate additional documentation related to the maintenance of effort and may make reasonable adjustments to the maintenance of effort baseline after the year in which the Secretary implements a new allocation formula under section 5106 of the FAST Act, and this adjusted baseline will replace the maintenance of effort requirement under paragraph (1).

''(3) WAIVERS.—At the request of a State, the Secretary may waive or modify the requirements of this subsection for a total of 1 fiscal year if the Secretary determines that the waiver or modification is reasonable, based on circumstances described by the State, to ensure the continuation of commercial motor vehicle enforcement activities in the State.

''(4) LEVEL OF STATE EXPENDITURES.—In estimating the average level of a State's expenditures under paragraph (1), the Secretary—

''(A) may allow the State to exclude State expenditures for federally sponsored demonstration and pilot programs and strike forces;

''(B) may allow the State to exclude expenditures for activities related to border enforcement and new entrant safety audits; and

''(C) shall require the State to exclude State matching amounts used to receive Federal financing under section 31104.

''(g) USE OF UNIFIED CARRIER REGISTRATION FEES AGREEMENT.—Amounts generated under section 14504a and received by a State and used for motor carrier safety purposes may be included as part of the State's match required under section 31104 or maintenance of effort required by subsection (f).

''(h) USE OF GRANTS TO ENFORCE OTHER LAWS.—When approved as part of a State's plan under subsection (c), the State may use motor carrier safety assistance program funds received under this section—

''(1) if the activities are carried out in conjunction with an appropriate inspection of a commercial motor vehicle to enforce Federal or

State commercial motor vehicle safety regulations, for—

''(A) enforcement of commercial motor vehicle size and weight limitations at locations, excluding fixed-weight facilities, such as near steep grades or mountainous terrains, where the weight of a commercial motor vehicle can significantly affect the safe operation of the vehicle, or at ports where intermodal shipping containers enter and leave the United States; and

''(B) detection of and enforcement actions taken as a result of criminal activity, including the trafficking of human beings, in a commercial motor vehicle or by any occupant, including the operator, of the commercial motor vehicle; and

''(2) for documented enforcement of State traffic laws and regulations designed to promote the safe operation of commercial motor vehicles, including documented enforcement of such laws and regulations relating to noncommercial motor vehicles when necessary to promote the safe operation of commercial motor vehicles, if—

''(A) the number of motor carrier safety activities, including roadside safety inspections, conducted in the State is maintained at a level at least equal to the average level of such activities conducted in the State in fiscal years 2004 and 2005; and

''(B) the State does not use more than 10 percent of the basic amount the State receives under a grant awarded under section 31104(a)(1) for enforcement activities relating to noncommercial motor vehicles necessary to promote the safe operation of commercial motor vehicles unless the Secretary determines that a higher percentage will result in significant increases in commercial motor vehicle safety.

''(i) EVALUATION OF PLANS AND AWARD OF GRANTS.—

''(1) AWARDS.—The Secretary shall establish criteria for the application, evaluation, and approval of State plans under this section. Subject to subsection (j), the Secretary may allocate the amounts made available under section 31104(a)(1) among the States.

''(2) OPPORTUNITY TO CURE.—If the Secretary disapproves a plan under this section, the Secretary shall give the State a written explanation of the reasons for disapproval and allow the State to modify and resubmit the plan for approval.

''(j) ALLOCATION OF FUNDS.—

''(1) IN GENERAL.—The Secretary, by regulation, shall prescribe allocation criteria for funds made available under section 31104(a)(1).

''(2) ANNUAL ALLOCATIONS.—On October 1 of each fiscal year, or as soon as practicable thereafter, and after making a deduction under section 31104(c), the Secretary shall allocate amounts made available under section 31104(a)(1) to carry out this section for the fiscal year among the States with plans approved under this section in accordance with the criteria prescribed under paragraph (1).

''(3) ELECTIVE ADJUSTMENTS.—Subject to the availability of funding and notwithstanding fluctuations in the data elements used by the Secretary to calculate the annual allocation amounts, after the creation of a new allocation formula under section 5106 of the FAST Act, the Secretary may not make elective adjustments to the allocation formula that decrease a State's Federal funding levels by more than 3 percent in a fiscal year. The 3 percent limit shall not apply to the withholding provisions of subsection (k).

''(k) PLAN MONITORING.—

''(1) IN GENERAL.—On the basis of reports submitted by the lead State agency responsible for administering a State plan approved under this section and an investigation by the Secretary, the Secretary shall periodically evaluate State implementation of and compliance with the State plan.

''(2) WITHHOLDING OF FUNDS.—

''(A) DISAPPROVAL.—If, after notice and an opportunity to be heard, the Secretary finds that a State plan previously approved under this section is not being followed or has become inadequate to ensure enforcement of State regulations, standards, or orders described in subsection (c)(1), or the State is otherwise not in compliance with the requirements of this section, the Secretary may withdraw approval of the State plan and notify the State. Upon the receipt of such notice, the State plan shall no longer be in effect and the Secretary shall withhold all funding to the State under this section.

''(B) NONCOMPLIANCE WITHHOLDING.—In lieu of withdrawing approval of a State plan under subparagraph (A), the Secretary may, after providing notice to the State and an opportunity to be heard, withhold funding from the State to which the State would otherwise be entitled under this section for the period of the State's noncompliance. In exercising this option, the Secretary may withhold—

''(i) up to 5 percent of funds during the fiscal year that the Secretary notifies the State of its noncompliance;

''(ii) up to 10 percent of funds for the first full fiscal year of noncompliance;

''(iii) up to 25 percent of funds for the second full fiscal year of noncompliance; and

''(iv) not more than 50 percent of funds for the third and any subsequent full fiscal year of noncompliance.

''(3) JUDICIAL REVIEW.—A State adversely affected by a determination under paragraph (2) may seek judicial review under chapter 7 of title 5. Notwithstanding the disapproval of a State plan under paragraph (2)(A) or the withholding of funds under paragraph (2)(B), the State may retain jurisdiction in an administrative or a judicial proceeding that commenced before the notice of disapproval or withholding if the issues involved are not related directly to the reasons for the disapproval or withholding.

''(l) HIGH PRIORITY PROGRAM.—

''(1) IN GENERAL.—The Secretary shall administer a high priority program funded under section 31104(a)(2) for the purposes described in paragraphs (2) and (3).

''(2) ACTIVITIES RELATED TO MOTOR CARRIER SAFETY.—The Secretary may make discretionary grants to and enter into cooperative agreements with States, local governments, federally recognized Indian tribes, other political jurisdictions as necessary, and any person to carry out high priority activities and projects that augment motor carrier safety activities and projects planned in accordance with subsections (b) and (c), including activities and projects that—

''(A) increase public awareness and education on commercial motor vehicle safety;

''(B) target unsafe driving of commercial motor vehicles and noncommercial motor vehicles in areas identified as high risk crash corridors;

''(C) improve the safe and secure movement of hazardous materials;

''(D) improve safe transportation of goods and persons in foreign commerce;

''(E) demonstrate new technologies to improve commercial motor vehicle safety;

''(F) support participation in performance and registration information systems management under section 31106(b)—

''(i) for entities not responsible for submitting the plan under subsection (c); or

''(ii) for entities responsible for submitting the plan under subsection (c)—

''(I) before October 1, 2020, to achieve compliance with the requirements of participation; and

''(II) beginning on October 1, 2020, or once compliance is achieved, whichever is sooner, for special initiatives or projects that exceed routine operations required for participation;

''(G) conduct safety data improvement projects—

''(i) that complete or exceed the requirements under subsection (c)(2)(P) for entities not responsible for submitting the plan under subsection (c); or

''(ii) that exceed the requirements under subsection (c)(2)(P) for entities responsible for submitting the plan under subsection (c); and

''(H) otherwise improve commercial motor vehicle safety and compliance with commercial motor vehicle safety regulations.

''(3) INNOVATIVE TECHNOLOGY DEPLOYMENT GRANT PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish an innovative technology deployment grant program to make discretionary grants to eligible States for the innovative technology deployment of commercial motor vehicle information systems and networks.

''(B) PURPOSES.—The purposes of the program shall be—

''(i) to advance the technological capability and promote the deployment of intelligent transportation system applications for commercial motor vehicle operations, including commercial motor vehicle, commercial driver, and carrier-specific information systems and networks; and

''(ii) to support and maintain commercial motor vehicle information systems and networks—

''(I) to link Federal motor carrier safety information systems with State commercial motor vehicle systems;

''(II) to improve the safety and productivity of commercial motor vehicles and drivers; and

''(III) to reduce costs associated with commercial motor vehicle operations and Federal and State commercial motor vehicle regulatory requirements.

''(C) ELIGIBILITY.—To be eligible for a grant under this paragraph, a State shall—

''(i) have a commercial motor vehicle information systems and networks program plan approved by the Secretary that describes the various systems and networks at the State level that need to be refined, revised, upgraded, or built to accomplish deployment of commercial motor vehicle information systems and networks capabilities;

''(ii) certify to the Secretary that its commercial motor vehicle information systems and networks deployment activities, including hardware procurement, software and system development, and infrastructure modifications—

''(I) are consistent with the national intelligent transportation systems and commercial motor vehicle information systems and networks architectures and available standards; and

''(II) promote interoperability and efficiency to the extent practicable; and

''(iii) agree to execute interoperability tests developed by the Federal Motor Carrier Safety Administration to verify that its systems conform with the national intelligent transportation systems architecture, applicable standards, and protocols for commercial motor vehicle information systems and networks.

''(D) USE OF FUNDS.—Grant funds received under this paragraph may be used—

''(i) for deployment activities and activities to develop new and innovative advanced technology solutions that support commercial motor vehicle information systems and networks;

''(ii) for planning activities, including the development or updating of program or top level design plans in order to become eligible or maintain eligibility under subparagraph (C); and

''(iii) for the operation and maintenance costs associated with innovative technology.

''(E) SECRETARY AUTHORIZATION.—The Secretary is authorized to award a State funding for the operation and maintenance costs associated with innovative technology deployment with funds made available under sections 31104(a)(1) and 31104(a)(2).''.

(b) COMMERCIAL MOTOR VEHICLE OPERATORS GRANT PROGRAM.—Section 31103 of title 49, United States Code, is amended to read as follows:

''§ 31103. Commercial motor vehicle operators grant program

''(a) IN GENERAL.—The Secretary shall administer a commercial motor vehicle operators grant program funded under section 31104.

''(b) PURPOSE.—The purpose of the grant program is to train individuals in the safe operation of commercial motor vehicles (as defined in section 31301).

''(c) VETERANS.—In administering grants under this section, the Secretary shall award priority to grant 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)—

''(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) $1,000,000 for fiscal year 2017;

''(B) $1,000,000 for fiscal year 2018;

''(C) $1,000,000 for fiscal year 2019; and

''(D) $1,000,000 for fiscal year 2020.

''(4) COMMERCIAL DRIVER'S LICENSE PROGRAM IMPLEMENTATION PROGRAM.—Subject to subsection (c), to carry out section 31313—

''(A) $31,200,000 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.

''(b) REIMBURSEMENT AND PAYMENT TO RECIPIENTS FOR GOVERNMENT SHARE OF COSTS.—

''(1) IN GENERAL.—Amounts made available under subsection (a) shall be used to reimburse financial assistance recipients proportionally for the Federal Government's share of the costs incurred.

''(2) REIMBURSEMENT AMOUNTS.—The Secretary shall reimburse a recipient, in accordance with a financial assistance agreement made under section 31102, 31103, or 31313, an amount that is at least 85 percent of the costs incurred by the recipient in a fiscal year in developing and implementing programs under such sections. The Secretary shall pay the recipient an amount not more than the Federal Government share of the total costs approved by the Federal Government in the financial assistance agreement. The Secretary shall include a recipient's in-kind contributions in determining the reimbursement.

''(3) VOUCHERS.—Each recipient shall submit vouchers at least quarterly for costs the recipient incurs in developing and implementing programs under sections 31102, 31103, and 31313.

''(c) DEDUCTIONS FOR PARTNER TRAINING AND PROGRAM SUPPORT.—On October 1 of each fiscal year, or as soon after that date as practicable, the Secretary may 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 amounts for partner training and program support in that fiscal year. The Secretary shall use at least 75 percent of those deducted amounts to train non-Federal Government employees and to develop related training materials in carrying out 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 31313 is a contractual obligation of the Federal Government for payment of the Federal Government's share of costs in carrying out the provisions of the grant or cooperative agreement.

''(e) ELIGIBLE ACTIVITIES.—The Secretary shall establish criteria for eligible activities to be funded with financial assistance agreements under this section and publish those criteria in a notice of funding availability before the financial assistance program application period.

''(f) PERIOD OF AVAILABILITY OF FINANCIAL ASSISTANCE AGREEMENT FUNDS FOR RECIPIENT EXPENDITURES.—The period of availability for a recipient to expend funds under a grant or cooperative agreement authorized under subsection (a) is as follows:

''(1) For grants made for carrying out section 31102, other than section 31102(l), for the fiscal year in which the Secretary approves the financial assistance agreement and for the next fiscal year.

''(2) For grants made or cooperative agreements entered into for carrying out section 31102(l)(2), for the fiscal year in which the Secretary approves the financial assistance agreement and for the next 2 fiscal years.

''(3) For grants made for carrying out section 31102(l)(3), for the fiscal year in which the Secretary approves the financial assistance agreement and for the next 4 fiscal years.

''(4) For grants made for carrying out section 31103, for the fiscal year in which the Secretary approves the financial assistance agreement and for the next fiscal year.

''(5) For grants made or cooperative agreements entered into for carrying out section 31313, for the fiscal year in which the Secretary approves the financial assistance agreement and for the next 4 fiscal years.

''(g) CONTRACT AUTHORITY; INITIAL DATE OF AVAILABILITY.—Amounts authorized from the Highway Trust Fund (other than the Mass Transit Account) by this section shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

''(h) AVAILABILITY OF FUNDING.—Amounts made available under this section shall remain available until expended.

''(i) REALLOCATION.—Amounts not expended by a recipient during the period of availability shall be released back to the Secretary for reallocation for any purpose under section 31102, 31103, or 31313 or this section to ensure, to the maximum extent possible, that all such amounts are obligated.''.

(d) 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 grant program.
''31104. Authorization of appropriations.''.

(e) CONFORMING AMENDMENTS.—

(1) SAFETY FITNESS OF OWNERS AND OPERATOR; SAFETY REVIEWS OF NEW OPERATORS.—Section 31144(g) of title 49, United States Code, is amended by striking paragraph (5).

(2) INFORMATION SYSTEMS; PERFORMANCE AND REGISTRATION INFORMATION PROGRAM.—Section 31106(b) of title 49, United States Code, is amended by striking paragraph (4).

(3) BORDER ENFORCEMENT GRANTS.—Section 31107 of title 49, United States Code, and the item relating to that section in the analysis for chapter 311 of that title, are repealed.

(4) PERFORMANCE AND REGISTRATION INFORMATION SYSTEM MANAGEMENT.—Section 31109 of title 49, United States Code, and the item relating to that section in the analysis for chapter 311 of that title, are repealed.

(5) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.—Section 4126 of SAFETEA–LU (49 U.S.C. 31106 note), and the item relating to that section in the table of contents contained in section 1(b) of that Act, are repealed.

(6) SAFETY DATA IMPROVEMENT PROGRAM.—Section 4128 of SAFETEA–LU (49 U.S.C. 31100 note), and the item relating to that section in the table of contents contained in section 1(b) of that Act, are repealed.

(7) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134 of SAFETEA–LU (49 U.S.C. 31301 note), and the item relating to that section in the table of contents contained in section 1(b) of that Act, are repealed.

(8) MAINTENANCE OF EFFORT AS CONDITION ON GRANTS TO STATES.—Section 103(c) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31102 note) is repealed.

(9) STATE COMPLIANCE WITH CDL REQUIREMENTS.—Section 103(e) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31102 note) is repealed.

(10) BORDER STAFFING STANDARDS.—Section 218(d) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31133 note) is amended—

(A) in paragraph (1) by striking ''section 31104(f)(2)(B) of title 49, United States Code'' and inserting ''section 31104(a)(1) of title 49, United States Code''; and

(B) by striking paragraph (3).

(11) WINTER HOME HEATING OIL DELIVERY STATE FLEXIBILITY PROGRAM.—Section 346 of the National Highway System Designation Act of 1995 (49 U.S.C. 31166 note), and the item relating to that section in the table of contents in section 1(b) of that Act, are repealed.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2016.

(g) TRANSITION.—Notwithstanding the amendments made by this section, the Secretary shall carry out sections 31102, 31103, and 31104 of title 49, United States Code, and any sections repealed under subsection (e), as necessary, as those sections were in effect on the day before October 1, 2016, with respect to applications for grants, cooperative agreements, or contracts under those sections submitted before October 1, 2016.

SEC. 5102. PERFORMANCE AND REGISTRATION INFORMATION SYSTEMS MANAGEMENT.

Section 31106(b) of title 49, United States Code, is amended in the subsection heading by striking ''PROGRAM'' and inserting ''SYSTEMS MANAGEMENT''.

SEC. 5103. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subchapter I of chapter 311 of title 49, United States Code, is amended by adding at the end the following:

''§ 31110. Authorization of appropriations

''(a) ADMINISTRATIVE EXPENSES.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay administrative expenses of the Federal Motor Carrier Safety Administration—

''(1) $267,400,000 for fiscal year 2016;

''(2) $277,200,000 for fiscal year 2017;

''(3) $283,000,000 for fiscal year 2018;

''(4) $284,000,000 for fiscal year 2019; and

''(5) $288,000,000 for fiscal year 2020.

''(b) USE OF FUNDS.—The funds authorized by this section shall be used for—

''(1) personnel costs;

''(2) administrative infrastructure;

''(3) rent;

''(4) information technology;

''(5) programs for research and technology, information management, regulatory development, and the administration of performance and registration information systems management under section 31106(b);

''(6) programs for outreach and education under subsection (c);

''(7) other operating expenses;

''(8) conducting safety reviews of new operators; 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 conduct, through any combination of grants, contracts, cooperative agreements, and other activities, an internal and external outreach and education program to be administered by the Administrator of the Federal Motor Carrier Safety Administration.

''(2) FEDERAL SHARE.—The Federal share of an outreach and education project for which a grant, contract, or cooperative agreement is made under this subsection may be up to 100 percent of the cost of the project.

''(3) FUNDING.—From amounts made available under subsection (a), the Secretary shall make available not more than $4,000,000 each fiscal year 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 available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

''(e) FUNDING AVAILABILITY.—Amounts made available under this section shall remain available until expended.

''(f) CONTRACTUAL OBLIGATION.—The approval of funds by the Secretary under this section is a contractual obligation of the Federal Government for payment of the Federal Government's share of costs.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 311 of title 49, United States Code, is amended by adding at the end of the items relating to subchapter I the following:

''31110. Authorization of appropriations.''.

(c) CONFORMING AMENDMENTS.—

(1) ADMINISTRATIVE EXPENSES; AUTHORIZATION OF APPROPRIATIONS.—Section 31104 of title 49, United States Code, is amended—

(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 (i).—Section 4116(d) of SAFETEA–LU (49 U.S.C. 31104 note) is amended by striking ''section 31104(i)'' and inserting ''section 31110''.

(3) INTERNATIONAL COOPERATION.—Section 31161 of title 49, United States Code, is amended by striking ''section 31104(i)'' and inserting ''section 31110''.

(4) SAFETEA–LU; OUTREACH AND EDUCATION.—Section 4127 of SAFETEA–LU (119 Stat. 1741; Public Law 109–59), and the item relating to that section in the table of contents contained in section 1(b) of that Act, are repealed.

SEC. 5104. COMMERCIAL DRIVER'S LICENSE PROGRAM IMPLEMENTATION.

(a) IN GENERAL.—Section 31313 of title 49, United States Code, is amended to read as follows:

''§ 31313. Commercial driver's license program implementation financial assistance program

''(a) FINANCIAL ASSISTANCE PROGRAM.—

''(1) IN GENERAL.—The Secretary of Transportation shall administer a financial assistance program for commercial driver's license program implementation for the purposes described in paragraphs (2) and (3).

''(2) STATE COMMERCIAL DRIVER'S LICENSE PROGRAM IMPLEMENTATION GRANTS.—In carrying 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 section 31311; 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 commercial driver's license program, including expenses—

''(i) for computer hardware and software;

''(ii) for publications, testing, personnel, training, and quality control;

''(iii) for commercial driver's license program coordinators; and

''(iv) to implement or maintain a system to notify an employer of an operator of a commercial motor vehicle of the suspension or revocation of the operator's commercial driver's license consistent with the standards developed under section 32303(b) of the Commercial Motor Vehicle Safety Enhancement Act of 2012 (49 U.S.C. 31304 note).

''(3) PRIORITY ACTIVITIES.—The Secretary may make a grant to or enter into a cooperative agreement with a State agency, local government, or any person in a fiscal year for research, development and testing, demonstration projects, public education, and other special activities and projects relating to commercial drivers licensing and motor vehicle safety that—

''(A) benefit all jurisdictions of the United States;

''(B) address national safety concerns and circumstances;

''(C) address emerging issues relating to commercial driver's license improvements;

''(D) support innovative ideas and solutions to commercial driver's license program issues; or

''(E) address other commercial driver's license issues, as determined by the Secretary.

''(b) PROHIBITIONS.—A recipient may not use financial assistance funds awarded under this section to rent, lease, or buy land or buildings.

''(c) REPORT.—The Secretary shall issue an annual report on the activities carried out under this section.

''(d) APPORTIONMENT.—All amounts made available to carry out this section for a fiscal year shall be apportioned to a recipient described in subsection (a)(3) according to criteria prescribed 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 striking the item relating to section 31313 and inserting the following:

''31313. Commercial driver's license program implementation financial assistance program.''.

SEC. 5105. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY PROGRAMS FOR FISCAL YEAR 2016.

(a) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM GRANT EXTENSION.—Section 31104(a) of title 49, United States Code, is amended by striking paragraphs (10) and (11) and inserting the following:

''(10) $218,000,000 for fiscal year 2015; and

''(11) $218,000,000 for fiscal year 2016.''.

(b) EXTENSION OF GRANT PROGRAMS.—Section 4101(c) of SAFETEA–LU (119 Stat. 1715; Public Law 109–59) is amended to read as follows:

''(c) AUTHORIZATION OF APPROPRIATIONS.—The following sums are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account):

''(1) COMMERCIAL DRIVER'S LICENSE PROGRAM IMPROVEMENT GRANTS.—For carrying out the commercial driver's license program improvement grants program under section 31313 of title 49, United States Code, $30,000,000 for fiscal year 2016.

''(2) BORDER ENFORCEMENT GRANTS.—For border enforcement grants under section 31107 of that title $32,000,000 for fiscal year 2016.

''(3) PERFORMANCE AND REGISTRATION INFORMATION SYSTEMS MANAGEMENT GRANT PROGRAM.—For the performance and registration information systems management grant program under section 31109 of that title $5,000,000 for fiscal year 2016.

''(4) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.—For carrying out the commercial vehicle information systems and networks deployment program under section 4126 of this Act $25,000,000 for fiscal year 2016.

''(5) SAFETY DATA IMPROVEMENT GRANTS.—For safety data improvement grants under section 4128 of this Act $3,000,000 for fiscal year 2016.''.

(c) HIGH-PRIORITY ACTIVITIES.—Section 31104(j)(2) of title 49, United States Code, as redesignated by this subtitle, is amended by striking ''2015'' the first place it appears and all that follows through ''for States,'' and inserting ''2016 for States,''.

(d) NEW ENTRANT AUDITS.—Section 31144(g)(5)(B) of title 49, United States Code, is amended to read as follows:

''(B) SET ASIDE.—The Secretary shall set aside from amounts made available under section 31104(a) up to $32,000,000 for fiscal year 2016 for audits of new entrant motor carriers conducted under this paragraph.''.

(e) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134(c) of SAFETEA–LU (49 U.S.C. 31301 note) is amended to read as follows:

''(c) FUNDING.—From amounts made available under section 31110 of title 49, United States Code, the Secretary shall make available, $1,000,000 for fiscal year 2016 to carry out this section.''.

(f) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.—

(1) IN GENERAL.—Section 4126 of SAFETEA–LU (49 U.S.C. 31106 note; 119 Stat. 1738; Public Law 109–59) is amended—

(A) in subsection (c)—

(i) in paragraph (2) by adding at the end the following: ''Funds deobligated by the Secretary from previous year grants shall not be counted toward the $2,500,000 maximum aggregate amount for core deployment.''; and

(ii) in paragraph (3) by adding at the end the following: ''Funds may also be used for planning activities, including the development or updating of program or top level design plans.''; and

(B) in subsection (d)(4) by adding at the end the following: ''Funds may also be used for planning activities, including the development or updating of program or top level design plans.''.

(2) INNOVATIVE TECHNOLOGY DEPLOYMENT PROGRAM.—For fiscal year 2016, the commercial vehicle information systems and networks deployment program under section 4126 of SAFETEA–LU (119 Stat. 1738; Public Law 109–59) may also be referred to as the innovative technology deployment program.

SEC. 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 Secretary shall establish a motor carrier safety assistance program formula 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 representatives of the following:

(i) The Federal Motor Carrier Safety Administration.

(ii) The lead State commercial motor vehicle safety agencies responsible for administering the plan required by section 31102 of title 49, United States Code.

(iii) An organization representing State agencies responsible for enforcing a program for inspection of commercial motor vehicles.

(iv) Such other persons as the Secretary considers necessary.

(B) COMPOSITION.—Representatives of State commercial motor vehicle safety agencies shall comprise at least 51 percent of the membership.

(3) NEW ALLOCATION FORMULA.—The working group shall analyze requirements and factors

for the establishment of a new allocation formula for the motor carrier safety assistance program under section 31102 of title 49, United States Code.

(4) RECOMMENDATION.—Not later than 1 year after the date the working group is established under paragraph (1), the working group shall make a recommendation to the Secretary regarding a new 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.

(6) 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.

(b) NOTICE OF PROPOSED RULEMAKING.—After receiving the recommendation of the working group under subsection (a)(4), the Secretary shall publish in the Federal Register a notice seeking public comment on the establishment of a new allocation formula for the motor carrier safety assistance program.

(c) BASIS FOR FORMULA.—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—

(1) the relative needs of the States to comply with section 31102 of title 49, United States Code;

(2) the relative administrative capacities of and challenges faced by States in complying with that section;

(3) the average of each State's new entrant motor carrier inventory for the 3-year period prior to the date of enactment of this Act;

(4) the number of international border inspection facilities and border crossings by commercial vehicles in each State; and

(5) any other factors the Secretary considers appropriate.

(d) FUNDING AMOUNTS PRIOR TO DEVELOPMENT OF NEW ALLOCATION FORMULA.—

(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 amounts for that program in fiscal year 2017 (and later fiscal years, as necessary) under section 31104(a)(1) of title 49, United States Code, as amended by this subtitle, by using the following methodology:

(A) The Secretary shall calculate the funding amount to 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 that title.

(C) The Secretary shall add the amounts calculated in subparagraphs (A) and (B).

(2) ADJUSTMENTS.—Subject to the availability of funding and notwithstanding fluctuations in the data elements used by the Secretary, the initial amounts resulting from the calculation described in paragraph (1) shall be adjusted to ensure that, for each State, the amount shall not be less than 97 percent of the average amount of funding received or other equitable amounts in fiscal years 2013, 2014, and 2015 for—

(A) motor carrier safety assistance program funds awarded to the State under section 31102 of title 49, United States Code;

(B) border enforcement grants awarded to the State under section 31107 of title 49, United States Code; and

(C) new entrant audit grants awarded to the State under section 31144(g)(5) of title 49, United States Code.

(3) IMMEDIATE RELIEF.—On the date of enactment of this Act, and for the 3 fiscal years following the implementation of the new allocation formula, the Secretary shall terminate the withholding of motor carrier safety assistance program funds from a State if the State was 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 shall impose all future withholdings in accordance with section 31102(k) of title 49, United States Code, as amended by this subtitle.

(e) 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 subtitle for fiscal year 2017, the Secretary shall calculate for fiscal year 2017 the maintenance of effort baseline required under section 31102(f) of title 49, United States Code, as amended by this subtitle, by averaging the expenditures for fiscal years 2004 and 2005 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.

(2) SUBSEQUENT FISCAL YEARS.—The Secretary may use the methodology for calculating the maintenance of effort baseline specified in paragraph (1) for fiscal year 2018 and subsequent fiscal years if a new allocation formula for the motor carrier safety assistance program has not been established for that fiscal year.

(b) BEGINNING WITH NEW ALLOCATION FORMATION.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3)(B), beginning on the date that a new allocation formula for the motor carrier safety assistance program is established under this subtitle, upon the request of a State, the Secretary may waive or modify the baseline maintenance of effort required of the State by section 31102(f) of title 49, United States Code, as amended by this subtitle, for the purpose of establishing a new baseline maintenance of effort if the Secretary determines that a waiver or modification—

(A) is equitable due to reasonable circumstances;

(B) will ensure the continuation of commercial motor vehicle enforcement activities in the State; and

(C) is necessary to ensure that the total amount of State maintenance of effort and matching expenditures required under sections 31102 and 31104 of title 49, United States Code, as amended by this subtitle, does not exceed a sum greater than the average of the total amount of State maintenance of effort and matching expenditures required under those sections for the 3 fiscal years prior to the date of enactment of this Act.

(2) ADJUSTMENT METHODOLOGY.—If requested by a State, the Secretary may modify the maintenance of effort baseline referred to in paragraph (1) for the State according to the following methodology:

(A) The Secretary shall establish 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) 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 (A); or

(ii) if the number is not greater than 0, the Secretary shall calculate the maintenance of effort using the methodology in subparagraph (A).

(3) MAINTENANCE OF EFFORT AMOUNT.—

(A) IN GENERAL.—The Secretary shall use the amount calculated under paragraph (2) as the baseline maintenance of effort required under section 31102(f) 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 under this subtitle, the Secretary shall calculate the maintenance of effort using the methodology described in paragraph (2)(A).

(4) MAINTENANCE OF EFFORT DESCRIBED.—The maintenance of effort calculated under this section is the amount required under section 31102(f) of title 49, United States Code, as amended by this subtitle.

(c) TERMINATION OF EFFECTIVENESS.—The authority of the Secretary under this section shall terminate effective on the date that a new maintenance of effort baseline is calculated based on a new allocation formula for the motor carrier safety assistance program implemented under section 31102 of title 49, United States Code.

Subtitle B—Federal Motor Carrier Safety Administration Reform

PART I—REGULATORY REFORM

SEC. 5201. NOTICE OF CANCELLATION OF INSURANCE.

Section 13906(e) of title 49, United States Code, is amended by inserting ''or suspend'' after ''revoke''.

SEC. 5202. REGULATIONS.

Section 31136 of title 49, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g) and transferring such subsection to appear at the end of section 31315 of such title; and

(2) by adding at the end the following:

''(f) REGULATORY IMPACT ANALYSIS.—

''(1) IN GENERAL.—Within each regulatory impact analysis of a proposed or final major rule issued by the Federal Motor Carrier Safety Administration, the Secretary shall, whenever practicable—

''(A) consider the effects of the proposed or final rule on different segments of the motor carrier industry; and

''(B) formulate estimates and findings based on the best available science.

''(2) SCOPE.—To the extent feasible and appropriate, and consistent with law, an analysis described in paragraph (1) shall—

''(A) use data that is representative of commercial motor vehicle operators or motor carriers, or both, that will be impacted by the proposed or final rule; and

''(B) consider the effects on commercial truck and bus carriers of various sizes and types.

''(g) PUBLIC PARTICIPATION.—

''(1) IN GENERAL.—If a proposed rule under this part is likely to lead to the promulgation of a major rule, the Secretary, before publishing such proposed rule, shall—

''(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.

''(h) 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.—

(1) DATE OF ISSUANCE AND POINT OF CONTACT.—Each guidance document issued by the Federal Motor Carrier Safety Administration shall have a date of issuance or a date of revision, as applicable, and shall include the name and contact information of a point of contact at the Administration who can respond to questions regarding the guidance.

(2) PUBLIC ACCESSIBILITY.—

(A) IN GENERAL.—Each guidance document issued or revised 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 may redact from a guidance document published under subparagraph (A) any information that would reveal investigative techniques that would compromise Administration enforcement efforts.

(3) INCORPORATION INTO REGULATIONS.—Not later than 5 years after the date on which a guidance document is published under paragraph (2) or during an applicable review under subsection (c), whichever is earlier, the Secretary shall revise regulations to incorporate the guidance document to the extent practicable.

(4) REISSUANCE.—If a guidance document is not incorporated into regulations in accordance with paragraph (3), the Administrator shall—

(A) reissue an updated version of the guidance document; and

(B) review and reissue an updated version of the guidance document every 5 years until the date on which the guidance document is removed or incorporated into applicable regulations.

(b) INITIAL REVIEW.—Not later than 1 year after the date of enactment of this Act, the Administrator shall review all guidance documents issued by the Federal Motor Carrier Safety Administration and in effect on such date of enactment to ensure that such documents 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 once every 5 years, the Administrator shall conduct a comprehensive review of the guidance documents issued by the Federal Motor Carrier Safety Administration to determine whether such 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 a report detailing the review and a full inventory of the guidance documents of the Administration.

(B) CONTENTS.—A report under subparagraph (A) shall include a summary of the response of the Administration to comments received under paragraph (2).

(d) GUIDANCE DOCUMENT DEFINED.—In this section, the term ''guidance document'' means a document issued by the Federal Motor Carrier Safety Administration that—

(1) provides an interpretation of a regulation of the Administration; or

(2) includes an enforcement policy of the Administration available to the public.

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's potential to reduce crashes, 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 of the Federal Motor Carrier Safety Administration shall revise the regulations under part 385 of title 49, Code of Federal Regulations, as necessary, to incorporate by reference the certification standards for roadside inspectors issued by the Commercial Vehicle Safety Alliance.

SEC. 5206. APPLICATIONS.

(a) REVIEW PROCESS.—Section 31315(b) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) in the first sentence by striking ''paragraph (3)'' and inserting ''this subsection''; and

(B) by striking the second sentence;

(2) by redesignating paragraphs (2) through (7) as paragraphs (4) through (9), respectively; and

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

''(2) LENGTH OF EXEMPTION AND RENEWAL.—An exemption may be granted under paragraph (1) for no longer than 5 years and may be renewed, upon request, for subsequent 5-year periods if the Secretary continues to make the finding under paragraph (1).

''(3) OPPORTUNITY FOR RESUBMISSION.—If the Secretary denies an application under paragraph (1) and the applicant can reasonably address the reason for the denial, the Secretary may allow the applicant to resubmit the application.''.

(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. 35425).

(C) Safe transport of livestock, as published in the Federal Register on June 12, 2015 (80 Fed. Reg. 33584).

(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—

(A) except as otherwise provided in section 31315(b) of title 49, shall be valid 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 utilized by the CSA program (referred to in this part as the ''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 accurately identifying and predicting future crash risk for motor carriers;

(C) the relative value of inspection information and roadside enforcement data;

(D) any data collection gaps or data sufficiency problems that may exist and the impact of those gaps and problems on the efficacy of the CSA 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;

(G) 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

(H) 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

(2) shall consider—

(A) whether the SMS provides comparable precision and confidence, through SMS alerts and percentiles, for the relative crash risk of individual large and small motor carriers;

(B) whether alternatives to the SMS would identify high risk carriers more accurately; and

(C) 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—

(1) submit a report containing the results of the study commissioned pursuant to subsection (a) to—

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

(B) the Committee on Transportation and Infrastructure of the House of Representatives; and

(C) the Inspector General of the Department; and

(2) publish the report on a publicly accessible Internet Web site of the Department.

(d) CORRECTIVE ACTION PLAN.—

(1) IN GENERAL.—Not later than 120 days after the Administrator submits the report under subsection (c), if that report identifies a deficiency or opportunity for improvement in the CSA program or in any element of the SMS, 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 corrective action plan that—

(A) responds to the deficiencies or opportunities identified by the report;

(B) identifies how the Federal Motor Carrier Safety Administration will address such deficiencies or opportunities; and

(C) provides an estimate of the cost, including with respect to changes in staffing, enforcement, and data collection, necessary to address such deficiencies or opportunities.

(2) PROGRAM REFORMS.—The corrective action plan submitted under paragraph (1) shall include an implementation plan that—

(A) includes benchmarks;

(B) includes programmatic reforms, revisions to regulations, or proposals for legislation; and

(C) shall be considered in any rulemaking by the Department 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 under subsection (d), the Inspector General of the Department shall—

(1) review the extent to which such plan addresses—

(A) recommendations contained in the report submitted under subsection (c); and

(B) relevant recommendations issued by the Comptroller General or the Inspector General before the date of enactment of this Act; and

(2) 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 paragraph (1).

SEC. 5222. 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; or

(2) establishing a safety BASIC in the SMS.

(c) PROCESS.—

(1) IN GENERAL.—The Administrator, after providing notice and an opportunity for comment, shall develop a process for identifying and 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).

(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; and

(B) seek input and participation from industry stakeholders, including commercial motor vehicle drivers, technology manufacturers, vehicle manufacturers, motor carriers, law enforcement, safety advocates, and the Motor Carrier Safety Advisory Committee.

(d) QUALIFICATION.—The Administrator, after providing notice and an opportunity for comment, shall develop technical or other performance standards with respect to advanced safety equipment, enhanced driver fitness measures, fleet safety management tools, technologies, and programs, and other standards for purposes of subsection (a).

(e) MONITORING.—The Administrator may authorize qualified entities to monitor motor carriers that receive recognition, including credit or an improved SMS percentile, under this section through a no-cost contract structure.

(f) DISSEMINATION OF INFORMATION.—The Administrator shall maintain on a publicly accessible Internet Web site of the Department information on—

(1) the advanced safety equipment, enhanced driver fitness measures, fleet safety management tools, technologies, and programs, and other standards eligible for recognition, including credit or an improved SMS percentile;

(2) any petitions for review of advanced safety equipment, enhanced driver fitness measures, fleet safety management tools, technologies, and programs, and other standards; and

(3) any relevant statistics relating to the use of advanced safety equipment, enhanced driver fitness measures, fleet safety management tools, technologies, and programs, and other standards.

(g) REPORT.—Not later than 3 years after the date of enactment of this Act, the Administrator 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—

(1) number of motor carriers receiving recognition, including credit or an improved SMS percentile, under this section; and

(2) safety performance of such carriers.

SEC. 5223. DATA CERTIFICATION.

(a) IN GENERAL.—On and after the date that is 1 day after the date of enactment of this Act, no information regarding analysis of violations, crashes in which a determination is made that the motor carrier or the commercial motor vehicle driver is not at fault, alerts, or the relative percentile for each BASIC developed under the CSA program may be made available to the general public until the Inspector General of the Department certifies that—

(1) the report required under section 5221(c) has been submitted in accordance with that section;

(2) any deficiencies identified in the report required under section 5221(c) have been addressed;

(3) if applicable, the corrective action plan under section 5221(d) has been implemented;

(4) the Administrator of the Federal Motor Carrier Safety Administration has fully implemented or satisfactorily addressed the issues raised in the report titled ''Modifying the Compliance, Safety, Accountability Program Would Improve the Ability to Identify High Risk Carriers'' of the Government Accountability Office and dated February 2014 (GAO–14–114); and

(5) the Secretary has initiated modification of the CSA program in accordance with section 5222.

(b) LIMITATION ON THE USE OF CSA ANALYSIS.—Information regarding alerts and the relative percentile for each BASIC developed under the CSA program may not be used for safety fitness determinations until the Inspector General of the Department makes the certification under subsection (a).

(c) CONTINUED PUBLIC AVAILABILITY OF DATA.—Notwithstanding any other provision of this section, inspection and violation information submitted to the Federal Motor Carrier Safety Administration by commercial motor vehicle inspectors and qualified law enforcement officials, out-of-service rates, and absolute measures shall remain available to the public.

(d) EXCEPTIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of this section—

(A) the Federal Motor Carrier Safety Administration and State and local commercial motor vehicle enforcement agencies may use the information referred to in subsection (a) for purposes of investigation and enforcement prioritization;

(B) a motor carrier and a commercial motor vehicle driver may access information referred to in subsection (a) that relates directly to the motor carrier or driver, respectively; and

(C) a data analysis of motorcoach operators may be provided online with a notation indicating that the ratings or alerts listed are not intended to imply any Federal safety rating of the carrier.

(2) NOTATION.—The notation described in paragraph (1)(C) shall include the following: ''Readers should not draw conclusions about a carrier's overall safety condition simply based on the data displayed in this system. Unless a motor carrier has received an UNSATISFACTORY safety rating under part 385 of title 49, Code of Federal Regulations, or has otherwise been ordered to discontinue operations by the Federal Motor Carrier Safety Administration, it is authorized to operate on the Nation's roadways.''.

(3) RULE OF CONSTRUCTION.—Nothing in this section may be construed to restrict the official use by State enforcement agencies of the data collected by State enforcement personnel.

SEC. 5224. DATA IMPROVEMENT.

(a) FUNCTIONAL SPECIFICATIONS.—The Administrator shall develop functional specifications to ensure the consistent and accurate input of data into systems and databases relating to the CSA program.

(b) FUNCTIONALITY.—The functional specifications developed pursuant to subsection (a)—

(1) shall provide for the hardcoding and smart logic functionality for roadside inspection data collection systems and databases; and

(2) shall be made available to public and private sector developers.

(c) EFFECTIVE DATA MANAGEMENT.—The Administrator shall ensure that internal systems and databases accept and effectively manage data using uniform standards.

(d) CONSULTATION WITH THE STATES.—Before implementing the functional specifications developed pursuant to subsection (a) or the standards described in subsection (c), the Administrator shall seek input from the State agencies responsible for enforcing section 31102 of title 49, United States Code.

SEC. 5225. ACCIDENT REVIEW.

(a) IN GENERAL.—Not later than 1 year after a certification under section 5223, the Secretary shall task the Motor Carrier Safety Advisory Committee with reviewing the treatment of preventable crashes under the SMS.

(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 revise the regulations in section 393.60(e) of title 49, Code of Federal Regulations (relating to the prohibition on obstructions to the driver's field of view) to exempt from that section the voluntary mounting on a windshield of vehicle safety technology likely to achieve a level of safety that is equivalent to or greater than the level of safety that would be achieved absent the exemption.

(b) 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 system, forward collision warning or mitigation system, and active cruise control system and any other technology that the Secretary considers applicable.

(c) RULE OF CONSTRUCTION.—For purposes of this section, any windshield mounted technology with a short term exemption under part 381 of title 49, Code of Federal Regulations, on the date of enactment of this Act, shall be considered likely to achieve a level of safety that is equivalent to or greater than the level of safety that would be achieved absent an exemption under subsection (a).

SEC. 5302. PRIORITIZING STATUTORY RULEMAKINGS.

The Administrator of the Federal Motor Carrier Safety Administration shall prioritize the completion of each outstanding rulemaking required by statute before beginning any other rulemaking, unless the Secretary determines that there is a significant need for such other rulemaking and notifies Congress of such determination.

SEC. 5303. SAFETY REPORTING SYSTEM.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the cost and feasibility of establishing a self-reporting system for commercial motor vehicle drivers or motor carriers with respect to en route equipment failures.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) an analysis of—

(A) alternatives for the reporting of equipment failures in real time, including an Internet Web site or telephone hotline;

(B) the ability of a commercial motor vehicle driver or a motor carrier to provide to the Federal Motor Carrier Safety Administration proof of repair of a self-reported equipment failure;

(C) the ability of the Federal Motor Carrier Safety Administration to ensure that self-reported equipment failures proven to be repaired are not used in the calculation of Behavior Analysis and Safety Improvement Category scores;

(D) the ability of roadside inspectors to access self-reported equipment failures;

(E) the cost to establish and administer a self-reporting system;

(F) the ability for a self-reporting system to track individual commercial motor vehicles through unique identifiers; and

(G) whether a self-reporting system would yield demonstrable safety benefits;

(2) an identification of any regulatory or statutory impediments to the implementation of a self-reporting system; and

(3) recommendations on implementing a self-reporting system.

SEC. 5304. NEW ENTRANT SAFETY REVIEW PROGRAM.

(a) IN GENERAL.—The Secretary shall conduct an assessment of the new operator safety review program under section 31144(g) of title 49, United States Code, including the program's effectiveness in reducing crashes, fatalities, and injuries involving commercial motor vehicles and improving commercial motor vehicle safety.

(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 and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the assessment conducted under subsection (a), including any recommendations for improving the effectiveness of the program (including recommendations for legislative changes).

SEC. 5305. HIGH RISK CARRIER REVIEWS.

(a) IN GENERAL.—The Secretary shall ensure that a review is completed on each motor carrier that demonstrates through performance data that it poses the highest safety risk. At a minimum, a review shall be conducted whenever a motor carrier is among the highest risk carriers for 4 consecutive months.

(b) REPORT.—The Secretary shall post on a public Web site a report on the actions the Secretary has taken to comply with this section, including the number of high risk carriers identified and the high risk carriers reviewed.

(c) CONFORMING AMENDMENT.—Section 4138 of SAFETEA–LU (49 U.S.C. 31144 note), and the item relating to that section in the table of contents in section 1(b) of that Act, are repealed.

SEC. 5306. POST-ACCIDENT REPORT REVIEW.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall convene a working group—

(1) to review the data elements of post-accident reports, for tow-away accidents involving commercial motor vehicles, that are reported to the Federal Government; and

(2) to report to the Secretary its findings and any recommendations, including best practices for State post-accident reports to achieve the data elements described in subsection (c).

(b) COMPOSITION.—Not less than 51 percent of the working group should be composed of individuals representing the States or State law enforcement officials. The remaining members of the working group shall represent industry, labor, safety advocates, and other interested parties.

(c) CONSIDERATIONS.—The working group shall consider requiring additional data elements, including—

(1) the primary cause of the accident, if the primary cause can be determined; and

(2) the physical characteristics of the commercial motor vehicle and any other vehicle involved in the accident, including—

(A) the vehicle configuration;

(B) the gross vehicle weight, if the weight can be readily determined;

(C) the number of axles; and

(D) the distance between axles, if the distance can be readily determined.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(1) review the findings of the working group;

(2) identify the best practices for State post-accident reports that are reported to the Federal Government, including identifying the data elements that should be collected following a tow-away commercial motor vehicle accident; and

(3) recommend to the States the adoption of new data elements to be collected following reportable commercial motor vehicle accidents.

(e) TERMINATION.—The working group shall terminate not more than 180 days after the date on which the Secretary makes recommendations under subsection (d)(3).

SEC. 5307. IMPLEMENTING SAFETY REQUIREMENTS.

(a) IN GENERAL.—For each rulemaking described in subsection (c), not later than 30 days after the date of enactment of this Act and every 180 days thereafter until the rulemaking is complete, 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 written notification that includes—

(1) for a rulemaking with a statutory deadline—

(A) an explanation of why the deadline was not met; and

(B) an expected date of completion of the rulemaking; and

(2) for a rulemaking without a statutory deadline, an expected date of completion of the rulemaking.

(b) ADDITIONAL CONTENTS.—A notification submitted under subsection (a) shall include—

(1) an updated rulemaking timeline;

(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.

(c) RULEMAKINGS.—The Secretary shall submit a written notification under subsection (a) for each of the following rulemakings:

(1) The rulemaking required under section 31306a(a)(1) of title 49, United States Code.

(2) The rulemaking required under section 31137(a) of title 49, United States Code.

(3) The rulemaking required under section 31305(c) of title 49, United States Code.

(4) The rulemaking required under section 31601 of division C of MAP–21 (49 U.S.C. 30111 note).

(5) A rulemaking concerning motor carrier safety fitness determinations.

(6) A rulemaking concerning commercial motor vehicle safety required by an Act of Congress enacted on or after August 1, 2005, and incomplete for more than 2 years.

Subtitle D—Commercial Motor Vehicle Drivers

SEC. 5401. OPPORTUNITIES FOR VETERANS.

(a) STANDARDS FOR TRAINING AND TESTING OF VETERAN OPERATORS.—Section 31305 of title 49, United States Code, is amended by adding at the end the following:

''(d) STANDARDS FOR TRAINING AND TESTING OF VETERAN OPERATORS.—

''(1) IN GENERAL.—Not later than December 31, 2016, the Secretary shall modify the regulations prescribed under subsections (a) and (c) to—

''(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;

''(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 on which such individual separates from service in the armed forces or reserve components; and

''(C) credit the training and knowledge a covered individual 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 101(a) of title 10.

''(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 former 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 Navy Reserve;

''(iv) the Marine Corps Reserve;

''(v) the Air National Guard of the United States;

''(vi) the Air Force Reserve; and

''(vii) the Coast Guard Reserve.''.

(b) IMPLEMENTATION OF ADMINISTRATIVE RECOMMENDATIONS.—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 MAP–21 (49 U.S.C. 31301 note) that are not implemented as a result of the amendment in subsection (a).

(c) IMPLEMENTATION OF THE MILITARY COMMERCIAL DRIVER'S LICENSE ACT.—Not later than December 31, 2015, the Secretary shall issue final regulations to implement the exemption to the domicile requirement under section 31311(a)(12)(C) of title 49, United States Code.

(d) CONFORMING AMENDMENT.—Section 31311(a)(12)(C)(ii) of title 49, United States Code, is amended to read as follows:

''(ii) is an active duty member of—

''(I) the armed forces (as that term is defined in section 101(a) of title 10); or

''(II) the reserve components (as that term is defined in section 31305(d)(2) of this title); and''.

SEC. 5402. DRUG-FREE COMMERCIAL DRIVERS.

(a) IN GENERAL.—Section 31306 of title 49, United States Code, is amended—

(1) in subsection (b)(1)—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) in subparagraph (A) by striking ''The regulations shall permit such motor carriers to conduct preemployment testing of such employees for the use of alcohol.''; and

(C) by inserting after subparagraph (A) the following:

''(B) The regulations prescribed under subparagraph (A) shall permit motor carriers—

''(i) to conduct preemployment testing of commercial motor vehicle operators for the use of alcohol; and

''(ii) to use hair testing as an acceptable alternative to urine testing—

''(I) in conducting preemployment testing for the use of a controlled substance; and

''(II) in conducting random testing for the use of a controlled substance if the operator was subject to hair testing for preemployment testing.'';

(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:

''(C) shall provide an exemption from hair testing for commercial motor vehicle operators with established religious beliefs that prohibit the cutting or removal of hair.''; and

(3) in subsection (c)(2)—

(A) in the matter preceding subparagraph (A) by inserting ''for urine testing, and technical guidelines for hair testing,'' before ''including mandatory guidelines'';

(B) in subparagraph (B) by striking ''and'' at the end;

(C) in subparagraph (C) by inserting ''and'' after the semicolon; and

(D) by adding at the end the following:

''(D) laboratory protocols and cut-off levels for hair testing to detect the use of a controlled substance;''.

(b) GUIDELINES.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall issue scientific and technical guidelines for hair testing as a method of detecting the use of a controlled substance for purposes of section 31306 of title 49, United States Code.

SEC. 5403. MEDICAL CERTIFICATION OF VETERANS FOR COMMERCIAL DRIVER'S LICENSES.

(a) IN GENERAL.—In the case of a physician-approved veteran operator, the qualified physician of such operator may, subject to the requirements of subsection (b), perform a medical examination and provide a medical certificate for purposes of compliance with the requirements of section 31149 of title 49, United States Code.

(b) CERTIFICATION.—The certification described under subsection (a) shall include—

(1) assurances that the physician performing the medical examination meets the requirements of a qualified physician under this section; and

(2) certification that the physical condition of the operator is adequate to enable such operator to operate a commercial motor vehicle safely.

(c) NATIONAL REGISTRY OF MEDICAL EXAMINERS.—The Secretary, in consultation with the Secretary of Veterans Affairs, shall develop a process for qualified physicians to perform a medical examination and provide a medical certificate under subsection (a) and include such physicians on the national registry of medical examiners established under section 31149(d) of title 49, United States Code.

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

(1) PHYSICIAN-APPROVED VETERAN OPERATOR.—The term ''physician-approved veteran operator'' means an operator of a commercial motor vehicle who—

(A) is a veteran who is enrolled in the health care system established under section 1705(a) of title 38, United States Code; and

(B) is required to have a current valid medical certificate pursuant to section 31149 of title 49, United States Code.

(2) QUALIFIED PHYSICIAN.—The term ''qualified physician'' means a physician who—

(A) is employed in the Department of Veterans Affairs;

(B) is familiar with the standards for, and physical requirements of, an operator certified pursuant to section 31149 of title 49, United States Code; and

(C) has never, with respect to such section, been found to have acted fraudulently, including by fraudulently awarding a medical certificate.

(3) VETERAN.—The term ''veteran'' has the meaning given the term in section 101 of title 38, United States Code.

(e) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to change any statutory penalty associated with fraud or abuse.

SEC. 5404. COMMERCIAL DRIVER PILOT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a pilot program under section 31315(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.—

(1) ESTABLISHMENT.—The Secretary shall conduct, monitor, and evaluate the pilot program in consultation with a working group to be established by the Secretary consisting of representatives of the armed forces, industry, drivers, safety advocacy organizations, and State licensing and enforcement officials.

(2) DUTIES.—The working group shall review the data collected under subsection (b) and provide recommendations to the Secretary on the feasibility, benefits, and safety impacts of allowing a covered driver to operate a commercial motor vehicle in interstate commerce.

(e) REPORT.—Not later than 1 year after the date on which the pilot 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.

(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 101(a) of title 10, United States Code.

(3) COMMERCIAL MOTOR VEHICLE.—The term ''commercial motor vehicle'' has the meaning given that term in section 31301 of title 49, United States Code.

(4) COVERED DRIVER.—The term ''covered driver'' 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, as added by this Act); and

(C) qualified in a Military Occupational Specialty to operate a commercial motor vehicle or similar vehicle.

Subtitle E—General Provisions

SEC. 5501. DELAYS IN GOODS MOVEMENT.

(a) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Inspector General of the Department 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 average length of time that operators of commercial motor vehicles are delayed before the loading and unloading of such vehicles and at other points in the pick-up and delivery process.

(2) CONTENTS.—The report under paragraph (1) shall include—

(A) an assessment of how delays impact—

(i) the economy;

(ii) the efficiency of the transportation system;

(iii) motor carrier safety, including the extent to which delays result in violations of motor carrier safety regulations; and

(iv) the livelihood of motor carrier drivers; and

(B) recommendations on how delays could be mitigated.

(b) 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 and unloading of such vehicles and at other points in the pick-up and delivery process.

SEC. 5502. EMERGENCY ROUTE WORKING GROUP.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a working group to determine best practices for expeditious State approval of special permits for vehicles involved in emergency response and recovery.

(2) MEMBERS.—The working group shall include representatives from—

(A) State highway transportation departments or agencies;

(B) relevant modal agencies within the Department;

(C) emergency response or recovery experts;

(D) relevant safety groups; and

(E) entities affected by special permit restrictions during emergency response and recovery efforts.

(b) CONSIDERATIONS.—In determining best practices under subsection (a), the working group shall consider whether—

(1) 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 the otherwise applicable Federal and State 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.

(c) 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 expeditious 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.

(d) NOTIFICATION.—Not later than 6 months after the date the Secretary receives the report under subsection (c)(1), the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the actions the Secretary and the States have taken to implement the recommendations included in the report.

(e) TERMINATION.—The working group shall terminate 1 year after the date the Secretary receives the report under subsection (c)(1).

SEC. 5503. HOUSEHOLD GOODS CONSUMER PROTECTION WORKING GROUP.

(a) WORKING GROUP.—The Secretary shall establish a working group for the purpose of developing recommendations on how to best convey to consumers relevant information with respect to the Federal laws concerning the interstate transportation of household goods by motor carrier.

(b) MEMBERSHIP.—The Secretary shall ensure that the working group is comprised of individuals with expertise in consumer affairs, educators with expertise in how people learn most effectively, and representatives of the household goods moving industry.

(c) RECOMMENDATIONS.—

(1) CONTENTS.—The recommendations developed by the working group shall include recommendations on—

(A) condensing publication ESA 03005 of the Federal Motor Carrier Safety Administration into a format that is more easily used by consumers;

(B) using state-of-the-art education techniques and technologies, including optimizing the use of the Internet as an educational tool; and

(C) reducing and simplifying the paperwork required of motor carriers and shippers in interstate transportation.

(2) DEADLINE.—Not later than 1 year after the date of enactment of this Act—

(A) the working group shall make the recommendations described in paragraph (1); and

(B) the Secretary shall publish the recommendations on a publicly accessible Internet Web site of the Department.

(d) REPORT.—Not later than 1 year after the date on which the working group makes its recommendations under subsection (c)(2), the Secretary shall issue a report to Congress on the implementation of such recommendations.

(e) TERMINATION.—The working group shall terminate 1 year after the date the working group makes its recommendations under subsection (c)(2).

SEC. 5504. 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 Federal 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 ability of 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 31102 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 the appropriate role the Federal Motor Carrier Safety Administration should take with respect to software and information systems design, development, and maintenance for the purpose of improving the efficacy of the systems, procedures, and programs described in paragraph (1).

SEC. 5505. NOTIFICATION REGARDING MOTOR CARRIER REGISTRATION.

Not later than 30 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 written notification of the actions the Secretary is taking to ensure, to the greatest extent practicable, that each application for registration under section 13902 of title 49, United States Code, is processed not later than 30 days after the date on which the application is received by the Secretary.

SEC. 5506. REPORT ON COMMERCIAL DRIVER'S LICENSE SKILLS TEST DELAYS.

Not later than 18 months after the date of enactment of this Act, and each year thereafter, the Administrator of the Federal Motor Carrier Safety Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(1) describes, for each State, the status of skills testing for applicants for a commercial driver's license, including—

(A) the average wait time from the date an applicant requests to take a skills test to the date the applicant has the opportunity to complete such test;

(B) the average wait time from the date an applicant, upon failure of a skills test, requests a retest to the date the applicant has the opportunity to complete such retest;

(C) the actual number of qualified commercial driver's license examiners available to test applicants; and

(D) the number of testing sites available through the State department of motor vehicles and whether this number has increased or decreased from the previous year; and

(2) describes specific steps that the Administrator is taking to address skills testing delays in States that have average skills test or retest wait times of more than 7 days from the date an applicant requests to test or retest to the date the applicant has the opportunity to complete such test or retest.

SEC. 5507. ELECTRONIC LOGGING DEVICE REQUIREMENTS.

Section 31137(b) of title 49, United States Code, is amended—

(1) in paragraph (1)(C) by striking ''apply to'' and inserting ''except as provided in paragraph (3), apply to''; and

(2) by adding at the end the following:

''(3) EXCEPTION.—A motor carrier, when transporting a motor home or recreation vehicle trailer within the definition of the term 'driveaway-towaway operation' (as defined in section 390.5 of title 49, Code of Federal Regulations), may comply with the hours of service requirements by requiring each driver to use—

''(A) a paper record of duty status form; or

''(B) an electronic logging device.''.

SEC. 5508. TECHNICAL CORRECTIONS.

(a) TITLE 49.—Title 49, United States Code, is amended as follows:

(1) Section 13902(i)(2) is amended by inserting ''except as'' before ''described''.

(2) Section 13903(d) is amended by striking ''(d) REGISTRATION AS MOTOR CARRIER REQUIRED.—'' and all that follows through ''(1) IN GENERAL.—A freight forwarder'' and inserting ''(d) REGISTRATION AS MOTOR CARRIER REQUIRED.—A freight forwarder''.

(3) Section 13905(d)(2)(D) is amended—

(A) by striking ''the Secretary finds that—'' and all that follows through ''(i) the motor carrier,'' and inserting ''the Secretary finds that the motor carrier,''; and

(B) by adding a period at the end.

(4) Section 14901(h) is amended by striking ''HOUSEHOLD GOODS'' in the heading.

(5) Section 14916 is amended by striking the section designation and heading and inserting the following:

''§ 14916. Unlawful brokerage activities''.

(b) MAP–21.—Effective as of July 6, 2012, and as if included therein as enacted, MAP–21 (Public Law 112–141) is amended as follows:

(1) Section 32108(a)(4) (126 Stat. 782) is amended by inserting ''for'' before ''each additional day'' in the matter proposed to be struck.

(2) Section 32301(b)(3) (126 Stat. 786) is amended by striking ''by amending (a) to read as follows:'' and inserting ''by striking subsection (a) and inserting the following:''.

(3) Section 32302(c)(2)(B) (126 Stat. 789) is amended by striking ''section 32303(c)(1)'' and inserting ''section 32302(c)(1)''.

(4) Section 32921(b) (126 Stat. 828) is amended, in the matter to be inserted, by striking ''(A) In addition'' and inserting the following:

''(A) IN GENERAL.—In addition''.

(5) Section 32931(c) (126 Stat. 829) is amended—

(A) by striking ''Secretary'' and inserting ''Secretary of Transportation'' in the matter to be struck; and

(B) by striking ''Secretary'' and inserting ''Secretary of Transportation'' in the matter to be inserted.

(c) MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999.—Section 229(a)(1) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31136 note) is amended by inserting ''of title 49, United States Code,'' after ''sections 31136 and 31502''.

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) the impact of increased levels on motor carrier safety and accident reduction.

(b) TRANSPORTING PASSENGERS.—

(1) IN GENERAL.—Prior to initiating a rulemaking to change the minimum levels of financial responsibility under section 31138 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), 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.—The Secretary, in consultation with State transportation safety and law enforcement officials, shall conduct a study regarding the safety operations, fire suppression capability, tire loads, and pavement impacts of operating a double-decker motorcoach equipped with a device designed by the motorcoach manufacturer to attach to the rear of the motorcoach for use in transporting passenger baggage.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report containing the results of the study to—

(1) the Committee on Transportation and Infrastructure of the House of Representatives; and

(2) the Committee on Commerce, Science, and Transportation of the Senate.

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 to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a review of the following:

(1) Existing Federal and State rules and guidance, as of the date of the review, concerning school bus transportation of elementary school and secondary school students engaging in home-to-school transport or other transport determined by the Comptroller General to be a routine part of kindergarten through grade 12 education, including regulations and guidance regarding driver training programs, capacity requirements, programs for special needs students, inspection standards, vehicle age requirements, best practices, and public access to inspection results and crash records.

(2) Any correlation between public or private school bus fleet operators whose vehicles are involved in an accident as defined by section 390.5 of title 49, Code of Federal Regulations, and each of the following:

(A) A failure by those same operators of State or local safety inspections.

(B) The average age or odometer readings of the school buses in the fleets of such operators.

(C) Violations of Federal laws administered by the Department of Transportation, or of State law equivalents of such laws.

(D) Violations of State or local law relating to illegal passing of a school bus.

(3) A regulatory framework comparison of public and private school bus operations.

(4) Expert recommendations on best practices for safe and reliable school bus transportation, including driver training programs, inspection standards, school bus age and odometer reading maximums for retirement, the percentage of buses in a local bus fleet needed as spare buses, and capacity levels per school bus for different age groups.

SEC. 5512. ACCESS TO NATIONAL DRIVER REGISTER.

Section 30305(b) of title 49, United States Code, is amended by adding at the end the following:

''(13) The Administrator of the Federal Motor Carrier Safety Administration may request the chief driver licensing official of a State to provide information under subsection (a) of this section about an individual in connection with a safety investigation under the Administrator's jurisdiction.''.

SEC. 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 Federal wireless roadside inspection systems—

(1) conflict with existing electronic screening systems, or create capabilities already available;

(2) require additional statutory authority to incorporate generated inspection data into the safety measurement system or the safety fitness determinations program; and

(3) provide appropriate restrictions to specifically address privacy concerns of affected motor carriers and operators.

SEC. 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 under 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 31111(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 levels of 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 the current minimum levels of financial responsibility.

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 vehicle, the maximum on duty time under section 395.3 of such title for such driver shall not include time in 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 to be 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.

(b) HI-RAIL VEHICLE DEFINED.—In this section, the term ''hi-rail vehicle'' means an internal rail flaw detection vehicle equipped with flange hi-rails.

SEC. 5520. AUTOMOBILE TRANSPORTER.

(a) AUTOMOBILE TRANSPORTER DEFINED.—Section 31111(a)(1) of title 49, United States Code, is amended—

(1) by striking ''specifically''; and

(2) by adding at the end the following: ''An automobile transporter shall not be prohibited from the transport of cargo or general freight on a backhaul, so long as it complies with weight limitations for a truck tractor and semitrailer combination.''.

(b) TRUCK TRACTOR DEFINED.—Section 31111(a)(3)(B) of title 49, United States Code, is amended—

(1) by striking ''only''; and

(2) by inserting before the period at the end the following: ''or any other commodity, including cargo or general freight on a backhaul''.

(c) BACKHAUL DEFINED.—Section 31111(a) of title 49, United States Code, is amended by adding at the end the following:

''(5) BACKHAUL.—The term 'backhaul' means the return trip of a vehicle transporting cargo or general freight, especially when carrying goods back over all or part of the same route.''.

(d) STINGER-STEERED AUTOMOBILE TRANSPORTERS.—Section 31111(b)(1) of title 49, United States Code, is amended—

(1) in subparagraph (E) by striking ''or'' at the end;

(2) in subparagraph (F) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(G) imposes a vehicle length limitation of less than 80 feet on a stinger-steered automobile transporter with a front overhang of less than 4 feet and a rear overhang of less than 6 feet; or''.

SEC. 5521. READY MIX CONCRETE DELIVERY VEHICLES.

Section 31502 of title 49, United States Code, is amended by adding at the end the following:

''(f) READY MIXED CONCRETE DELIVERY VEHICLES.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, regulations issued under this section or section 31136 (including section 395.1(e)(1)(ii) of title 49, Code of Federal Regulations) regarding reporting, recordkeeping, or documentation of duty status shall not apply to any driver of a ready mixed concrete delivery vehicle if—

''(A) the driver operates within a 100 air-mile radius of the normal work reporting location;

''(B) the driver returns to the work reporting location and is released from work within 14 consecutive hours;

''(C) the driver has at least 10 consecutive hours off duty following each 14 hours on duty;

''(D) the driver does not exceed 11 hours maximum driving time following 10 consecutive hours off duty; and

''(E) the motor carrier that employs the driver maintains and retains for a period of 6 months accurate and true time records that show—

''(i) the time the driver reports for duty each day;

''(ii) the total number of hours the driver is on duty each day;

''(iii) the time the driver is released from duty each day; and

''(iv) the total time for the preceding driving week the driver is used for the first time or intermittently.

''(2) DEFINITION.—In this section, the term 'driver of a ready mixed concrete delivery vehicle' means a driver of a vehicle designed to deliver ready mixed concrete on a daily basis and is equipped with a mechanism under which the vehicle's propulsion engine provides the power to operate a mixer drum to agitate and mix the product en route to the delivery site.''.

SEC. 5522. TRANSPORTATION OF CONSTRUCTION MATERIALS AND EQUIPMENT.

Section 229(e)(4) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31136 note) is amended—

(1) by striking ''50 air mile radius'' and inserting ''75 air mile radius''; and

(2) by striking ''the driver.'' and inserting ''the driver, 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 and applies only to movements that take place entirely within the State.''.

SEC. 5523. COMMERCIAL DELIVERY OF LIGHT- AND MEDIUM-DUTY TRAILERS.

(a) DEFINITIONS.—Section 31111(a) of title 49, United States Code, is amended by adding at the end the following:

''(6) TRAILER TRANSPORTER TOWING UNIT.—The term 'trailer transporter towing unit' means a power unit that is not used to carry property when operating in a towaway trailer transporter combination.

''(7) TOWAWAY TRAILER TRANSPORTER COMBINATION.—The term 'towaway trailer transporter combination' means a combination of vehicles consisting of a trailer transporter towing unit and 2 trailers or semitrailers—

''(A) with a total weight that does not exceed 26,000 pounds; and

''(B) in which the trailers or semitrailers carry no property and constitute inventory property of a manufacturer, distributor, or dealer of such trailers or semitrailers.''.

(b) GENERAL LIMITATIONS.—Section 31111(b)(1) of such title is amended by adding at the end the following:

''(H) has the effect of imposing an overall length limitation of less than 82 feet on a towaway trailer transporter combination.''.

(c) CONFORMING AMENDMENTS.—

(1) PROPERTY-CARRYING UNIT LIMITATION.—Section 31112(a)(1) of such title is amended by inserting before the period at the end the following: '', but not including a trailer or a semitrailer transported as part of a towaway trailer transporter combination (as defined in section 31111(a))''.

(2) ACCESS TO INTERSTATE SYSTEM.—Section 31114(a)(2) of such title is amended by inserting ''any towaway trailer transporter combination (as defined in section 31111(a)),'' after ''passengers,''.

SEC. 5524. EXEMPTIONS FROM REQUIREMENTS FOR CERTAIN WELDING TRUCKS USED IN PIPELINE INDUSTRY.

(a) COVERED MOTOR VEHICLE DEFINED.—In this section, the term ''covered motor vehicle'' means a motor vehicle that—

(1) is traveling in the State in which the vehicle is registered or another State;

(2) is owned by a welder;

(3) is a pick-up style truck;

(4) is equipped with a welding rig that is used in the construction or maintenance of pipelines; and

(5) has a gross vehicle weight and combination weight rating and weight of 15,000 pounds or less.

(b) FEDERAL REQUIREMENTS.—A covered motor vehicle, including the individual operating such vehicle and the employer of such individual, shall be exempt from the following:

(1) Any requirement relating to registration as a motor carrier, including the requirement to obtain and display a Department of Transportation number, established under chapters 139 and 311 of title 49, United States Code.

(2) Any requirement relating to driver qualifications established under chapter 311 of title 49, United States Code.

(3) Any requirement relating to driving of commercial motor vehicles established under chapter 311 of title 49, United States Code.

(4) Any requirement relating to parts and accessories and inspection, repair, and maintenance of commercial motor vehicles established under chapter 311 of title 49, United States Code.

(5) Any requirement relating to hours of service of drivers, including maximum driving and on duty time, established under chapter 315 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, 5524, 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 authorized to be 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) $67,000,000 for fiscal year 2016;
(B) $67,500,000 for fiscal year 2017;
(C) $67,500,000 for fiscal year 2018;
(D) $67,500,000 for fiscal year 2019; and
(E) $67,500,000 for fiscal year 2020.

(3) TRAINING AND EDUCATION.—To carry out section 504 of title 23, United States Code, $24,000,000 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 5505 of title 49, United States Code—

(A) $72,500,000 for fiscal year 2016;
(B) $75,000,000 for fiscal year 2017;
(C) $75,000,000 for fiscal year 2018;
(D) $77,500,000 for fiscal year 2019; and
(E) $77,500,000 for fiscal year 2020.

(6) BUREAU OF TRANSPORTATION STATISTICS.—To carry out chapter 63 of title 49, United States Code, $26,000,000 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 by this Act (including the amendments 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)(3) of title 23, United States Code, is amended—

(1) in subparagraph (C) by striking ''2013 through 2014'' and inserting ''2016 through 2020''; and

(2) by adding at the end the following:

''(D) PUBLICATION.—

''(i) IN GENERAL.—Not less frequently than annually, the Secretary shall issue and make available to the public on an Internet website a report on the cost and benefits from deployment of new technology and innovations that substantially and directly resulted from the program established under this paragraph.

''(ii) INCLUSIONS.—The report under clause (i) may include an analysis of—

''(I) Federal, State, and local cost savings;

''(II) project delivery time improvements;

''(III) reduced fatalities; and

''(IV) congestion impacts.''.

SEC. 6004. ADVANCED TRANSPORTATION AND CONGESTION MANAGEMENT TECHNOLOGIES DEPLOYMENT.

Section 503(c) of title 23, United States Code, is amended by adding at the end the following:

''(4) ADVANCED TRANSPORTATION TECHNOLOGIES DEPLOYMENT.—

''(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 large scale 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 how the deployment of technology will—

''(i) reduce costs and improve return on investments, including through the enhanced use of existing transportation capacity;

''(ii) deliver environmental benefits that alleviate congestion and streamline traffic flow;

''(iii) measure and improve the operational performance of the applicable transportation network;

''(iv) reduce the number and severity of traffic crashes and increase driver, passenger, and pedestrian safety;

''(v) collect, disseminate, and use real-time traffic, transit, parking, and other transportation-related information to improve mobility, reduce congestion, and provide for more efficient and accessible transportation;

''(vi) monitor transportation assets to improve infrastructure management, reduce maintenance costs, prioritize investment decisions, and ensure a state of good repair;

''(vii) deliver economic benefits by reducing delays, improving system performance, and providing for the efficient and reliable movement of goods and services; or

''(viii) accelerate the deployment of vehicle-to-vehicle, vehicle-to-infrastructure, autonomous vehicles, and other technologies.

''(C) APPLICATIONS.—

''(i) REQUEST.—Not later than 6 months after the date of enactment of this paragraph, and for every fiscal year thereafter, the Secretary shall request applications in accordance with clause (ii).

''(ii) CONTENTS.—An application submitted under this subparagraph shall include the following:

''(I) PLAN.—A plan to deploy and provide for the long-term operation and maintenance of advanced transportation and congestion management technologies to improve safety, efficiency, system performance, and return on investment.

''(II) OBJECTIVES.—Quantifiable system performance improvements, such as—

''(aa) reducing traffic-related crashes, congestion, and costs;

''(bb) optimizing system efficiency; and

''(cc) improving access to transportation services.

''(III) RESULTS.—Quantifiable safety, mobility, and environmental benefit projections such as data-driven estimates of how the project will improve the region's transportation system efficiency and reduce traffic congestion.

''(IV) PARTNERSHIPS.—A plan for partnering with the private sector or public agencies, including multimodal and multijurisdictional entities, research institutions, organizations representing transportation and technology leaders, or other transportation stakeholders.

''(V) LEVERAGING.—A plan to leverage and optimize existing local and regional advanced transportation technology investments.

''(D) GRANT SELECTION.—

''(i) GRANT AWARDS.—Not later than 1 year after the date of enactment of this paragraph, and for every fiscal year thereafter, the Secretary shall award grants to not less than 5 and not more than 10 eligible entities.

''(ii) GEOGRAPHIC DIVERSITY.—In awarding a grant under this paragraph, the Secretary shall ensure, to the extent practicable, that grant recipients represent diverse geographic areas of the United States, including urban and rural areas.

''(iii) TECHNOLOGY DIVERSITY.—In awarding a grant under this paragraph, the Secretary shall ensure, to the extent practicable, that grant recipients represent diverse technology solutions.

''(E) USE OF GRANT FUNDS.—A grant recipient may use funds awarded under this paragraph to deploy advanced transportation and congestion management technologies, including—

''(i) advanced traveler information systems;

''(ii) advanced 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) advanced safety systems, including vehicle-to-vehicle and vehicle-to-infrastructure communications, technologies associated with autonomous vehicles, and other collision avoidance technologies, including systems using cellular technology;

''(vii) integration of intelligent transportation systems with the Smart Grid and other energy distribution and charging systems;

''(viii) electronic pricing and payment systems; or

''(ix) advanced mobility and access technologies, such as dynamic ridesharing and information systems to support human services for elderly and disabled individuals.

''(F) REPORT TO SECRETARY.—For each eligible entity that receives a grant under this paragraph, not later than 1 year after the entity receives the grant, and each year thereafter, the entity shall submit a report to the Secretary that describes—

''(i) deployment and operational costs of the project compared to the benefits and savings the project provides; and

''(ii) how the project has met the original expectations projected in the deployment plan submitted with the application, such as—

''(I) data on how the project has helped reduce traffic crashes, congestion, costs, and other benefits of the deployed systems;

''(II) data on the effect of measuring and improving transportation system performance through the deployment of advanced technologies;

''(III) the effectiveness of providing real-time integrated traffic, transit, and multimodal transportation information to the public to make informed travel decisions; and

''(IV) lessons learned and recommendations for future deployment strategies to optimize transportation efficiency and multimodal system performance.

''(G) REPORT.—Not later than 3 years after the date that the first grant is awarded under this paragraph, and each year thereafter, the Secretary shall make available to the public on an Internet website a report that describes the effectiveness of grant recipients in meeting their projected deployment plans, including data provided under subparagraph (F) on how the program has—

''(i) reduced traffic-related fatalities and injuries;

''(ii) reduced traffic congestion and improved travel time reliability;

''(iii) reduced transportation-related emissions;

''(iv) optimized multimodal system performance;

''(v) improved access to transportation alternatives;

''(vi) provided the public with access to real-time integrated traffic, transit, and multimodal transportation information to make informed travel decisions;

''(vii) provided cost savings to transportation agencies, businesses, and the traveling public; or

''(viii) provided other benefits to transportation users and the general public.

''(H) ADDITIONAL GRANTS.—The Secretary may cease to provide additional grant funds to a recipient of a grant under this paragraph if—

''(i) the Secretary determines from such recipient's report that the recipient is not carrying out the requirements of the grant; and

''(ii) the Secretary provides written notice 60 days prior to withholding funds to the Committees on Transportation and Infrastructure and Science, Space, and Technology of the House of Representatives and the Committees on Environment and Public Works and Commerce, Science, and Transportation of the Senate.

''(I) FUNDING.—

''(i) IN GENERAL.—From funds made available to carry out subsection (b), this subsection, and sections 512 through 518, the Secretary shall set aside for grants awarded under subparagraph (D) $60,000,000 for each of fiscal years 2016 through 2020.

''(ii) EXPENSES FOR THE SECRETARY.—Of the amounts set aside under clause (i), the Secretary may set aside $2,000,000 each fiscal year for program reporting, evaluation, and administrative costs related to this paragraph.

''(J) FEDERAL SHARE.—The Federal share of the cost of a project for which a grant is awarded under this subsection shall not exceed 50 percent of the cost of the project.

''(K) GRANT LIMITATION.—The Secretary may not award more than 20 percent of the amount described under subparagraph (I) in a fiscal year to a single grant recipient.

''(L) EXPENSES FOR GRANT RECIPIENTS.—A grant recipient under this paragraph may use not more than 5 percent of the funds awarded each fiscal year to carry out planning and reporting requirements.

''(M) GRANT FLEXIBILITY.—

''(i) IN GENERAL.—If, by August 1 of each fiscal year, the Secretary determines that there are not enough grant applications that meet the requirements described in subparagraph (C) to carry out this section for a fiscal year, the Secretary shall transfer to the programs specified in clause (ii)—

''(I) any of the funds reserved for the fiscal year under subparagraph (I) that the Secretary has not yet awarded under this paragraph; and

''(II) an amount of obligation limitation equal to the amount of funds that the Secretary transfers under subclause (I).

''(ii) PROGRAMS.—The programs referred to in clause (i) are—

''(I) the program under subsection (b);

''(II) the program under this subsection; and

''(III) 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).

''(N) DEFINITIONS.—In this paragraph, the following definitions apply:

''(i) ELIGIBLE ENTITY.—The term 'eligible entity' means a State or local government, a transit agency, metropolitan planning organization representing a population of over 200,000, or other political subdivision of a State or local government or a multijurisdictional group or a consortia of research institutions or academic institutions.

''(ii) ADVANCED AND CONGESTION MANAGEMENT TRANSPORTATION TECHNOLOGIES.—The term 'advanced transportation and congestion management technologies' means technologies that improve the efficiency, safety, or state of good repair of surface transportation systems, including intelligent transportation systems.

''(iii) MULTIJURISDICTIONAL GROUP.—The term 'multijurisdictional group' means a any combination of State governments, local governments, metropolitan planning agencies, transit agencies, or other political subdivisions of a State for which each member of the group—

''(I) has signed a written agreement to implement the advanced transportation technologies deployment initiative across jurisdictional boundaries; and

''(II) is an eligible entity under this paragraph.''.

SEC. 6005. INTELLIGENT TRANSPORTATION SYSTEM GOALS.

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''; and

(3) by adding at the end the following:

''(6) enhancement of the national freight system and support to national freight policy goals.''.

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''; and

(3) by adding at the end the following:

''(10) to assist in the development of cybersecurity research in cooperation with relevant modal administrations of the Department of Transportation and other Federal agencies to help prevent hacking, spoofing, and disruption of connected and automated transportation vehicles.''.

SEC. 6007. INTELLIGENT TRANSPORTATION SYSTEM PROGRAM REPORT.

Section 515(h)(4) of title 23, United States Code, is amended in the matter preceding subparagraph (A)—

(1) by striking ''February 1 of each year after the date of enactment of the Transportation Research and Innovative Technology Act of 2012'' and inserting ''May 1 of each year''; and

(2) by striking ''submit to Congress'' and inserting ''make available to the public on a Department of Transportation website''.

SEC. 6008. INTELLIGENT TRANSPORTATION SYSTEM NATIONAL ARCHITECTURE AND STANDARDS.

Section 517(a)(3) of title 23, United States Code, is amended by striking ''memberships are comprised of, and represent,'' and inserting ''memberships include representatives of''.

SEC. 6009. COMMUNICATION SYSTEMS DEPLOYMENT REPORT.

Section 518(a) of title 23, United States Code, is amended in the matter preceding paragraph (1) by striking ''Not later than 3'' and all that follows through ''House of Representatives'' and inserting ''Not later than July 6, 2016, the Secretary shall make available to the public on a Department of Transportation website a report''.

SEC. 6010. 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

''Funds made available to carry out this chapter for operational tests of intelligent transportation systems—

''(1) shall be used primarily for the development of intelligent transportation system infrastructure, equipment, and systems; and

''(2) to the maximum extent practicable, shall not be used for the construction of physical surface transportation infrastructure unless the construction is incidental and critically necessary to the 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. 6011. DEPARTMENTAL RESEARCH PROGRAMS.

(a) ASSISTANT SECRETARY FOR RESEARCH AND TECHNOLOGY.—Section 102(e)(1) of title 49, United States Code, is amended—

(1) in the matter preceding subparagraph (A) by striking ''5'' and inserting ''6''; and

(2) in subparagraph (A) by inserting ''an Assistant Secretary for Research and Technology,'' after ''Governmental Affairs,''.

(b) RESEARCH ACTIVITIES.—Section 330 of title 49, United States Code, is amended—

(1) in the section heading by striking ''***contracts***'' and inserting ''***activities***'';

(2) in subsection (a) by striking ''The Secretary of'' and inserting ''IN GENERAL.—The Secretary of'';

(3) in subsection (b) by striking ''In carrying'' and inserting ''RESPONSIBILITIES.—In carrying'';

(4) in subsection (c) by striking ''The Secretary'' and inserting ''PUBLICATIONS.—The Secretary''; and

(5) by adding at the end the following:

''(d) DUTIES.—The Secretary shall provide for the following:

''(1) Coordination, facilitation, and review of Department of Transportation research and development programs and activities.

''(2) Advancement, and research and development, of innovative technologies, including intelligent transportation systems.

''(3) Comprehensive transportation statistics research, analysis, and reporting.

''(4) Education and training in transportation and transportation-related fields.

''(5) Activities of the Volpe National Transportation Systems Center.

''(6) Coordination in support of multimodal and multidisciplinary research activities.

''(e) ADDITIONAL AUTHORITIES.—The Secretary may—

''(1) enter into grants and cooperative agreements with Federal agencies, State and local government agencies, other public entities, private organizations, and other persons to conduct research into transportation service and infrastructure assurance and to carry out other research activities of the Department of Transportation;

''(2) carry out, on a cost-shared basis, collaborative research and development to encourage innovative solutions to multimodal transportation problems and stimulate the deployment of new technology with—

''(A) non-Federal entities, including State and local governments, foreign governments, institutions of higher education, corporations, institutions, partnerships, sole proprietorships, and trade associations that are incorporated or established under the laws of any State;

''(B) Federal laboratories; and

''(C) other Federal agencies; and

''(3) directly initiate contracts, grants, cooperative research and development agreements (as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))), and other agreements to fund, and accept funds from, the Transportation Research Board of the National Academies, State departments of transportation, cities, counties, institutions of higher education, associations, and the agents of those entities to carry out joint transportation research and technology efforts.

''(f) FEDERAL SHARE.—

''(1) IN GENERAL.—Subject to paragraph (2), the Federal share of the cost of an activity carried out under subsection (e)(3) shall not exceed 50 percent.

''(2) EXCEPTION.—If the Secretary determines that the activity is of substantial public interest or benefit, the Secretary may approve a greater Federal share.

''(3) NON-FEDERAL SHARE.—All costs directly incurred by the non-Federal partners, including personnel, travel, facility, and hardware development costs, shall be credited toward the non-Federal share of the cost of an activity described in subsection (e)(3).

''(g) PROGRAM EVALUATION AND OVERSIGHT.—For each of fiscal years 2016 through 2020, the Secretary is authorized to expend not more than 1 ½ percent of the amounts authorized to be appropriated for the coordination, evaluation, and oversight of the programs administered by the Office of the Assistant Secretary for Research and Technology.

''(h) USE OF TECHNOLOGY.—The research, development, or use of a technology under a contract, grant, cooperative research and development agreement, or other agreement entered into under this section, including the terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

''(i) WAIVER OF ADVERTISING REQUIREMENTS.—Section 6101 of title 41 shall not apply to a contract, grant, or other agreement entered into under this section.''.

(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.''.

(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.''.

(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 Statistics.''.

SEC. 6012. RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION.

(a) REPEAL.—Section 112 of title 49, United States Code, is repealed.

(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 5115(a) of title 49, United States Code, is amended in the first sentence by inserting '', including online curriculum 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) 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:

''(C) coordinate, as appropriate, with other Federal agencies.''; 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) materials and equipment testing.''.

SEC. 6015. OFFICE OF INTERMODALISM.

(a) REPEAL.—Section 5503 of title 49, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The analysis for chapter 55 of title 49, United States Code, is amended by striking the item relating to section 5503.

SEC. 6016. UNIVERSITY TRANSPORTATION CENTERS.

Section 5505 of title 49, United States Code, is amended to read as follows:

''§ 5505. University transportation centers program

''(a) UNIVERSITY TRANSPORTATION CENTERS PROGRAM.—

''(1) ESTABLISHMENT AND OPERATION.—The Secretary shall make grants under this section 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.—To receive a grant 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 (c).

''(B) EXCEPTION FOR CONSORTIUM MEMBERS THAT ARE NOT LEAD INSTITUTIONS.—Subparagraph (A) shall not apply to a nonprofit institution of higher education that is a member of a consortium of nonprofit institutions of higher education but not the lead institution of such consortium.

''(3) COORDINATION.—The Secretary shall solicit grant applications for national transportation centers, regional transportation centers, and Tier 1 university transportation centers with identical advertisement schedules and deadlines.

''(4) GENERAL SELECTION CRITERIA.—

''(A) IN GENERAL.—Except as otherwise provided by this section, the Secretary shall award grants under this section in nonexclusive candidate topic areas established by the Secretary that address the research priorities identified in chapter 65.

''(B) CRITERIA.—The Secretary, in consultation 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 results and spur 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 carried out by the recipient 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.

''(5) TRANSPARENCY.—

''(A) IN GENERAL.—The Secretary shall provide to each applicant, upon request, any materials, including copies of reviews (with any information that would identify a reviewer redacted), used in the evaluation process of the proposal of the applicant.

''(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.

''(6) 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 select grant recipients under subsection (b) and make grant amounts available to the selected recipients.

''(2) NATIONAL TRANSPORTATION CENTERS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall provide grants to 5 consortia that the Secretary determines best meet the criteria described in subsection (b)(4).

''(B) RESTRICTIONS.—

''(i) IN GENERAL.—For each fiscal year, a grant made available under this paragraph shall be not greater than $4,000,000 and not less than $2,000,000 per recipient.

''(ii) FOCUSED RESEARCH.—A consortium receiving a grant under this paragraph shall focus research on 1 of the transportation issue areas specified in section 6503(c).

''(C) MATCHING REQUIREMENT.—

''(i) IN GENERAL.—As a condition of receiving a grant under this paragraph, a grant recipient shall match 100 percent of the amounts made available under the grant.

''(ii) 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.

''(3) REGIONAL UNIVERSITY TRANSPORTATION CENTERS.—

''(A) LOCATION OF REGIONAL CENTERS.—One regional university transportation center shall be located in each of the 10 Federal regions that comprise the Standard Federal Regions established by the Office of Management and Budget in the document entitled 'Standard Federal Regions' and dated April 1974 (circular A–105).

''(B) SELECTION CRITERIA.—In conducting a competition 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-established, nationally recognized program in transportation research and education, as evidenced by—

''(I) recent expenditures by the institution in highway or public transportation research;

''(II) a historical track record of awarding graduate degrees in professional fields closely related to highways and public transportation; and

''(III) an experienced faculty who specialize in professional fields closely related to highways and public transportation.

''(C) RESTRICTIONS.—For each fiscal year, a grant made available under this paragraph

shall be not greater than $3,000,000 and not less than $1,500,000 per recipient.

''(D) MATCHING REQUIREMENTS.—

''(i) IN GENERAL.—As a condition of receiving a grant under this paragraph, a grant recipient shall match 100 percent of the amounts made available under the grant.

''(ii) 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.

''(E) FOCUSED RESEARCH.—The Secretary shall make a grant to 1 of the 10 regional university transportation centers established under this paragraph for the purpose of furthering the objectives described in subsection (a)(2) in the field of comprehensive transportation safety, congestion, connected vehicles, connected infrastructure, and autonomous vehicles.

''(4) TIER 1 UNIVERSITY TRANSPORTATION CENTERS.—

''(A) 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.

''(B) MATCHING REQUIREMENT.—

''(i) IN GENERAL.—As a condition of receiving a grant under this paragraph, a grant recipient shall match 50 percent of the amounts made available under the grant.

''(ii) 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.

''(C) FOCUSED RESEARCH.—In awarding grants under this section, consideration shall be given to minority institutions, as defined by section 365 of the Higher Education Act of 1965 (20 U.S.C. 1067k), or consortia that include such institutions that have demonstrated an ability in transportation-related research.

''(d) PROGRAM COORDINATION.—

''(1) IN GENERAL.—The Secretary shall—

''(A) coordinate the research, education, and technology transfer activities carried out by grant recipients under this section; and

''(B) disseminate the results of that research through the establishment and operation of a publicly accessible online information clearinghouse.

''(2) ANNUAL REVIEW AND EVALUATION.—Not less frequently than annually, and consistent with the plan developed under section 6503, the Secretary shall—

''(A) review and evaluate the programs carried out under this section by grant recipients; and

''(B) submit to the Committees on Transportation and Infrastructure and Science, Space, and Technology of the House of Representatives and the Committees on Environment and Public Works and Commerce, Science, and Transportation of the Senate a report describing that review and evaluation.

''(3) PROGRAM EVALUATION AND OVERSIGHT.—For each of fiscal years 2016 through 2020, the Secretary shall expend not more than 1 and a half percent of the amounts made available to the Secretary to carry out this section for any coordination, evaluation, and oversight activities of the Secretary under this section.

''(e) LIMITATION ON AVAILABILITY OF AMOUNTS.—Amounts made available to the Secretary to carry out this section shall remain available for obligation by the Secretary for a period of 3 years after the last day of the fiscal year for which the amounts are authorized.

''(f) INFORMATION COLLECTION.—Any survey, questionnaire, or interview that the Secretary determines to be necessary to carry out reporting requirements relating to any program assessment or evaluation activity under this section, including customer satisfaction assessments, shall not be subject to chapter 35 of title 44.''.

SEC. 6017. BUREAU OF TRANSPORTATION STATISTICS.

Section 6302 of title 49, United States Code, is amended by adding at the end the following:

''(d) INDEPENDENCE OF BUREAU.—

''(1) IN GENERAL.—The Director shall not be required—

''(A) to obtain the approval of any other officer or employee of the Department with respect to the collection or analysis of any information; or

''(B) prior to publication, to obtain the approval of any other officer or employee of the United States Government with respect to the substance of any statistical technical reports or press releases lawfully prepared by the Director.

''(2) BUDGET AUTHORITY.—The Director shall have a significant role in the disposition and allocation of the 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.

''(3) EXCEPTIONS.—The Secretary shall direct external support functions, such as the coordination of activities involving multiple modal administrations.

''(4) INFORMATION TECHNOLOGY.—The Department Chief Information Officer shall consult with the Director to ensure decisions related to information technology guarantee the protection of the confidentiality of information provided solely for statistical purposes, in accordance with the Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note; Public Law 107–347).''.

SEC. 6018. 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

''(a) IN GENERAL.—The Director shall establish, on behalf of the Secretary, a port performance statistics program to provide nationally consistent measures of performance of, at a minimum—

''(1) the Nation's top 25 ports by tonnage;

''(2) the Nation's top 25 ports by 20-foot equivalent unit; and

''(3) the Nation's top 25 ports by dry bulk.

''(b) REPORTS.—

''(1) PORT CAPACITY AND THROUGHPUT.—Not later than January 15 of each year, the Director shall submit an annual report to Congress that includes statistics on capacity and throughput at the ports described in subsection (a).

''(2) PORT PERFORMANCE MEASURES.—The Director shall collect port performance measures for each of the United States ports referred to in subsection (a) that—

''(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.

''(c) 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) operating administrations of the Department;

''(B) the Coast Guard;

''(C) the Federal Maritime Commission;

''(D) U.S. Customs and Border Protection;

''(E) the Marine Transportation System National Advisory Council;

''(F) the Army Corps of Engineers;

''(G) the Saint Lawrence Seaway Development Corporation;

''(H) the Bureau of Labor Statistics;

''(I) the Maritime Advisory Committee for Occupational 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 International Longshoremen'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.

''(d) ACCESS TO DATA.—The Director shall ensure that—

''(1) the statistics compiled under this section—

''(A) are readily accessible to the public; and

''(B) are consistent with applicable security constraints and confidentiality interests; and

''(2) 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 adding at the end the following:

''6314. Port performance freight statistics program.''.

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—

(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) give stakeholders a formal opportunity to address concerns;

(B) ensure unbiased research; and

(C) improve the overall research products of the Department; and

(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.
''6502. Consolidated research database.
''6503. Transportation research and development 5-year strategic plan.

''SEC. 6501. ANNUAL MODAL RESEARCH PLANS.

''(a) MODAL PLANS REQUIRED.—

''(1) IN GENERAL.—Not later than May 1 of each year, the head 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 September 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)(i) approve the plan and outlook; or

''(ii) request that the plan and outlook be revised and resubmitted for approval.

''(2) PUBLICATIONS.—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)(B)(i).

''(3) REJECTION OF DUPLICATIVE RESEARCH EFFORTS.—The Assistant Secretary may not approve any plan submitted by the head of a modal administration or joint program office pursuant to subsection (a) if any of the projects described in the plan duplicate significant aspects of research efforts of any other modal administration.

''(c) 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)(3) to be duplicative unless—

''(1) the research is required by an Act of Congress;

''(2) the research was part of a contract that was funded before the date of enactment of this chapter;

''(3) the research updates previously commissioned research; or

''(4) the Assistant Secretary certifies to Congress that such research is necessary, and provides justification for such certification.

''(d) CERTIFICATION.—

''(1) IN GENERAL.—The Secretary shall annually certify to Congress that—

''(A) each modal research plan has been reviewed; and

''(B) there is no duplication of study for research directed, commissioned, or conducted by the Department of Transportation.

''(2) CORRECTIVE ACTION PLAN.—If the Secretary, after submitting a certification under paragraph (1), identifies duplication of research within the Department of Transportation, the Secretary shall—

''(A) notify Congress of the duplicative research; and

''(B) submit 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.

''(2) CONTENTS.—The database published under paragraph (1) shall, to the extent practicable—

''(A) include the consolidated modal research plans approved under section 6501(b)(1)(B)(i);

''(B) describe the research objectives, progress, findings, and allocated funds for each research project;

''(C) identify research projects with multimodal applications;

''(D) specify how relevant modal administrations have assisted, will contribute to, or plan to use the findings from the research projects identified under paragraph (1);

''(E) identify areas in which more than 1 modal administration is conducting research on a similar subject or a subject that has a bearing on more than 1 mode;

''(F) indicate how the findings of research are being disseminated to improve the efficiency, effectiveness, and safety of transportation systems; and

''(G) describe the public and stakeholder input to the research plans submitted under section 6501(a)(1).

''(b) FUNDING REPORT.—In conjunction with each of the annual budget requests submitted by the President under section 1105 of title 31, the 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 amount proposed in the current budget for transportation research and development with specific descriptions of projects funded at $5,000,000 or more.

''(c) 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;

''(2) 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 that purpose, which may include—

''(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

''(3) 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 how research and development by other Federal, State, private sector, and nonprofit institutions—

''(A) contributes to the achievement of the purposes identified under subsection (c)(1); and

''(B) avoids unnecessary duplication of those efforts.

''(e) INTERIM REPORT.—Not later than 2 ½ 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).''.

(c) 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:

''63. Bureau of Transportation Statistics 6301
''65. Research planning ..... 6501''.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CHAPTER 5 OF TITLE 23.—Chapter 5 of title 23, United States Code, is amended—

(A) by striking section 508;

(B) in the table of contents, by striking the item relating to section 508;

(C) in section 502—

(i) in subsection (a)(9), by striking ''transportation research and technology development strategic plan developed under section 508'' and inserting ''transportation research and development strategic plan under section 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 transportation research and development strategic plan developed under section 508''.

(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 5205(b), by striking ''as part of the Surface Transportation Research and Development Strategic Plan developed under section 508 of title 23'' and inserting ''as part of the transportation research and development strategic plan under section 6503 of title 49''; and

(B) in section 5206(e)(2)(A), by striking ''or the Surface Transportation Research and Development Strategic Plan developed under section 508

of title 23'' and inserting ''or the transportation research and development strategic plan under section 6503 of title 49''.

(3) INTELLIGENT TRANSPORTATION SYSTEM RESEARCH.—Section 5305(h)(3)(A) of SAFETEA–LU (23 U.S.C. 512 note; Public Law 109–59) is amended by striking ''the strategic plan under section 508 of title 23, United States Code'' and inserting ''the 5-year strategic plan under 6503 of title 49, United States Code''.

SEC. 6020. SURFACE TRANSPORTATION SYSTEM FUNDING ALTERNATIVES.

(a) IN GENERAL.—The Secretary 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) To 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 vendors to collect fees and operate the user-based alternative revenue mechanism;

(D) market-based congestion mitigation, if appropriate;

(E) equity concerns, including the impacts of the user-based alternative revenue mechanism on differing income groups, various geographic areas, and the relative burdens on rural and urban drivers;

(F) ease of compliance for different users of the transportation system; and

(G) the reliability and security of technology used to implement the user-based alternative revenue mechanism; and

(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 cost of administering the user-based alternative revenue mechanism; and

(C) the ability of the administering entity to audit and enforce user compliance.

(e) CONSIDERATION.—The Secretary shall consider geographic diversity in awarding grants under this section.

(f) 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 entity receives a grant under this section, and each year thereafter, each recipient of a grant under this section shall submit to the Secretary a report that describes—

(1) how the demonstration 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 every 2 years thereafter until the completion of the demonstration activities under this section, the Secretary shall make available to the public on an Internet website 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 (j) that the Secretary has not yet awarded under this section; and

(2) an amount of obligation limitation equal to the amount of funds that the Secretary transfers under paragraph (1).

SEC. 6021. 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 restore 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 20–24(79): 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 the features, standards, capacity needs, application of technologies, and intergovernmental roles to upgrade the Interstate System, including any revisions to law (including regulations) that the Transportation Research Board determines appropriate; and

(2) 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 cost;

(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 routes 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;

(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. 6022. HIGHWAY EFFICIENCY.

(a) STUDY.—

(1) IN GENERAL.—The Secretary may examine the impact of pavement durability and sustainability on vehicle fuel consumption, vehicle wear 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) analyze 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.

(3) CONSULTATION.—In carrying out the study, the Secretary shall consult with—

(A) modal administrations of the Department and other Federal agencies, including the National Institute of Standards and Technology;

(B) State departments of transportation;

(C) industry stakeholders; and

(D) appropriate academic experts.

(b) REPORT.—

(1) 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.

(2) 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 wear 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

quality, and road conditions, and to minimize the need for road and vehicle repairs.

SEC. 6023. TRANSPORTATION TECHNOLOGY POLICY WORKING GROUP.

To improve the scientific pursuit 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 and develop a plan to address related workforce development needs.

SEC. 6024. COLLABORATION AND SUPPORT.

The Secretary may solicit the support of, and identify opportunities to collaborate with, other Federal research agencies and national laboratories to assist in the effective and efficient pursuit and resolution 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;

(2) assesses the organizational readiness of the Department to address autonomous vehicle technology challenges, including consumer privacy protections; and

(3) recommends implementation paths for autonomous transportation technology, applications, and policies that are based on the assessment described in paragraph (2).

SEC. 6026. TRAFFIC CONGESTION.

(a) CONGESTION RESEARCH.—The Secretary may conduct research on the reduction of traffic congestion.

(b) CONSIDERATION.—The Secretary may—

(1) recommend research to accelerate the adoption of transportation management systems that allow traffic to flow 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 highway traffic conditions, transit vehicle arrival and departure times, real time navigation routing, 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, State 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 any individual.

(d) REPORT.—Not later than 1 year after the completion of research under this section, the 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 transportation services—

(1) to understand the degree to which cities are adopting those technologies;

(2) to assess future planning, infrastructure, and investment needs; and

(3) to provide best practices to plan for smart cities in which information and technology are used—

(A) to improve city operations;

(B) to grow the local economy;

(C) to improve response in times of emergencies and natural disasters; and

(D) to improve the lives of city residents.

(b) COMPONENTS.—The study conducted under subsection (a) shall—

(1) identify broad issues that influence the ability of the United States to plan for and invest in smart cities, including barriers to collaboration and access to scientific information; and

(2) review how the expanded use of digital technologies, mobile devices, and information may—

(A) enhance the efficiency and effectiveness of existing transportation networks;

(B) optimize demand management services;

(C) impact low-income and other disadvantaged communities;

(D) assess opportunities to share, collect, and use data;

(E) change current planning and investment strategies; and

(F) provide opportunities for enhanced coordination and planning.

(c) REPORTING.—Not later than 18 months after the date of enactment of this Act, the Secretary may publish the report containing the results of the study conducted under subsection (a) to a public website.

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, trip time, and mode;

(4) enhancing existing data analysis tools to improve performance predictions and travel models in reports described in section 150(e) of title 23, United States Code; and

(5) developing tools—

(A) to improve performance analysis; and

(B) to evaluate the effects of project investments on performance.

(c) FUNDING.—From amounts authorized to carry out the Highway Research and Development Program, the Administrator of the Federal Highway Administration may use up to $10,000,000 for each of fiscal years 2016 through 2020 to carry out this section.

TITLE VII—HAZARDOUS MATERIALS TRANSPORTATION

SEC. 7001. SHORT TITLE.

This title may be cited as the ''Hazardous Materials Transportation Safety Improvement Act of 2015''.

Subtitle A—Authorizations

SEC. 7101. AUTHORIZATION OF APPROPRIATIONS.

Section 5128 of title 49, United States Code, is amended to read as follows:

''§ 5128. Authorization of appropriations

''(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this chapter (except sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and 5119)—

''(1) $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 under section 5116(h), the Secretary may expend, for each of fiscal years 2016 through 2020—

''(1) $21,988,000 to carry out section 5116(a);

''(2) $150,000 to carry out section 5116(e);

''(3) $625,000 to publish and distribute the Emergency Response Guidebook under section 5116(h)(3); and

''(4) $1,000,000 to carry out section 5116(i).

''(c) HAZARDOUS MATERIALS TRAINING GRANTS.—From the Hazardous Materials Emergency Preparedness Fund established pursuant to section 5116(h), the Secretary may expend $4,000,000 for each of fiscal years 2016 through 2020 to carry out section 5107(e).

''(d) COMMUNITY SAFETY GRANTS.—Of the amounts made available under subsection (a) to carry out this chapter, the Secretary shall withhold $1,000,000 for each of fiscal years 2016 through 2020 to carry out section 5107(i).

''(e) CREDITS TO APPROPRIATIONS.—

''(1) EXPENSES.—In addition to amounts otherwise made available to carry out this chapter, the Secretary may credit amounts received from a State, Indian tribe, or other public authority or private entity for expenses the Secretary incurs in providing training to the State, Indian tribe, authority, or entity.

''(2) AVAILABILITY OF AMOUNTS.—Amounts made available under this section 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 (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) 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 without prior 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;

''(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 60 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.

''(3) STATEMENT OF REASONS.—The Secretary shall include 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:

''(h) LIMITATION ON DENIAL.—The Secretary may not deny a non-temporary permit held by a motor carrier pursuant to this section based on

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 denial of such permit, 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 (j), 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 patterns of 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 ability to protect nearby persons, property, and the environment from the effects of accidents or incidents involving the transportation of hazardous material in accordance with existing regulations or National Fire Protection Association standards for competence of responders to accidents and incidents involving hazardous materials.

''(3) The Secretary may make a grant to a State or Indian tribe under paragraph (1) of this subsection only if—

''(A) the State or Indian tribe certifies that the total amount the State or Indian tribe expends (except amounts of the Federal Government) for the purpose of the grant will at least equal the average level of expenditure for the last 5 years; 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

''(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 system; and

''(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 needs 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 of hazardous material facilities in the State or on land under the jurisdiction of the Indian tribe;

''(B) the types 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 ''5116(i)'' each place it appears and inserting ''5116(h)''.

(2) Section 5116 of such title is amended—

(A) in subsection (d), as so redesignated, by striking ''subsections (a)(2)(A) and (b)(2)(A)'' and inserting ''subsection (a)(3)(A)'';

(B) in subsection (h), as so redesignated—

(i) in paragraph (1) by inserting ''and section 5107(e)'' after ''section'';

(ii) in paragraph (2) by striking ''(f)'' and inserting ''(e)''; and

(iii) in paragraph (4) by striking ''5108(g)(2) and 5115'' and inserting ''5107(e) and 5108(g)(2)'';

(C) in subsection (i), as so redesignated, by striking ''subsection (b)'' and inserting ''subsection (a)''; and

(D) in subsection (j), as so redesignated—

(i) by striking ''planning grants allocated under subsection (a), training grants under subsection (b), and grants under subsection (j) of this section and under section 5107'' and inserting ''planning and training grants under subsection (a) and grants under subsection (i) of this section and under subsections (e) and (i) of section 5107''; and

(ii) by redesignating subparagraphs (A) through (D) as paragraphs (1) through (4), respectively.

(c) SAVINGS CLAUSE.—Nothing in this section may be construed to prohibit the Secretary from recovering and deobligating funds from grants that are not managed or expended in compliance with a grant agreement.

SEC. 7204. IMPROVING PUBLICATION OF SPECIAL PERMITS AND APPROVALS.

Section 5117 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) by striking ''an application for a special permit'' and inserting ''an application for a new special permit or a modification to an existing special permit''; and

(B) by inserting after the second sentence the following: ''The Secretary shall make available to the public on the Department of Transportation's Internet Web site any special permit other than a new special permit or a modification to an existing special permit and shall give the public an opportunity to inspect the safety analysis and comment on the application for a period of not more than 15 days.''; and

(2) in subsection (c)—

(A) by striking ''publish'' and inserting ''make available to the public'';

(B) by striking ''in the Federal Register'';

(C) by striking ''180'' and inserting ''120''; and

(D) by striking ''the special permit'' each place it appears and inserting ''a special permit or approval''; and

(3) by adding at the end the following:

''(g) DISCLOSURE OF FINAL ACTION.—The Secretary shall periodically, but at least every 120 days—

''(1) publish in the Federal Register notice of the final disposition of each application for a new special permit, modification to an existing special permit, or approval during the preceding quarter; and

''(2) make available to the public on the Department of Transportation's Internet Web site notice of the final disposition of any other special permit during the preceding quarter.''.

SEC. 7205. ENHANCED REPORTING.

Section 5121(h) of title 49, United States Code, is amended by striking ''transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate'' and inserting ''make available to the public on the Department of Transportation's Internet Web site''.

SEC. 7206. WETLINES.

(a) WITHDRAWAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall withdraw the proposed rule described in the notice of proposed rulemaking issued on January 27, 2011, entitled ''Safety Requirements for External Product Piping on Cargo Tanks Transporting Flammable Liquids'' (76 Fed. Reg. 4847).

(b) SAVINGS CLAUSE.—Nothing in this section shall prohibit the Secretary from issuing standards or regulations regarding the safety of external product piping on cargo tanks transporting flammable liquids after the withdrawal is carried out pursuant to subsection (a).

SEC. 7207. GAO STUDY ON ACCEPTANCE OF CLASSIFICATION EXAMINATIONS.

(a) IN GENERAL.—Not later than 180 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 persons, 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 individuals engaged in the oversight of approved persons, and make recommendations to enhance oversight sufficiently to ensure that classifications are 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 standards and protocols, and make recommendations to enhance such standards and protocols if necessary; and

(4) 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, of those applications how many classifications recommended by persons approved by the Secretary were changed to another classification and the reasons for the change, and how many hazardous materials incidents have been attributed to a classification recommended by such approved persons in the United States.

(c) ACTION PLAN.—Not later than 180 days after receiving the report required under subsection (a), the Secretary shall make available to the public a plan describing any actions the Secretary will take to establish standards, metrics, and protocols based on the findings and recommendations in the report to ensure that persons approved to perform classification examinations required under section 173.56(b) of title 49, Code of Federal Regulations, can sufficiently perform such examinations in a manner that meets the hazardous materials regulations.

(d) REGULATIONS.—If the report required under subsection (a) recommends new regulations in order for the Secretary to have confidence in the accuracy of classification recommendations rendered by persons approved to perform classification examinations required under section 173.56(b) of title 49, Code of Federal Regulations, the Secretary shall consider such recommendations, and if determined appropriate, issue regulations to address the recommendations not later than 18 months after the date of the publication of the plan under subsection (c).

SEC. 7208. HAZARDOUS MATERIALS ENDORSEMENT EXEMPTION.

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 obtain 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.

Subtitle C—Safe 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:

''(i) COMMUNITY SAFETY 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 a Class I railroad transporting hazardous materials—

(A) to generate accurate, real-time, and electronic train consist information, including—

(i) the identity, quantity, and location of hazardous materials on a train;

(ii) the point of origin and destination of the train;

(iii) any emergency response information or resources required by the Secretary; and

(iv) an emergency response point of contact designated by the Class I railroad; and

(B) to enter into a memorandum of understanding with each applicable fusion center to provide the fusion center with secure and confidential access to the electronic train consist information described in subparagraph (A) for each train transporting hazardous materials in the jurisdiction of the fusion center;

(2) require each applicable fusion center to provide the electronic train consist information described in paragraph (1)(A) to State and local first responders, emergency response officials, and law enforcement personnel that are involved in the response to or investigation of an accident, incident, or public health or safety emergency involving the rail transportation of hazardous materials and that request such electronic train consist information;

(3) require each Class I railroad to provide advanced notification and information on high-hazard flammable trains to each State emergency response commission, consistent with the notification content requirements in Emergency Order Docket No. DOT–OST–2014–0067, including—

(A) a reasonable estimate of the number of implicated trains that are expected to travel, per week, through each county within the applicable State;

(B) updates to such estimate prior to making any material changes to any volumes or frequencies of trains traveling through a county;

(C) identification and a description of the Class 3 flammable liquid being transported on such trains;

(D) applicable emergency response information, as required by regulation;

(E) identification of the routes over which such liquid will be transported; and

(F) a point of contact at the Class I railroad responsible for serving as the point of contact for State emergency response centers and local emergency responders related to the Class I railroad's transportation of such liquid.

(4) require each applicable State emergency response commission to provide to a political subdivision of a State, or public agency responsible for emergency response or law enforcement, upon request of the political subdivision or public agency, the information the commission receives from a Class I railroad pursuant to paragraph (3), including, for any such political subdivision or public agency responsible for emergency response or law enforcement that makes an initial request for such information, any updates received by the State emergency response commission.

(5) prohibit any Class I railroad, employee, or agent from withholding, or causing to be withheld, the train consist information from first responders, emergency response officials, and law enforcement personnel described in paragraph (2) in the event of an incident, accident, or public health or safety emergency involving the rail transportation of hazardous materials;

(6) establish security and confidentiality protections, including protections from the public release of proprietary information or security-sensitive information, to prevent the release to unauthorized persons any electronic train consist information or advanced notification or information provided by Class I railroads under this section; and

(7) allow each Class I railroad to enter into a memorandum of understanding with any Class II railroad or Class III railroad that operates trains over the Class I railroad's line to incorporate the Class II railroad or Class III railroad's train consist information within the existing framework described in paragraph (1).

(b) DEFINITIONS.—In this section:

(1) APPLICABLE FUSION CENTER.—The term ''applicable fusion center'' means a fusion center with responsibility for a geographic area in which a Class I railroad operates.

(2) CLASS I RAILROAD; CLASS II RAILROAD; CLASS III RAILROAD.—The terms ''Class I railroad'', ''Class II railroad'', and ''Class III railroad'' have the meaning given those terms in section 20102 of title 49, United States Code.

(3) CLASS 3 FLAMMABLE LIQUID.—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.

(4) FUSION CENTER.—The term ''fusion center'' has the meaning given the term in section 210A(j) of the Homeland Security Act of 2002 (6 U.S.C. 124h(j)).

(5) HAZARDOUS MATERIAL.—The term ''hazardous material'' means a substance or material the Secretary designates as hazardous under section 5103 of title 49, United States Code.

(6) HIGH-HAZARD FLAMMABLE TRAIN.—The term ''high-hazard flammable train'' means a single train transporting 20 or more tank cars loaded with a Class 3 flammable liquid in a continuous block or a single train transporting 35 or more tank cars loaded with a Class 3 flammable liquid throughout the train consist.

(7) TRAIN CONSIST.—The term ''train consist'' includes, with regard to a specific train, the number of rail cars and the commodity transported by each rail car.

(c) SAVINGS CLAUSE.—Nothing in this section may be construed to prohibit a Class I railroad from voluntarily entering into a memorandum of understanding, as described in subsection (a)(1)(B), with a State emergency response commission or an entity representing or including first responders, emergency response officials, and law enforcement personnel.

SEC. 7303. EMERGENCY RESPONSE.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to determine whether limitations or weaknesses exist in the emergency response information carried by train crews transporting hazardous materials.

(b) CONTENTS.—In conducting the study under subsection (a), the Comptroller General shall evaluate the differences between the emergency response information carried by train crews transporting hazardous materials and the emergency response guidance provided in the Emergency Response Guidebook issued by the Department of Transportation.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the 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 of the findings of the study under subsection (a) and any recommendations for legislative action.

SEC. 7304. PHASE-OUT OF ALL TANK CARS USED TO TRANSPORT CLASS 3 FLAMMABLE LIQUIDS.

(a) 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–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, 2023, 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 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, 2029.

(c) RETROFITTING SHOP CAPACITY.—The Secretary may extend the deadlines established under paragraphs (3) and (4) of subsection (b) for a period not to exceed 2 years if the Secretary determines that insufficient retrofitting shop capacity will prevent the phase-out of tank cars not meeting the DOT–117, DOT–117P, or DOT–117R specifications by the deadlines set forth in such paragraphs.

(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 the requirements of this section.

(2) IMPLEMENTATION.—Nothing in this section shall be construed to require the Secretary to issue regulations, except as required under paragraph (1), to implement this section.

(e) SAVINGS CLAUSE.—Nothing in this section shall be construed to prohibit the Secretary from implementing the final rule issued on May 08, 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 tank car modified to meet the DOT–117R specification be equipped with an insulating blanket with at least ½-inch-thick material that has been approved by the Secretary pursuant to section 179.18(c) 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).

SEC. 7306. MINIMUM REQUIREMENTS FOR TOP FITTINGS PROTECTION FOR CLASS DOT–117R TANK CARS.

(a) PROTECTIVE HOUSING.—Except as provided in subsections (b) and (c), top fittings on DOT specification 117R tank cars shall be located inside a protective housing not less than ½-inch in thickness and constructed of a material having a tensile strength not less than 65 kilopound per square inch and conform to the following specifications:

(1) The protective housing shall be as tall as the tallest valve or fitting involved and the height of a valve or fitting within the protective housing must be kept to the minimum compatible with their proper operation.

(2) The protective housing or cover may not reduce the flow capacity of the pressure relief device below the minimum required.

(3) The protective housing shall provide a means of drainage with a minimum flow area equivalent to six 1-inch diameter holes.

(4) When connected to the nozzle or fittings cover plate and subject to a horizontal force applied perpendicular to and uniformly over the projected plane of the protective housing, the tensile connection strength of the protective housing shall be designed to be—

(A) no greater than 70 percent of the nozzle to tank tensile connection strength;

(B) no greater than 70 percent of the cover plate to nozzle connection strength; and

(C) no less than either 40 percent of the nozzle to tank tensile connection strength or the shear strength of twenty ½-inch bolts.

(b) PRESSURE RELIEF DEVICES.—

(1) The pressure relief device shall be located inside the protective housing, unless space does not permit. If multiple pressure relief devices are equipped, no more than 1 may be located outside of a protective housing.

(2) The highest point on any pressure relief device located outside of a protective housing may not be more than 12 inches above the tank jacket.

(3) The highest point on the closure of any unused pressure relief device nozzle may not be more than 6 inches above the tank jacket.

(c) ALTERNATIVE PROTECTION.—As an alternative to the protective housing requirements in subsection (a) of this section, the tank car may be equipped with a system that prevents the release of product from any top fitting in the case of an incident where any top fitting would be sheared off.

(d) IMPLEMENTATION.—Nothing in this section shall be construed to require the Secretary to issue regulations to implement this section.

(e) SAVINGS CLAUSE.—Nothing in this section shall prohibit the Secretary from approving new technologies, methods or requirements that provide a level of safety equivalent to or greater than the level of safety provided for in this section.

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. MODIFICATION REPORTING.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall implement a reporting requirement to monitor industry-wide progress toward modifying rail tank cars used to transport Class 3 flammable liquids by the applicable deadlines established in section 7304.

(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–117R specification, or equivalent, specifying—

(A) the type or specification of each tank car before it was modified, including non-jacketed DOT–111, jacketed DOT–111, non-jacketed DOT–111 meeting the CPC–1232 standard, or jacketed DOT–111 meeting the CPC–1232 standard; and

(B) the identification number of each Class 3 flammable liquid carried by each tank car in the past year;

(2) the total number of tank cars built to meet the DOT–117 specification, or equivalent; and

(3) the total number of tank cars used or likely to be used to transport Class 3 flammable liquids that have not been modified, specifying—

(A) the type or specification of each tank car not modified, including the non-jacketed DOT–111, jacketed DOT–111, non-jacketed DOT–111 meeting the CPC–1232 standard, or jacketed DOT–111 meeting the CPC–1232 standard; and

(B) the identification number of each Class 3 flammable liquid carried by each tank car in the past year.

(c) TANK CAR SHOP DATA.—The Secretary shall conduct a survey of tank car facilities modifying tank cars to the DOT–117R specification, or equivalent, or building new tank cars to the DOT–117 specification, or equivalent, to generate statistically-valid estimates of the 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 Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), as administered by the Bureau of Transportation Statistics.

(3) DESIGNEE.—The Secretary may—

(A) designate the Director of the Bureau of Transportation Statistics to collect data under subsection (b) and the survey data under subsection (c); and

(B) direct the Director to ensure the confidentially of company-specific information to the maximum extent permitted by law.

(f) REPORT.—Each year, not later than 60 days after the date that both the collection of the data under subsection (b) and the survey under subsection (c) are complete, the Secretary shall submit a written 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 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 of title 49, Code of Federal Regulations.

SEC. 7309. 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 Secretary of Transportation, shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Natural Resources of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives that contains—

(1) the results of the comprehensive Crude Oil Characteristics Research Sampling, Analysis, and Experiment Plan study; and

(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 safe transport of crude oil; and

(B) legislation to improve the safe transport of crude oil.

SEC. 7310. 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 initiate a study on the levels and structure of insurance for railroad carriers transporting hazardous materials.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall evaluate—

(1) the level and structure of insurance, including self-insurance, available in the private market against the full liability potential for damages arising from an accident or incident involving a train transporting hazardous materials;

(2) the level and structure of insurance that would be necessary and appropriate—

(A) to efficiently allocate risk and financial responsibility for claims; and

(B) to ensure that a railroad carrier transporting hazardous materials can continue to operate despite the risk of an accident or incident; and

(3) the potential applicability, for a train transporting hazardous materials, of an alternative insurance model, including—

(A) a secondary liability coverage pool or pools to supplement commercial insurance; and

(B) other models administered by the Federal Government.

(c) REPORT.—Not later than 1 year after the date the study under subsection (a) is initiated, the Secretary shall submit a report containing the results of the study and recommendations for addressing liability issues with rail transportation of hazardous materials to—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

(d) DEFINITIONS.—In this section:

(1) HAZARDOUS MATERIAL.—The term ''hazardous material'' means a substance or material the Secretary designates as hazardous under section 5103 of title 49, United States Code.

(2) RAILROAD CARRIER.—The term ''railroad carrier'' has the meaning given the term in section 20102 of title 49, United States Code.

SEC. 7311. STUDY AND TESTING OF ELECTRONICALLY CONTROLLED PNEUMATIC BRAKES.

(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 installation time, positive train control integration complexities, component availability issues, and tank car shop capabilities.

(F) Analysis of international experiences with the use of advanced braking technologies.

(3) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General 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 on the results of the independent evaluation under paragraph (1).

(b) EMERGENCY BRAKING APPLICATION TESTING.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the National Academy of Sciences to—

(A) complete testing of ECP brake systems during emergency braking application, including more than 1 scenario involving the uncoupling of a train with 70 or more DOT–117 specification or DOT–117R specification tank cars; and

(B) transmit, not later than 18 months after the date of enactment of this Act, 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 testing.

(2) INDEPENDENT EXPERTS.—In completing the testing under paragraph (1)(A), the National Academy of Sciences may contract with 1 or more engineering or rail experts, as appropriate, that—

(A) are not railroad carriers, entities funded by such carriers, or entities directly impacted by 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

(B) have relevant experience in conducting railroad safety technology tests or similar crash tests.

(3) TESTING FRAMEWORK.—In completing the testing under paragraph (1), the National Academy of Sciences and each contractor described in paragraph (2) shall ensure that the testing objectively, accurately, and reliably measures the performance of ECP brake systems relative to other braking technologies or systems, such as distributed power and 2-way end-of-train devices, including differences in—

(A) the number of cars derailed;

(B) the number of cars punctured;

(C) the measures of in-train forces; and

(D) the stopping distance.

(4) FUNDING.—The Secretary shall provide funding, as part of the agreement under paragraph (1), to the National Academy of Sciences for the testing required under this section—

(A) using sums made available to carry out sections 20108 and 5118 of title 49, United States Code; and

(B) to the extent funding under subparagraph (A) is insufficient or unavailable to fund the testing required under this section, using such sums as are necessary from the amounts appropriated to the Secretary, the Federal Railroad Administration, or the Pipeline and Hazardous Materials Safety Administration, or a combination thereof.

(5) EQUIPMENT.—

(A) RECEIPT.—The National Academy of Sciences and each contractor described in paragraph (2) may receive or use rolling stock, track, and other equipment or infrastructure from a railroad carrier or other private entity for the purposes of conducting the testing required under this section.

(B) CONTRACTED USE.—Notwithstanding paragraph (2)(A), to facilitate testing, the National Academy of Sciences and each contractor may contract with a railroad carrier or any other private entity for the use of such carrier or entity's rolling stock, track, or other equipment and receive technical assistance on their use.

(c) EVIDENCE-BASED APPROACH.—

(1) ANALYSIS.—The Secretary shall—

(A) not later than 90 days after the report date, fully incorporate the results of the evaluation under subsection (a) and the testing under subsection (b) and update the regulatory impact analysis of the final rule described in subsection (b)(2)(A) of the costs, benefits, and effects of the applicable ECP brake system requirements;

(B) as soon as practicable after completion of the updated analysis under subparagraph (A), solicit public comment in the Federal Register on the analysis for a period of not more than 30 days; and

(C) not later than 60 days after the end of the public comment period under subparagraph (B), post the final updated regulatory impact analysis on the Department of Transportation's Internet Web site.

(2) DETERMINATION.—Not later than 2 years after the date of enactment of this Act, the Secretary shall—

(A) determine, based on whether the final regulatory impact analysis described in paragraph (1)(C) demonstrates that the benefits, including safety benefits, of the applicable ECP brake system requirements exceed the costs of such requirements, whether the applicable ECP brake system requirements are justified;

(B) if the applicable ECP brake system requirements are justified, publish in the Federal Register the determination and reasons for such determination; and

(C) if the Secretary does not publish the determination under subparagraph (B), repeal the applicable ECP brake system requirements.

(3) SAVINGS CLAUSE.—Nothing in this section shall be construed to prohibit the Secretary from implementing the final rule described under subsection (b)(2)(A) prior to the determination required under subsection (c)(2) of this section, or require the Secretary to promulgate a new rule on the provisions of such final rule, other than on the applicable ECP brake system requirements, if the Secretary does not determine that the applicable ECP brake system requirements are justified pursuant to this subsection.

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

(1) APPLICABLE ECP BRAKE SYSTEM REQUIREMENTS.—The term ''applicable ECP brake system requirements'' means sections 174.310(a)(3)(ii), 174.310(a)(3)(iii), 174.310(a)(5)(v), 179.202–10, 179.202–12(g), and 179.202–13(i) of title 49, Code of Federal Regulations, and any other regulation in effect on the date of enactment of this Act requiring the installation of ECP brakes or operation in ECP brake mode.

(2) CLASS 3 FLAMMABLE LIQUID.—The term ''Class 3 flammable liquid'' has the meaning given the term flammable liquid in section 173.120(a) of title 49, Code of Federal Regulations.

(3) ECP.—The term ''ECP'' means electronically controlled pneumatic when applied to a brake or brakes.

(4) ECP BRAKE MODE.—The term ''ECP brake mode'' includes any operation of a rail car or an entire train using an ECP brake system.

(5) ECP BRAKE SYSTEM.—

(A) IN GENERAL.—The term ''ECP brake system'' means a train power braking system actuated by compressed air and controlled by electronic signals from the locomotive or an ECP–EOT to the cars in the consist for service and emergency applications in which the brake pipe is used to provide a constant supply of compressed air to the reservoirs on each car but does not convey braking signals to the car.

(B) INCLUSIONS.—The term ''ECP brake system'' includes dual mode and stand-alone ECP brake systems.

(6) RAILROAD CARRIER.—The term ''railroad carrier'' has the meaning given the term in section 20102 of title 49, United States Code.

(7) REPORT DATE.—The term ''report date'' means the date that the reports under subsections (a)(3) and (b)(1)(B) are required to be transmitted pursuant to those subsections.

TITLE VIII—MULTIMODAL FREIGHT TRANSPORTATION

SEC. 8001. 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

''§ 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 a foundation for 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-value 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 reliability 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;

''(B) travel between rural areas and population centers; and

''(C) travel from the Nation's ports, airports, and gateways 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 State and local governments.

''(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) assist with the coordination of modal freight planning; and

''(3) identify interagency data sharing opportunities to promote freight planning and coordination.

''§ 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 generators;

''(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) to 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 freight 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, and other appropriate public and private transportation stakeholders.

''§ 70103. National Multimodal Freight Network

''(a) IN GENERAL.—The Under Secretary of Transportation for Policy shall establish a National Multimodal Freight Network in accordance with this section—

''(1) to assist States in strategically directing resources toward improved system performance for the efficient movement of freight on the Network;

''(2) to inform freight transportation planning;

''(3) to assist in the prioritization of Federal investment; and

''(4) to assess and support Federal investments to achieve the national multimodal freight policy goals described in section 70101(b) of this title and the national highway freight program goals described in section 167 of title 23.

''(b) INTERIM NETWORK.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Under Secretary shall establish an interim National Multimodal Freight Network in accordance with this subsection.

''(2) NETWORK COMPONENTS.—The interim National Multimodal Freight Network shall include—

''(A) the National Highway Freight Network, as established under section 167 of title 23;

''(B) the freight rail systems of Class I railroads, as designated by the Surface Transportation Board;

''(C) the public ports of the United States that have total annual foreign and domestic trade of at least 2,000,000 short tons, as identified by the Waterborne Commerce Statistics Center of the Army Corps of Engineers, using the data from the latest year for which such data is available;

''(D) the inland and intracoastal waterways of the United States, as described in section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804);

''(E) the Great Lakes, the St. Lawrence Seaway, and coastal and ocean routes along which domestic freight is transported;

''(F) the 50 airports located in the United States with the highest annual landed weight, as identified by the Federal Aviation Administration; and

''(G) other strategic freight assets, including strategic intermodal facilities and freight rail lines of Class II and Class III railroads, designated by the Under Secretary as critical to interstate commerce.

''(c) FINAL NETWORK.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Under Secretary, after soliciting input from stakeholders, including multimodal freight system users, transportation providers, 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 70101(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 linking components 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 of freight movement within, to, and from the United States;

''(B) volume, value, tonnage, and the strategic importance of freight;

''(C) access to border crossings, airports, seaports, and pipelines;

''(D) economic factors, including balance of trade;

''(E) access to major areas for manufacturing, agriculture, or natural resources;

''(F) access to energy exploration, development, installation, and production areas;

''(G) intermodal links and intersections that promote connectivity;

''(H) freight choke points and other impediments contributing to significant measurable congestion, delay in freight movement, or inefficient modal connections;

''(I) impacts on all freight transportation modes and modes that share significant freight infrastructure;

''(J) 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;

''(K) major 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.

''(3) 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 proposed 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 owners 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;

''(III) a mining facility;

''(IV) a forestry facility; or

''(V) an intermodal facility;

''(iv) connects to an international port of entry;

''(v) provides access to a significant air, rail, water, or other freight facility in the State; or

''(vi) 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 to 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.

''(ii) 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 any 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.

''(d) REDESIGNATION OF NATIONAL MULTIMODAL FREIGHT NETWORK.—Not later than 5 years after the initial designation under subsection (c), and every 5 years thereafter, the Under Secretary, using the designation factors described in subsection (c), shall redesignate the National Multimodal Freight Network.

''CHAPTER 702—MULTIMODAL FREIGHT TRANSPORTATION PLANNING AND INFORMATION

''Sec.

''70201. State freight advisory committees.

''70202. State freight plans.

''70203. Transportation investment data and planning tools.

''70204. Savings provision.

''§ 70201. State freight advisory committees

''(a) IN GENERAL.—The Secretary of Transportation shall encourage each State to establish a freight advisory committee consisting of a representative cross-section of public and private sector freight stakeholders, including representatives of ports, freight railroads, shippers, carriers, freight-related associations, third-party logistics providers, the freight industry workforce, the transportation department of the State, and local governments.

''(b) ROLE OF COMMITTEE.—A freight advisory committee of a State described in subsection (a) shall—

''(1) advise the State on freight-related priorities, issues, projects, and funding needs;

''(2) serve as a forum for discussion for State transportation decisions affecting freight mobility;

''(3) communicate and coordinate regional priorities with other organizations;

''(4) promote the sharing of information between the private and public sectors on freight issues; and

''(5) participate in the development of the freight plan of the State described in section 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 decisions of the State;

''(3) when applicable, a listing of—

''(A) multimodal critical rural freight facilities and corridors designated within the State under section 70103 of this title; and

''(B) critical rural and urban 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 70101(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 may be required to reduce or impede the deterioration;

''(7) an inventory of facilities with freight mobility issues, such as bottlenecks, within the State, and 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) 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.

''(c) RELATIONSHIP TO LONG-RANGE PLAN.—

''(1) INCORPORATION.—A State freight plan described in subsection (a) may be developed separately from or incorporated into the statewide strategic long-range transportation plan required by section 135 of title 23.

''(2) FISCAL CONSTRAINT.—The freight investment plan component of a freight plan shall include a project, or an identified phase of a project, only if funding for completion of the project can reasonably be anticipated to be available for the project within the time period identified in the freight investment plan.

''(d) PLANNING PERIOD.—A State freight plan described in subsection (a) shall address a 5-year forecast period.

''(e) 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) FREIGHT INVESTMENT PLAN.—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 to support an outcome-oriented, performance-based approach to evaluate proposed freight-related and other transportation projects, including—

''(A) methodologies for systematic analysis of benefits and costs on a national or regional basis;

''(B) tools for ensuring that the evaluation of freight-related and other transportation projects could consider safety, economic competitiveness, urban and rural access, environmental sustainability, and system condition in the project selection process;

''(C) improved methods for data collection and trend analysis;

''(D) encouragement of public-private collaboration to carry out data sharing activities while maintaining the confidentiality of all proprietary data; and

''(E) other tools to assist in effective transportation planning;

''(2) identify transportation-related model data elements to support a broad range of evaluation methods and techniques to assist in making transportation investment decisions; and

''(3) at a minimum, in consultation with other relevant Federal agencies, consider any improvements to existing freight flow data collection efforts that could reduce identified freight data gaps and deficiencies and help improve forecasts of freight transportation demand.

''(b) CONSULTATION.—The Secretary shall consult with Federal, State, and other stakeholders to develop, improve, and implement the tools and collect the data described in subsection (a).

''§ 70204. Savings provision

''Nothing in this subtitle provides additional authority to regulate or direct private activity on freight networks designated under this subtitle.''.

(b) CLERICAL AMENDMENT.—The analysis of subtitles for title 49, United States Code, is amended by striking the item relating to subtitle IX and inserting the following:

''IX. Multimodal Freight Transportation ..... 70101''.

TITLE IX—NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE FINANCE BUREAU

SEC. 9001. NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE FINANCE BUREAU.

(a) IN GENERAL.—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

''§ 116. National Surface Transportation and Innovative Finance Bureau

''(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—

''(1) to provide assistance and communicate best practices and financing and funding opportunities to eligible entities for the programs referred to in subsection (d)(1);

''(2) to administer the application processes for programs within the Department in accordance with subsection (d);

''(3) to promote innovative financing best practices in accordance with subsection (e);

''(4) to reduce uncertainty and delays with respect to environmental reviews and permitting in accordance with subsection (f); and

''(5) to reduce costs and risks to taxpayers in project delivery and procurement in accordance with subsection (g).

''(c) EXECUTIVE DIRECTOR.—

''(1) APPOINTMENT.—The Bureau shall be headed by an Executive Director, who shall be appointed in the competitive service by the Secretary, with the approval of the President.

''(2) DUTIES.—The Executive Director shall—

''(A) report to the Under Secretary of Transportation for Policy;

''(B) be responsible for the management and oversight of the daily activities, decisions, operations, and personnel of the Bureau;

''(C) support the Council on Credit and Finance established under section 117 in accordance with this section; and

''(D) carry out such additional duties as the Secretary may prescribe.

''(d) ADMINISTRATION OF CERTAIN APPLICATION PROCESSES.—

''(1) IN GENERAL.—The Bureau shall administer the application processes for the following programs:

''(A) The infrastructure finance programs authorized under chapter 6 of title 23.

''(B) The railroad rehabilitation and improvement financing program authorized under sections 501 through 503 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821–823).

''(C) Amount allocations authorized under section 142(m) of the Internal Revenue Code of 1986.

''(D) The nationally significant freight and highway projects program under section 117 of title 23.

''(2) CONGRESSIONAL NOTIFICATION.—The Executive Director shall ensure that the congressional notification requirements for each program referred to in paragraph (1) are followed in accordance with the statutory provisions applicable to the program.

''(3) REPORTS.—The Executive Director shall ensure that the reporting requirements for each program referred to in paragraph (1) are followed in accordance with the statutory provisions applicable to the program.

''(4) COORDINATION.—In administering the application processes for the programs referred to in paragraph (1), the Executive Director shall coordinate with appropriate officials in the Department and its modal administrations responsible for administering such programs.

''(5) STREAMLINING APPROVAL PROCESSES.—Not later than 1 year after the date of enactment of this section, the Executive Director shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Environment and Public Works of the Senate a report that—

''(A) evaluates the application processes for the programs referred to in paragraph (1);

''(B) identifies administrative and legislative actions that would improve the efficiency of the application processes without diminishing Federal oversight; and

''(C) describes how the Executive Director will implement administrative actions identified under subparagraph (B) that do not require an Act of Congress.

''(6) PROCEDURES AND TRANSPARENCY.—

''(A) PROCEDURES.—With respect to the programs referred to in paragraph (1), the Executive Director shall—

''(i) establish procedures for analyzing and evaluating applications and for utilizing the recommendations of the Council on Credit and Finance;

''(ii) establish procedures for addressing late-arriving applications, as applicable, and communicating the Bureau's decisions for accepting or rejecting late applications to the applicant and the public; and

''(iii) document major decisions in the application evaluation process through a decision memorandum or similar mechanism that provides a clear rationale for such decisions.

''(B) REVIEW.—

''(i) IN GENERAL.—The Comptroller General of the United States shall review the compliance of the Executive Director with the requirements of this paragraph.

''(ii) RECOMMENDATIONS.—The Comptroller General may make recommendations to the Executive Director in order to improve compliance with the requirements of this paragraph.

''(iii) REPORT.—Not later than 3 years after the date of enactment of this section, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under clause (i), including findings and recommendations for improvement.

''(e) INNOVATIVE FINANCING BEST PRACTICES.—

''(1) IN GENERAL.—The Bureau shall work with the modal administrations within the Department, eligible entities, and other public and private interests to develop and promote best practices for innovative financing and public-private partnerships.

''(2) ACTIVITIES.—The Bureau shall carry out paragraph (1)—

''(A) by making Federal credit assistance programs more accessible to eligible recipients;

''(B) by providing advice and expertise to eligible entities that seek to leverage public and private funding;

''(C) by sharing innovative financing best practices and case studies from eligible entities with other eligible entities that are interested in utilizing innovative financing methods; and

''(D) by developing and monitoring—

''(i) best practices with respect to standardized State public-private partnership authorities and practices, including best practices related to—

''(I) accurate and reliable assumptions for analyzing public-private partnership procurements;

''(II) procedures for the handling of unsolicited bids;

''(III) policies with respect to noncompete clauses; and

''(IV) other significant terms of public-private partnership procurements, as determined appropriate by the Bureau;

''(ii) standard contracts for the most common types of public-private partnerships for transportation facilities; and

''(iii) analytical tools and other techniques to aid eligible entities in determining the appropriate project delivery model, including a value for money analysis.

''(3) TRANSPARENCY.—The Bureau shall—

''(A) ensure the transparency of a project receiving credit assistance under a program referred to in subsection (d)(1) and procured as a public-private partnership by—

''(i) requiring the sponsor of the project to undergo a value for money analysis or a comparable analysis prior to deciding to advance the project as a public-private partnership;

''(ii) requiring the analysis required under subparagraph (A), and other key terms of the relevant public-private partnership agreement, to be made publicly available by the project sponsor at an appropriate time;

''(iii) not later than 3 years after the date of completion of the project, requiring 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

''(iv) providing a publicly available summary of the total level of Federal assistance in such project; and

''(B) develop guidance to implement this paragraph that takes into consideration variations in State and local laws and requirements related to public-private partnerships.

''(4) SUPPORT TO PROJECT SPONSORS.—At the request of an eligible entity, the Bureau shall provide technical assistance to the eligible entity regarding proposed public-private partnership agreements for transportation facilities, including assistance in performing a value for money analysis or comparable analysis.

''(f) ENVIRONMENTAL REVIEW AND PERMITTING.—

''(1) IN GENERAL.—The Bureau shall take actions that are appropriate and consistent with the Department's goals and policies to improve the delivery timelines for projects carried out under the programs referred to in subsection (d)(1).

''(2) ACTIVITIES.—The Bureau shall carry out paragraph (1)—

''(A) by serving as the Department's liaison to the Council on Environmental Quality;

''(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 on policy changes and innovative approaches to the delivery of projects; and

''(D) by identifying, developing, and tracking metrics for permit reviews and decisions by Federal agencies for projects under the National Environmental Policy Act of 1969.

''(3) SUPPORT TO PROJECT SPONSORS.—At the request of an eligible entity that is carrying out a project under a program referred to in subsection (d)(1), the Bureau, in coordination with the appropriate modal administrations within the Department, shall provide technical assistance with regard to the compliance of the project with the requirements of the National Environmental Policy Act 1969 and relevant Federal environmental permits.

''(g) PROJECT PROCUREMENT.—

''(1) IN GENERAL.—The Bureau shall promote best practices in procurement for a project receiving assistance under a program referred to in subsection (d)(1) by developing, in coordination with modal administrations within the Department as appropriate, procurement benchmarks in order to ensure accountable expenditure of Federal assistance over the life cycle of the project.

''(2) PROCUREMENT BENCHMARKS.—To the maximum extent practicable, the procurement benchmarks developed under paragraph (1) 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-bid-build, design-build, and public-private partnerships.

''(3) DATA COLLECTION.—The Bureau shall—

''(A) collect information related to procurement benchmarks developed under paragraph

(1), including project specific information detailed under paragraph (2); and

''(B) provide on a publicly accessible Internet Web site of the Department a report on the information collected under subparagraph (A).

''(h) ELIMINATION AND CONSOLIDATION OF DUPLICATIVE OFFICES.—

''(1) ELIMINATION OF OFFICES.—The Secretary may eliminate any office within the Department if the Secretary determines that—

''(A) the purposes of the office are duplicative of the purposes of the Bureau; and

''(B) the elimination of the office does not adversely affect the obligations of the Secretary under any Federal law.

''(2) CONSOLIDATION OF OFFICES AND OFFICE FUNCTIONS.—The Secretary may consolidate any office or office function within the Department into the Bureau that the Secretary determines has duties, responsibilities, resources, or expertise that support the purposes of the Bureau.

''(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 (B), the Secretary, in coordination with the appropriate modal administration, shall ensure that the transfer of the position does not adversely affect the obligations of the modal administration under any Federal law.

''(D) BUDGETARY RESOURCES.—

''(i) TRANSFER OF FUNDS FROM ELIMINATED OR CONSOLIDATED OFFICES.—During the 2-year period beginning on the date of enactment of this section, the Secretary may transfer to the Bureau funds allocated to any office or office function that is eliminated or consolidated under this subsection to carry out the purposes of the Bureau.

''(ii) 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 the 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, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Commerce, Science, and Transportation 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; and

''(D) any additional legislative actions that may be needed.

''(i) SAVINGS PROVISIONS.—

''(1) 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).

''(2) RESPONSIBILITIES.—Nothing in this section may be construed to abrogate the responsibilities of an agency, operating administration, or office within the Department otherwise charged by a law or regulation with other aspects of program administration, oversight, or project approval or implementation for the programs and projects subject to this section.

''(3) APPLICABILITY.—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.

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

''(1) BUREAU.—The term 'Bureau' means the National Surface Transportation and Innovative Finance Bureau of the Department.

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

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' means an eligible applicant receiving 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 AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

''116. National Surface Transportation and Innovative Finance Bureau.''.

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.

''(4) EXECUTIVE DIRECTOR.—The Executive Director of the National Surface Transportation and Innovative Finance Bureau shall serve as a nonvoting member of the Council.

''(c) 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);

''(2) review applications for assistance submitted under the program 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.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following:

''117. Council on Credit and Finance.''.

TITLE X—SPORT FISH RESTORATION AND RECREATIONAL BOATING SAFETY

SEC. 10001. ALLOCATIONS.

(a) AUTHORIZATION.—Section 3 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777b) 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. 777c) is amended—

(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''; and

(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);

(E) by redesignating paragraph (5) as paragraph (4); and

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

''(3) BOATING INFRASTRUCTURE IMPROVEMENT.—

''(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 Sportfishing 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 under either of the sections referred to in subparagraph (A).'';

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

(C) by inserting after paragraph (1) the following:

''(2) SET-ASIDE FOR COAST GUARD ADMINISTRATION.—

''(A) IN GENERAL.—From the annual appropriation made in accordance with section 3, for each of fiscal years 2016 through 2021, the Secretary of the department in which the Coast Guard is operating may use no more than the amount specified in subparagraph (B) for the fiscal year for the purposes set forth in section 13107(c) of title 46, United States Code. The amount specified in subparagraph (B) for a fiscal year may not be included in the amount of the annual appropriation distributed under subsection (a) for the fiscal year.

''(B) AVAILABLE AMOUNTS.—The available 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 subparagraph (A), by striking ''until the end of the fiscal year.'' and inserting ''until the end of the subsequent fiscal year.''; and

(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(e)'';

(C) by striking ''57 percent'' and inserting ''58.012 percent''; and

(D) by adding at the end the following:

''(2) The Secretary shall deduct from the amount to be apportioned under paragraph (1) the amounts used for grants under section 14(a).''; and

(4) in subsection (e)(1), by striking ''those subsections,'' and inserting ''those paragraphs,''.

(c) SUBMISSION AND APPROVAL OF PLANS AND PROJECTS.—Section 6(d) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777e(d)) is amended by striking ''for appropriations'' and inserting ''from appropriations''.

(d) UNEXPENDED OR UNOBLIGATED FUNDS.—Section 8(b)(2) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777g(b)(2)) is amended by striking ''57 percent'' and inserting ''58.012 percent''.

(e) COOPERATION.—Section 12 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777k) is amended—

(1) by striking ''57 percent'' and inserting ''58.012 percent''; and

(2) by striking ''under section 4(b)'' and inserting ''under section 4(c)''.

(f) OTHER ACTIVITIES.—Section 14 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777m) is amended—

(1) in subsection (a)(1), by striking ''of each annual appropriation made in accordance with the provisions of section 3''; and

(2) in subsection (e)—

(A) in the matter preceding paragraph (1) by striking ''Of amounts made available under section 4(b) for each fiscal year—'' and inserting ''Not more than $1,200,000 of each annual appropriation made in accordance with the provisions of section 3 shall be distributed to the Secretary of the Interior for use as follows:''; and

(B) in paragraph (1)(D) by striking ''; and'' and inserting a period.

(g) REPEAL.—The Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 et seq.) is amended—

(1) by striking section 15; and

(2) by redesignating section 16 as section 15.

SEC. 10002. RECREATIONAL BOATING SAFETY.

Section 13107 of title 46, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''(1) Subject to paragraph (2) and subsection (c),'' and inserting ''Subject to subsection (c),'';

(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)''; and

(C) by striking paragraph (2); and

(2) in subsection (c)—

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

''(c)(1)(A) The Secretary may use amounts made available each fiscal year under section 4(b)(2) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(b)(2)) for payment of expenses of the Coast Guard for investigations, personnel, and activities directly related to—

''(i) administering State recreational boating safety programs under this chapter; or

''(ii) coordinating or carrying out the national recreational boating safety program under this title.

''(B) Of the amounts used by the Secretary each fiscal year under subparagraph (A)—

''(i) not less than $2,100,000 is available to ensure compliance with chapter 43 of this title; and

''(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) in paragraph (2)—

(i) by striking ''No funds'' and inserting ''On and after October 1, 2016, no funds''; and

(ii) by striking ''traditionally''.

TITLE XI—RAIL

SEC. 11001. SHORT TITLE.

This title may be cited as the ''Passenger Rail Reform and Investment Act of 2015''.

Subtitle A—Authorizations

SEC. 11101. 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, $450,000,000.
(2) For fiscal year 2017, $474,000,000.
(3) For fiscal year 2018, $515,000,000.
(4) For fiscal year 2019, $557,000,000.
(5) For fiscal year 2020, $600,000,000.

(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, $1,000,000,000.
(2) For fiscal year 2017, $1,026,000,000.
(3) For fiscal year 2018, $1,085,000,000.
(4) For fiscal year 2019, $1,143,000,000.
(5) For fiscal year 2020, $1,200,000,000.

(c) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to one half of 1 percent of the amount appropriated under subsections (a) and (b) for the costs of management oversight of Amtrak.

(d) GULF COAST WORKING GROUP.—Of the total amount made 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 rail service 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 24319 of title 49, United States Code, the Secretary may withhold, from amounts that would otherwise be made available to Amtrak, such sums as are necessary from the amount appropriated under subsection (b) of this section to cover the operating subsidy described in section 24711(b)(1)(E)(ii) of title 49, United States Code.

(f) STATE-SUPPORTED ROUTE COMMITTEE.—The Secretary may withhold up to $2,000,000 from the amount appropriated in each fiscal year under subsection (b) of this section for the use of the State-Supported Route Committee established under section 24712 of title 49, United States Code.

(g) NORTHEAST CORRIDOR COMMISSION.—The Secretary may withhold up to $5,000,000 from the amount appropriated in each fiscal year under subsection (a) of this section for the use of the Northeast Corridor Commission established under section 24905 of title 49, United States Code.

(h) NORTHEAST CORRIDOR.—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.

(i) SMALL BUSINESS PARTICIPATION STUDY.—Of the total amount made available to the Office of the Secretary of Transportation and the Federal Railroad Administration, for each of fiscal years 2016 and 2017, $1,500,000 shall be used to implement the small business participation study authorized under section 11310 of this Act.

SEC. 11102. CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary for grants under section 24407 of title 49, United States Code, (as added by section 11301 of this Act), the following amounts:

(1) For fiscal year 2016, $98,000,000.
(2) For fiscal year 2017, $190,000,000.
(3) For fiscal year 2018, $230,000,000.
(4) For fiscal year 2019, $255,000,000.
(5) For fiscal year 2020, $330,000,000.

(b) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to 1 percent from the amount appropriated under subsection (a) of this section for the costs of project management oversight of grants carried out under section 24407 of title 49, United States Code.

SEC. 11103. FEDERAL-STATE PARTNERSHIP FOR STATE OF GOOD REPAIR.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary for grants under section 24911 of title 49, United States Code, (as added by section 11302 of this Act), the following amounts:

(1) For fiscal year 2016, $82,000,000.
(2) For fiscal year 2017, $140,000,000.
(3) For fiscal year 2018, $175,000,000.
(4) For fiscal year 2019, $300,000,000.
(5) For fiscal year 2020, $300,000,000.

(b) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to 1 percent from the amount appropriated under subsection (a) of this section for the costs of project management oversight of grants carried out under section 24911 of title 49, United States Code.

SEC. 11104. RESTORATION AND ENHANCEMENT GRANTS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary for grants under section 24408 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 1 percent from the amount appropriated under subsection (a) of this section for the costs of project management oversight of grants carried out under section 24408 of title 49, United States Code.

SEC. 11105. AUTHORIZATION OF APPROPRIATIONS FOR AMTRAK OFFICE OF INSPECTOR GENERAL.

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

(1) For fiscal year 2016, $20,000,000.
(2) For fiscal year 2017, $20,500,000.
(3) For fiscal year 2018, $21,000,000.
(4) For fiscal year 2019, $21,500,000.
(5) For fiscal year 2020, $22,000,000.

SEC. 11106. DEFINITIONS.

(a) TITLE 49 AMENDMENTS.—Section 24102 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (5) through (9) as paragraphs (7) through (11), respectively;

(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) or (D) of paragraph (7), or in section 24702, that is operated by Amtrak, excluding those trains operated by Amtrak on the routes described in paragraph (7)(A).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 217 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C.

24702 note) is amended by striking ''24102(5)(D)'' and inserting ''24102(7)(D)''.

(2) Section 209(a) of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) is amended by striking ''24102(5)(B) and (D)'' and inserting ''24102(7)(B) and (D)''.

Subtitle B—Amtrak Reforms

SEC. 11201. ACCOUNTS.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

''§ 24317. Accounts

''(a) PURPOSE.—The purpose of this section is to—

''(1) promote the effective use and stewardship by Amtrak of Amtrak revenues, Federal, State, and third party investments, appropriations, grants and other forms of financial assistance, and other sources of funds; and

''(2) enhance the transparency of the assignment of revenues and costs among Amtrak business 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, to support, at a minimum, the Northeast Corridor and the National Network.

''(c) FINANCIAL SOURCES.—In defining the account structure and improvements to accounting methodologies required under subsection (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 Northeast 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 24318.

''(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 National Network, including—

''(A) grant funds appropriated for the National 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 provided to Amtrak pursuant to section 209 of the Passenger Rail Investment and Improvement Act of 2008 (42 U.S.C. 24101 note); and

''(C) any operating surplus of the National Network, as allocated pursuant to section 24318.

''(d) FINANCIAL USES.—In defining the account structure and improvements to accounting methodologies required under subsection (b), the Secretary shall ensure, to the greatest extent practicable, that amounts assigned to the Northeast Corridor and National Network accounts shall be used by Amtrak for the following:

''(1) For the Northeast Corridor, all associated costs, including—

''(A) operating activities;

''(B) capital activities as described in section 24904(a)(2)(E);

''(C) acquiring, rehabilitating, manufacturing, remanufacturing, overhauling, or improving equipment and associated facilities used for intercity rail passenger transportation by Northeast Corridor train services;

''(D) payment of principal and interest on loans for capital projects described in this paragraph or for capital leases attributable to the Northeast Corridor;

''(E) other capital projects on the Northeast Corridor, determined appropriate by the Secretary, and consistent with section 24905(c)(1)(A)(i); and

''(F) if applicable, capital projects described in section 24904(b).

''(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 National 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 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 purposes of account management, Amtrak may transfer funds between the Northeast Corridor account and National Network account without prior notification and approval under subsection (g) if 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 24319(d), 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 management 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 Directors, including the Secretary, at least 10 days prior to the expected date of transfer; and

''(B) solely for a transfer that will materially change a grant agreement, the Secretary approves.

''(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 Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives, and the Committee on Commerce, 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 comparison to a scenario in which no transfer was made.

''(3) NOTIFICATIONS.—Not later than 5 days after the date that Amtrak notifies the Amtrak Board of Directors of a transfer under paragraph (1) to or from an account, Amtrak shall transmit to the State-Supported Route Committee and Northeast Corridor Commission a letter that includes the information described under subparagraphs (A) and (B) of paragraph (2).

''(h) REPORT.—Not later than 2 years after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, Amtrak shall submit to the Secretary a report assessing the account and reporting structure established under this section and providing any recommendations for further action. Not later than 180 days after the date of receipt of such report, the Secretary shall provide an assessment that supplements Amtrak's report and submit the Amtrak report with the supplemental assessment to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

''(i) 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) CONFORMING AMENDMENT.—The table of contents for chapter 243 is amended by adding at the end the following:

''24317. Accounts.''.

SEC. 11202. AMTRAK GRANT PROCESS.

(a) REQUIREMENTS AND PROCEDURES.—Chapter 243 of title 49, United States Code, is further amended by adding at the end the following:

''§ 24318. Costs and revenues

''(a) ALLOCATION.—Not later than 180 days after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, Amtrak shall establish and maintain internal controls to ensure Amtrak's costs, revenues, and other compensation are appropriately allocated to the Northeast Corridor, including train services or infrastructure, or the National Network, including proportional shares of common and fixed costs.

''(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the ability of Amtrak to enter into an agreement with 1 or more States to allocate operating and capital costs under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

''(c) 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.

''§ 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 Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives substantive and procedural requirements, including schedules, for grant requests under this section.

''(b) GRANT REQUESTS.—Amtrak shall transmit to the Secretary grant requests for Federal funds appropriated to the Secretary of Transportation for the use of Amtrak.

''(c) CONTENTS.—A grant request under subsection (b) shall, as applicable—

''(1) describe projected operating and capital costs for the upcoming fiscal year for Northeast Corridor activities, including train services and infrastructure, and National Network activities, including State-supported routes and long-distance routes, in comparison to prior fiscal year actual financial performance;

''(2) describe the capital projects to be funded, with cost estimates and an estimated timetable

for completion of the projects covered by the request; and

''(3) assess Amtrak's financial condition.

''(d) REVIEW AND APPROVAL.—

''(1) THIRTY-DAY APPROVAL PROCESS.—

''(A) IN GENERAL.—Not later than 30 days after the date that Amtrak submits a grant request under this section, the Secretary of Transportation shall complete a review of the request and provide notice to Amtrak that—

''(i) the request is approved; or

''(ii) the request is disapproved, including the reason for the disapproval and an explanation of any incomplete or deficient items.

''(B) GRANT AGREEMENT.—If a grant request is approved, the Secretary shall enter into a grant agreement with Amtrak.

''(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 Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives the remaining deficiencies and recommend a process for resolving the outstanding portions of the request.

''(e) PAYMENTS TO AMTRAK.—

''(1) IN GENERAL.—A grant agreement entered into under subsection (d) shall specify the operations, services, and other activities to be funded by the grant. The grant agreement shall include provisions, consistent with the requirements of this chapter, to measure Amtrak's performance and ensure accountability in delivering the operations, services, or activities to be funded by the grant.

''(2) SCHEDULE.—Except as provided in paragraph (3), in each fiscal year for which amounts are appropriated to the Secretary for the use of Amtrak, and for which the Secretary and Amtrak have entered into a grant agreement under subsection (d), the Secretary shall disburse grant funds to Amtrak on the following schedule:

''(A) 50 percent on October 1.

''(B) 25 percent on January 1.

''(C) 25 percent on April 1.

''(3) EXCEPTIONS.—The Secretary may make a payment to Amtrak of appropriated funds—

''(A) more frequently than the schedule under paragraph (2) if Amtrak, for good cause, requests more frequent payment before the end of a payment period; or

''(B) with a different frequency or in different percentage allocations in the event of a continuing resolution or in the absence of an appropriations Act for the duration of a fiscal year.

''(f) AVAILABILITY OF AMOUNTS AND EARLY APPROPRIATIONS.—Amounts appropriated to the Secretary for the use of Amtrak shall remain available until expended. Amounts for capital acquisitions and improvements may be appropriated for a fiscal year before the fiscal year in which the amounts will be obligated.

''(g) LIMITATIONS ON USE.—Amounts appropriated to the Secretary for the use of Amtrak may not be used to cross-subsidize operating losses or capital costs of commuter rail passenger or freight rail transportation.

''(h) 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) CONFORMING AMENDMENTS.—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 Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) and the item relating to that section in the table of contents of that Act are repealed.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 24104 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.—Chapter 243 of title 49, United States Code, is further amended by inserting after section 24319 the following:

''§ 24320. Amtrak 5-year business line and asset plans

''(a) IN GENERAL.—

''(1) FINAL PLANS.—Not later than February 15 of each year, Amtrak shall submit to Congress and the Secretary 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 cover a period of 5 fiscal years, beginning with the first fiscal year after the date on which the plan is completed.

''(2) FISCAL CONSTRAINT.—Each plan prepared under this section shall be based on funding levels authorized or otherwise available to Amtrak in a fiscal year. In the absence of an authorization or appropriation of funds for a fiscal year, the plans shall be based on the amount of funding available in the previous fiscal year, plus inflation. Amtrak may include an appendix to the asset plan required in subsection (c) that describes any funding needs in excess of amounts 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.

''(D) Ancillary services operated by Amtrak, including commuter operations and other revenue generating activities as determined by the Secretary in coordination with Amtrak.

''(2) CONTENTS OF 5-YEAR BUSINESS LINE PLANS.—The 5-year business line plan for each business line shall include, at a minimum—

''(A) a statement of Amtrak's objectives, goals, and service plan for the business line, in consultation with any entities that are contributing capital or operating funding to support passenger rail services within those business lines, and aligned with Amtrak's Strategic Plan and 5-year asset plans under subsection (c);

''(B) all projected revenues and expenditures for the business line, including identification of revenues and expenditures incurred by—

''(i) passenger operations;

''(ii) non-passenger operations that are directly related to the business line; and

''(iii) governmental funding sources, including revenues and other funding received from States;

''(C) projected ridership levels for all passenger operations;

''(D) estimates of long-term and short-term debt and associated principal and interest payments (both current and forecasts);

''(E) annual profit and loss statements and forecasts and balance sheets;

''(F) annual cash flow forecasts;

''(G) a statement describing the methodologies and significant assumptions underlying estimates and forecasts;

''(H) specific performance measures that demonstrate year over year changes in the results of Amtrak's operations;

''(I) financial performance for each route within each business line, including descriptions of the cash operating loss or contribution and productivity for each route;

''(J) specific costs and savings estimates resulting from reform initiatives;

''(K) prior fiscal year and projected equipment reliability statistics; and

''(L) an identification and explanation of any major adjustments made from previously-approved plans.

''(3) 5-YEAR BUSINESS LINE PLANS PROCESS.—In meeting the requirements of this section, Amtrak shall—

''(A) consult with the Secretary in the development of the business line plans;

''(B) for the Northeast Corridor business line plan, consult with the Northeast Corridor Commission and transmit to the Commission the final plan under subsection (a)(1), and consult with other entities, as appropriate;

''(C) for the State-supported route business line plan, consult with the State-Supported Route Committee established under section 24712;

''(D) for the long-distance route business line plan, consult with any States or Interstate Compacts that provide funding for such routes, as appropriate;

''(E) ensure that Amtrak's general and legislative annual report, required under section 24315(b), to the President and Congress is consistent with the information in the 5-year business line plans; and

''(F) identify the appropriate Amtrak officials that are responsible for each business line.

''(4) 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.

''(c) AMTRAK 5-YEAR ASSET PLANS.—

''(1) ASSET CATEGORIES.—Amtrak shall prepare a 5-year asset plan for each of the following asset categories:

''(A) Infrastructure, including all Amtrak-controlled Northeast Corridor assets and other Amtrak-owned infrastructure, and the associated facilities that support the operation, maintenance, and improvement of those assets.

''(B) Passenger rail equipment, including all Amtrak-controlled rolling stock, locomotives, and mechanical shop facilities that are used to overhaul equipment.

''(C) Stations, including all Amtrak-controlled passenger rail stations and elements of other stations for which Amtrak has legal responsibility or intends to make capital investments.

''(D) National assets, including national reservations, security, training and training centers, and other assets associated with Amtrak's national 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 assets;

''(B) an inventory of existing Amtrak capital assets, to the extent practicable, including information regarding shared use or ownership, if applicable;

''(C) a prioritized list of proposed capital investments that—

''(i) categorizes each capital project as being primarily associated with—

''(I) normalized capital replacement;

''(II) backlog capital replacement;

''(III) improvements to support service enhancements or growth;

''(IV) strategic initiatives that will improve overall operational performance, lower costs, or

otherwise improve Amtrak's corporate efficiency; or

''(V) statutory, regulatory, or other legal mandates;

''(ii) identifies each project or program that is associated with more than 1 category described in clause (i); and

''(iii) describes the anticipated business outcome of each project or program identified under this subparagraph, including an assessment of—

''(I) the potential effect on passenger operations, safety, reliability, and resilience;

''(II) the potential effect on Amtrak's ability to meet regulatory requirements if the project or program is not funded; and

''(III) the benefits and costs; and

''(D) annual profit and loss statements and forecasts and balance sheets for each asset category.

''(3) 5-YEAR ASSET PLAN PROCESS.—In meeting the requirements of this subsection, Amtrak shall—

''(A) 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.

''(4) EVALUATION OF NATIONAL ASSETS COSTS.—The Secretary shall—

''(A) evaluate the costs and scope of all national assets; and

''(B) determine the activities and costs that are—

''(i) required in order to ensure the efficient operations of a national rail passenger system;

''(ii) appropriate for allocation to 1 of the other Amtrak business lines; and

''(iii) extraneous to providing an efficient national rail passenger system or are too costly relative to the benefits or performance outcomes they provide.

''(5) DEFINITION OF NATIONAL ASSETS.—In this section, the term 'national assets' means the Nation's core rail assets shared among Amtrak services, including national reservations, security, training and training centers, and other assets associated with Amtrak's national rail passenger transportation system.

''(6) RESTRUCTURING OF NATIONAL ASSETS.—Not later than 1 year after the date of completion of the evaluation under paragraph (4), the Administrator of the Federal Railroad Administration, in consultation with the Amtrak Board of Directors, the governors of each relevant State, and the Mayor of the District of Columbia, or their designees, shall restructure or reallocate, or both, the national assets costs in accordance with the determination under that section, including making appropriate updates to Amtrak's cost accounting methodology and system.

''(7) EXEMPTION.—

''(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) PUBLIC 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) INCLUSION IN PLAN.—Amtrak shall include in the plan required under this subsection any request granted under subparagraph (A) and justification under subparagraph (B).

''(d) STANDARDS TO PROMOTE FINANCIAL STABILITY.—In preparing plans under this section, Amtrak shall—

''(1) apply sound budgetary practices, including reducing costs and other expenditures, improving productivity, increasing revenues, or combinations of such practices; and

''(2) use the categories specified in the financial accounting and reporting system developed under section 203 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).''.

(b) EFFECTIVE DATES.—The requirement for Amtrak to submit 5-year business line plans under section 24320(a)(1) of title 49, United States Code, shall take effect on February 15, 2017, the due date of the first business line plans. The requirement for Amtrak to submit 5-year asset plans under section 24320(a)(1) of such title shall take effect on February 15, 2019, the due date of the first asset plans.

(c) CONFORMING AMENDMENTS.—The table of contents for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

''24320. Amtrak 5-year business line and asset plans.''.

(d) REPEAL OF 5-YEAR FINANCIAL PLAN.—Section 204 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note), and the item relating to that section in the table of contents of that Act, are repealed.

SEC. 11204. STATE-SUPPORTED ROUTE COMMITTEE.

(a) AMENDMENT.—Chapter 247 of title 49, United States Code, is amended by adding at the end the following:

''§ 24712. State-supported routes operated by Amtrak

''(a) STATE-SUPPORTED ROUTE COMMITTEE.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the 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 by Amtrak on State-supported routes and to further implement section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Committee shall consist of—

''(i) members representing Amtrak;

''(ii) members representing the Department of Transportation, including the Federal Railroad Administration; and

''(iii) members representing States.

''(B) NON-VOTING MEMBERS.—The Committee may invite and accept other non-voting members to participate in Committee activities, as appropriate.

''(3) DECISIONMAKING.—The Committee shall establish a bloc voting system under which, at a minimum—

''(A) there are 3 separate voting blocs to represent the Committee's voting members, including—

''(i) 1 voting bloc to represent the members described in paragraph (2)(A)(i);

''(ii) 1 voting bloc to represent the members described in paragraph (2)(A)(ii); and

''(iii) 1 voting bloc to represent the members described in paragraph (2)(A)(iii);

''(B) each voting bloc has 1 vote;

''(C) the vote of the voting bloc representing the members described in paragraph (2)(A)(iii) requires the support of at least two-thirds of that voting bloc's members; and

''(D) the Committee makes decisions by unanimous consent of the 3 voting blocs.

''(4) MEETINGS; RULES AND PROCEDURES.—The Committee shall convene a meeting and shall define and implement the rules and procedures governing the Committee's proceedings not later than 180 days after the date of establishment of the Committee by the Secretary. The rules and procedures shall—

''(A) incorporate and further describe the decisionmaking procedures to be used in accordance with paragraph (3); and

''(B) be adopted in accordance with such decisionmaking procedures.

''(5) COMMITTEE DECISIONS.—Decisions made by the Committee in accordance with the Committee's rules and procedures, once established, are binding on all Committee members.

''(6) COST ALLOCATION METHODOLOGY.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Committee may amend the cost allocation methodology required and previously approved under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

''(B) PROCEDURES FOR CHANGING METHODOLOGY.—The rules and procedures implemented under paragraph (4) shall include procedures for changing the cost allocation methodology.

''(C) REQUIREMENTS.—The cost allocation methodology shall—

''(i) ensure equal treatment in the provision of like services of all States and groups of States; and

''(ii) allocate to each route the costs incurred only for the benefit of that route and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 route.

''(b) INVOICES AND REPORTS.—Not later than April 15, 2016, and monthly thereafter, Amtrak shall provide to each State that sponsors a State-supported route a monthly invoice of the cost of operating such route, including fixed costs and third-party costs. The Committee shall determine the frequency and contents of financial and performance reports that Amtrak shall provide to the States, as well as the planning and demand reports that the States shall provide to Amtrak.

''(c) DISPUTE RESOLUTION.—

''(1) REQUEST FOR DISPUTE RESOLUTION.—If a dispute arises with respect to the rules and procedures implemented under subsection (a)(4), an invoice or a report provided under subsection (b), implementation or compliance with the cost allocation methodology developed under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) or amended under subsection (a)(6) of this section, either Amtrak or the State may request that the Surface Transportation Board conduct dispute resolution under this subsection.

''(2) PROCEDURES.—The Surface Transportation Board shall establish procedures for resolution of disputes brought before it under this subsection, which may include provision of professional mediation services.

''(3) BINDING EFFECT.—A decision of the Surface Transportation Board under this subsection shall be binding on the parties to the dispute.

''(4) OBLIGATION.—Nothing in this subsection shall affect the obligation of a State to pay an amount not in dispute.

''(d) ASSISTANCE.—

''(1) IN GENERAL.—The Secretary may provide assistance to the parties in the course of negotiations for a contract for operation of a State-supported route.

''(2) FINANCIAL ASSISTANCE.—From among available funds, the Secretary shall provide—

''(A) financial assistance to Amtrak or 1 or more States to perform requested independent technical analysis of issues before the Committee; and

''(B) administrative expenses that the Secretary determines necessary.

''(e) PERFORMANCE METRICS.—In negotiating a contract for operation of a State-supported route, Amtrak and the State or States that sponsor the route shall consider including provisions that provide penalties and incentives for performance.

''(f) STATEMENT OF GOALS AND OBJECTIVES.—

''(1) IN GENERAL.—The Committee shall develop a statement of goals, objectives, and associated recommendations concerning the future of State-supported routes operated by Amtrak. The statement shall identify the roles and responsibilities of Committee members and any other relevant entities, such as host railroads, in meeting the identified goals and objectives, or

carrying out the recommendations. The Committee may consult with such relevant entities, as the Committee considers appropriate, when developing the statement.

''(2) TRANSMISSION OF STATEMENT OF GOALS AND OBJECTIVES.—Not later than 2 years after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Committee shall transmit the statement developed under paragraph (1) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

''(g) RULE OF CONSTRUCTION.—The decisions of the Committee—

''(1) shall pertain to the rail operations of Amtrak and related activities of trains operated by Amtrak on State-sponsored routes; and

''(2) shall not pertain to the rail operations or related activities of services operated by other rail carriers on State-supported routes.

''(h) DEFINITION OF STATE.—In this section, the term 'State' means any of the 50 States, including the District of Columbia, that sponsor the operation of trains by Amtrak on a State-supported route, or a public entity that sponsors such operation on such a route.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents for chapter 247 of title 49, United States Code, is amended by adding at the end the following:

''24712. State-supported routes operated by Amtrak.''.

(2) PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT.—Section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) is amended—

(A) by striking subsection (b); and

(B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 11205. COMPOSITION OF AMTRAK'S BOARD OF DIRECTORS.

Section 24302 of title 49, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking ''9 directors'' and inserting ''10 directors'';

(B) in subparagraph (B) by inserting '', who shall serve as a nonvoting member of the Board'' after ''Amtrak''; and

(C) in subparagraph (C) by striking ''7'' and inserting ''8''; and

(2) in subsection (e), by inserting ''who are eligible to vote'' after ''serving''.

SEC. 11206. ROUTE AND SERVICE PLANNING DECISIONS.

Section 208 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) is amended to read as follows:

''SEC. 208. METHODOLOGIES FOR AMTRAK ROUTE AND SERVICE PLANNING DECISIONS.

''(a) METHODOLOGY DEVELOPMENT.—Not later than 180 days after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, Amtrak shall obtain the services of an independent entity to develop and recommend objective methodologies for Amtrak to use in determining what intercity rail passenger transportation routes and services it should provide, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes.

''(b) CONSIDERATIONS.—Amtrak shall require the independent entity, in developing the methodologies described in subsection (a), to consider—

''(1) the current and expected performance and service quality of intercity rail passenger transportation operations, including cost recovery, on-time performance, ridership, on-board services, stations, facilities, equipment, and other services;

''(2) the connectivity of a route with other routes;

''(3) the transportation needs of communities and populations that are not well served by intercity rail passenger transportation service or by other forms of intercity transportation;

''(4) the methodologies of Amtrak and major intercity rail passenger transportation service providers in other countries for determining intercity passenger rail routes and services;

''(5) the financial and operational effects on the overall network, including the effects on direct and indirect costs;

''(6) the views of States, rail carriers that own infrastructure over which Amtrak operates, Interstate Compacts established by Congress and States, Amtrak employee representatives, stakeholder organizations, and other interested parties; and

''(7) the funding levels that will be available under authorization levels that have been enacted into law.

''(c) RECOMMENDATIONS.—Not later than 1 year after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, 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 the recommendations developed by the independent entity under subsection (a).

''(d) CONSIDERATION OF RECOMMENDATIONS.—Not later than 90 days after the date on which the recommendations are transmitted under subsection (c), the Amtrak Board of Directors shall consider the adoption of each recommendation and transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report explaining the reasons for adopting or not adopting each recommendation.''.

SEC. 11207. FOOD AND BEVERAGE REFORM.

(a) AMENDMENT.—Chapter 243 of title 49, United States Code, is further amended by adding at the end the following new section:

''§ 24321. Food and beverage reform

''(a) PLAN.—Not later than 90 days after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, Amtrak shall develop and begin implementing a plan to eliminate, within 5 years of such date of enactment, the operating loss associated with providing food and beverage service on board Amtrak trains.

''(b) CONSIDERATIONS.—In developing and implementing the plan, Amtrak shall consider a combination of cost management and revenue generation initiatives, including—

''(1) scheduling optimization;

''(2) on-board logistics;

''(3) product development and supply chain efficiency;

''(4) training, awards, and accountability;

''(5) technology enhancements and process improvements; and

''(6) ticket revenue allocation.

''(c) SAVINGS CLAUSE.—Amtrak shall ensure that no Amtrak employee holding a position as of the date of enactment of the Passenger Rail Reform and Investment Act of 2015 is involuntarily separated because of—

''(1) the development and implementation of the plan required under subsection (a); or

''(2) any other action taken by Amtrak to implement this section.

''(d) NO FEDERAL FUNDING FOR OPERATING LOSSES.—Beginning on the date that is 5 years after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, no Federal funds may be used to cover any operating loss associated with providing food and beverage service on a route operated by Amtrak or a rail carrier that operates a route in lieu of Amtrak pursuant to section 24711.

''(e) REPORT.—Not later than 120 days after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, and annually thereafter for 5 years, Amtrak 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 containing the plan developed pursuant to subsection (a) and a description of progress in the implementation of the plan.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 243 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.

(a) 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 in excess of $100,000,000 for 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—

''(1) include a cost and benefit comparison that describes the total lifecycle costs and the anticipated benefits related to revenue, operational efficiency, reliability, and other factors;

''(2) set forth the total payments by fiscal year;

''(3) identify the specific source and amounts of funding for each payment, including Federal funds, State funds, Amtrak profits, Federal, State, or private loans or loan guarantees, and other funding;

''(4) include an explanation of whether any payment under the contract will increase Amtrak's 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.

''(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as requiring Amtrak to disclose confidential information regarding a potential vendor's proposed pricing or other sensitive business information prior to contract execution or prohibiting Amtrak from entering into a contract after submission of a business case analysis under subsection (a).''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 243 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;

(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 to help defray the costs of program administration and State-supported routes; and

(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.

(c) PROGRAM ADMINISTRATION.—The pilot program shall—

(1) for local food and beverage products, ensure the products are integrated into existing food and beverage services, including compliance with all applicable regulations and standards;

(2) for promotional events, ensure the events are held in compliance with all applicable regulations and standards, including terms to address insurance requirements; and

(3) require an annual report that documents revenues and costs and indicates whether the products or events resulted in a reduction in the financial contribution of a State or States to the applicable State-supported route.

(d) REPORT.—Not later than 4 years after the date of 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 PASSENGERS TRANSPORTING DOMESTICATED CATS AND DOGS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, Amtrak shall develop a pilot program that allows passengers to transport domesticated cats or dogs on certain trains operated by Amtrak.

(b) PET POLICY.—In developing the pilot program required under subsection (a), Amtrak shall—

(1) in the case of a passenger train that is comprised of more than 1 car, designate, where feasible, at least 1 car in which a ticketed passenger may transport a domesticated cat or dog in the same manner as carry-on baggage if—

(A) the cat or dog is contained in a pet kennel;

(B) the pet kennel complies with Amtrak size requirements for carriage of carry-on baggage;

(C) the passenger is traveling on a train operating on a route described in subparagraph (A), (B), or (D) of section 24102(7) of title 49, United States Code; and

(D) the passenger pays a fee described in paragraph (3);

(2) allow a ticketed passenger to transport a domesticated cat or dog on a train in the same manner as cargo if—

(A) the cat or dog is contained in a pet kennel;

(B) the pet kennel complies with Amtrak size requirements for carriage of carry-on baggage;

(C) the passenger is traveling on a train operating on a route described in subparagraph (A), (B), or (D) of section 24102(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) collect fees for each cat or dog transported by a ticketed passenger in an amount that, in the aggregate and at a minimum, covers the full costs of the pilot program.

(c) REPORT.—Not later than 1 year after the pilot program required under subsection (a) is first implemented, Amtrak shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing an evaluation of the pilot program.

(d) LIMITATION ON STATUTORY CONSTRUCTION.—

(1) SERVICE ANIMALS.—The pilot program under subsection (a) shall be separate from and in addition to the policy governing Amtrak passengers traveling with service animals. Nothing in this section may be interpreted to limit or waive the rights of passengers to transport service animals.

(2) ADDITIONAL TRAIN CARS.—Nothing in this section may be interpreted to require Amtrak to add additional train cars or modify existing train cars.

(3) FEDERAL FUNDS.—No Federal funds may be used to implement the pilot program required under this section.

SEC. 11211. RIGHT-OF-WAY LEVERAGING.

(a) REQUEST FOR PROPOSALS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, Amtrak shall issue a Request for Proposals seeking qualified persons or entities to utilize right-of-way and real estate owned, controlled, or managed by Amtrak for telecommunications systems, energy distribution systems, and other activities considered appropriate by Amtrak.

(2) CONTENTS.—The Request for Proposals shall provide sufficient information on the right-of-way and real estate assets to enable respondents to propose an arrangement that will monetize or generate additional revenue from such assets through revenue sharing or leasing agreements with Amtrak, to the extent possible.

(3) DEADLINE.—Amtrak shall set a deadline for the submission of proposals that is not later than 1 year after the issuance of the Request for Proposals under paragraph (1).

(b) CONSIDERATION OF PROPOSALS.—Not later than 180 days after the deadline for the receipt of proposals under subsection (a), the Amtrak Board of Directors shall review and consider each qualified proposal. Amtrak may enter into such agreements as are necessary to implement any qualified proposal.

(c) REPORT.—Not later than 1 year after the deadline for the receipt of proposals under subsection (a), Amtrak shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Request for Proposals required by this section, including summary information of any proposals submitted to Amtrak and any proposals accepted by the Amtrak Board of Directors.

(d) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit Amtrak's ability to utilize right-of-way or real estate assets that it currently owns, controls, or manages or constrain Amtrak's ability to enter into agreements with other parties to utilize such assets.

SEC. 11212. STATION DEVELOPMENT.

(a) REPORT ON DEVELOPMENT OPTIONS.—Not later than 1 year after the date of enactment of this Act, Amtrak shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

(1) options to enhance economic development and accessibility of and around Amtrak stations and terminals, for the purposes of—

(A) improving station condition, functionality, capacity, and customer amenities;

(B) generating additional investment capital and development-related revenue streams;

(C) increasing ridership and revenue; and

(D) strengthening multimodal connections, including transit, intercity buses, roll-on and roll-off bicycles, and airports, as appropriate; and

(2) options for additional Amtrak stops that would have a positive incremental financial impact to Amtrak, based on Amtrak feasibility studies that demonstrate a financial benefit to Amtrak by generating additional revenue that exceeds any incremental costs.

(b) REQUEST FOR INFORMATION.—Not later than 90 days after the date the report is submitted under subsection (a), Amtrak shall issue a Request for Information for 1 or more owners of stations served by Amtrak to formally express an interest in completing the requirements of this section.

(c) PROPOSALS.—

(1) REQUEST FOR PROPOSALS.—Not later than 180 days after the date the Request for Information is issued under subsection (b), Amtrak shall issue a Request for Proposals from qualified persons, including small business concerns owned and controlled by socially and economically disadvantaged individuals and veteran-owned small businesses, to lead, participate, or partner with Amtrak, a station owner that responded under subsection (b), and other entities in enhancing development in and around such stations and terminals using applicable options identified under subsection (a) at facilities selected by Amtrak.

(2) CONSIDERATION OF PROPOSALS.—Not later than 1 year after the date the Request for Proposals is issued under paragraph (1), the Amtrak Board of Directors shall review and consider qualified proposals submitted under paragraph (1). Amtrak or a station owner that responded under subsection (b) may enter into such agreements as are necessary to implement any qualified proposal.

(d) REPORT.—Not later than 4 years after the date of enactment of this Act, Amtrak shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Request for Proposals process required under this section, including summary information of any qualified proposals submitted to Amtrak and any proposals acted upon by Amtrak or a station owner that responded under subsection (b).

(e) DEFINITIONS.—In this section, the terms ''small business concern'', ''socially and economically disadvantaged individual'', and ''veteran-owned small business'' have the meanings given the terms in section 11310(c) of this Act.

(f) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit Amtrak's ability to develop its stations, terminals, or other assets, to constrain Amtrak's ability to enter into and carry out agreements with other parties to enhance development at or around Amtrak stations or terminals, or to affect any station development initiatives ongoing as of the date of enactment of this Act.

SEC. 11213. AMTRAK BOARDING PROCEDURES.

(a) REPORT.—Not later than 9 months after the date of enactment of this Act, the Amtrak Office of Inspector General shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that—

(1) evaluates Amtrak's boarding procedures for passengers, including passengers using or transporting nonmotorized transportation, such as bicycles, at its 15 stations through which the most people pass;

(2) compares Amtrak's boarding procedures to—

(A) boarding procedures of providers of commuter railroad passenger transportation at stations shared with Amtrak;

(B) international intercity passenger rail boarding procedures; and

(C) fixed guideway transit boarding procedures; and

(3) makes recommendations, as appropriate, to improve Amtrak's boarding procedures, including recommendations regarding the queuing of passengers and free-flow of all station users and facility improvements needed to achieve the recommendations.

(b) CONSIDERATION OF RECOMMENDATIONS.—Not later than 6 months after the report is submitted under subsection (a), the Amtrak Board of Directors shall consider each recommendation provided under subsection (a)(3) for implementation at appropriate locations across the Amtrak system.

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) by inserting '', to the extent provided in advance in appropriations Acts'' after ''Amtrak's indebtedness''; and

(B) by striking the second sentence;

(3) in subsection (b) by striking ''The Secretary of the Treasury, in consultation'' and inserting ''To the extent amounts are provided in advance in 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 appropriate'';

(5) in subsection (e)—

(A) in paragraph (1) by striking ''by section 102 of this division''; and

(B) in paragraph (2) by striking ''by section 102'' and inserting ''for Amtrak'';

(6) in subsection (g) by inserting '', unless that debt receives credit assistance, including direct loans and loan guarantees, under chapter 6 of title 23, United States Code or title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq.)'' after ''Secretary''; and

(7) by striking subsection (h).

SEC. 11215. ELIMINATION OF DUPLICATIVE REPORTING.

Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(1) review existing Amtrak reporting requirements and identify where the existing requirements are duplicative with the business line and asset plans required by section 24320 of title 49, United States Code, or any other planning or reporting requirements under Federal law or regulation;

(2) if 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 cost of improving passenger and freight rail transportation systems in terms of safety, efficiency, or reliability.

''(b) ELIGIBLE RECIPIENTS.—The following entities are eligible to receive a grant under this section:

''(1) A State.

''(2) A group of States.

''(3) An Interstate Compact.

''(4) A public agency or publicly chartered authority established by 1 or more States.

''(5) A political subdivision of a State.

''(6) Amtrak or another rail carrier that provides intercity rail passenger transportation (as defined in section 24102).

''(7) A Class II railroad or Class III railroad (as those terms are defined in section 20102).

''(8) Any rail carrier or rail equipment manufacturer in partnership with at least 1 of the entities described in paragraphs (1) through (5).

''(9) The Transportation Research Board and any entity with which it contracts in the development of rail-related research, including cooperative research programs.

''(10) A University transportation center engaged in rail-related research.

''(11) A non-profit 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 positive 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 rail service.

''(4) A capital project identified by the Secretary as being necessary to reduce congestion and facilitate ridership growth in intercity passenger rail transportation along heavily traveled rail corridors.

''(5) 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 potential quiet zones.

''(6) A rail line relocation and improvement project.

''(7) A capital project to improve short-line or regional railroad infrastructure.

''(8) The preparation of regional rail and corridor service development plans and corresponding environmental analyses.

''(9) Any project that the Secretary considers necessary to enhance multimodal connections or facilitate service integration between rail service and other modes, including between intercity rail passenger transportation and intercity bus service or commercial air service.

''(10) The development and implementation of a safety program or institute designed to improve rail safety.

''(11) Any research that the Secretary considers necessary to advance any particular aspect of rail-related capital, operations, or safety improvements.

''(12) Workforce development and training activities, coordinated to the extent practicable with the existing local training programs supported by the Department of Transportation, the Department of Labor, and the Department of Education.

''(d) APPLICATION PROCESS.—The Secretary shall prescribe the form and manner of filing an application under this section.

''(e) PROJECT SELECTION CRITERIA.—

''(1) IN GENERAL.—In selecting a recipient of a grant for an eligible project, the Secretary shall—

''(A) give preference to a proposed project for which the proposed Federal share of total project costs does not exceed 50 percent; and

''(B) after factoring in preference to projects under subparagraph (A), select projects that will maximize the net benefits of the funds appropriated for use under this section, considering the cost-benefit analysis of the proposed project, including anticipated private and public benefits relative to the costs of the proposed project and factoring in the other considerations described in paragraph (2).

''(2) OTHER CONSIDERATIONS.—The Secretary shall also consider the following:

''(A) The degree to which the proposed project's business plan considers potential private sector participation in the financing, construction, or operation of the project.

''(B) The recipient's past performance in developing and delivering similar projects, and previous financial contributions.

''(C) Whether the recipient has or will have the legal, financial, and technical capacity to carry out the proposed project, satisfactory continuing control over the use of the equipment or facilities, and the capability and willingness to maintain the equipment or facilities.

''(D) If applicable, the consistency of the proposed project with planning guidance and documents set forth by the Secretary or required by law or State rail plans developed under chapter 227.

''(E) If applicable, any technical evaluation ratings 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.

''(3) BENEFITS.—The benefits described in paragraph (1)(B) may include the effects on system and service performance, including measures such as improved safety, competitiveness, reliability, trip or transit time, resilience, efficiencies from improved integration with other modes, the ability to meet existing or anticipated demand, and any other benefits.

''(f) PERFORMANCE MEASURES.—The Secretary shall establish performance measures for each grant recipient to assess progress in achieving strategic goals and objectives. The Secretary may require a grant recipient to periodically report information related to such performance measures.

''(g) RURAL AREAS.—

''(1) IN GENERAL.—Of the amounts appropriated under this section, at least 25 percent shall be available for projects in rural areas. The Secretary shall consider a project to be in a rural area if all or the majority of the project (determined by the geographic location or locations where the majority of the project funds will be spent) is located in a rural area.

''(2) DEFINITION OF RURAL AREA.—In this subsection, the term 'rural area' means any area not in an urbanized area, as defined by the 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 rail carrier is an applicant under this section, Amtrak or the other rail carrier, as applicable, may use ticket and other revenues generated from its operations and other sources to satisfy the non-Federal share requirements.

''(i) APPLICABILITY.—Except as specifically provided in this section, the use of any amounts appropriated for grants under this section shall be subject to the requirements of this chapter.

''(j) AVAILABILITY.—Amounts appropriated for carrying out this section shall remain available until expended.

''(k) LIMITATION.—The requirements of sections 24402, 24403, and 24404 and the definition contained in 24401(1) shall not apply to this section.

''(l) 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 determined by the Secretary; or

''(B) in which the rail transportation system is not physically connected to rail systems in the continental United States or may not otherwise qualify for a grant under this section due to the unique characteristics of the geography of that State or other relevant considerations, for the

purpose of funding transportation-related capital projects.

''(2) DEFINITION.—For the purposes of this subsection, the term 'appropriate portion' means a share, for each State subject to paragraph (1), not less than the share of the total railroad route miles in such State of the total railroad route miles in the United States, excluding from all totals the route miles exclusively used for tourist, scenic, and excursion railroad operations.''.

(b) CONFORMING AMENDMENT.—The table of contents of chapter 244 of title 49, United States Code, is amended by adding after the item relating to section 24406 the following:

''24407. Consolidated rail infrastructure and safety improvements.''.

(c) REPEALS.—

(1) Sections 20154 and 20167 of chapter 201 of title 49, United States Code, and the items relating to such sections in the table of contents of such chapter, are repealed.

(2) Section 24105 of chapter 241 of title 49, United States Code, and the item relating to such section in the table of contents of such chapter, is repealed.

(3) Chapter 225 of title 49, United States Code, and the item relating to such chapter in the table of contents of subtitle V of such title, is repealed.

(4) Section 22108 of chapter 221 of title 49, United States Code, and the item relating to such section in the table of contents of such chapter, are repealed.

SEC. 11302. FEDERAL-STATE PARTNERSHIP FOR STATE OF GOOD REPAIR.

(a) AMENDMENT.—Chapter 249 of title 49, United States Code, is amended by inserting after section 24910 the following:

''§ 24911. Federal-State partnership for state of good repair

''(a) DEFINITIONS.—In this section:

''(1) APPLICANT.—The term 'applicant' means—

''(A) a State (including the District of Columbia);

''(B) a group of States;

''(C) an Interstate Compact;

''(D) a public agency or publicly chartered authority established by 1 or more States;

''(E) a political subdivision of a State;

''(F) Amtrak, acting on its own behalf or under a cooperative agreement with 1 or more States; or

''(G) any combination of the entities described in subparagraphs (A) through (F).

''(2) CAPITAL PROJECT.—The term 'capital project' means—

''(A) a project primarily intended to replace, rehabilitate, or repair major infrastructure assets utilized for providing intercity rail passenger service, including tunnels, bridges, stations, and other assets, as determined by the Secretary; or

''(B) a project primarily intended to improve intercity passenger rail performance, including reduced trip times, increased train frequencies, higher operating speeds, and other improvements, as determined by the Secretary.

''(3) INTERCITY RAIL PASSENGER TRANSPORTATION.—The term 'intercity rail passenger transportation' has the meaning given the term in section 24102.

''(4) NORTHEAST CORRIDOR.—The term 'Northeast Corridor' means—

''(A) the main rail line between Boston, Massachusetts and the District of Columbia;

''(B) the branch rail lines connecting to Harrisburg, Pennsylvania, Springfield, Massachusetts, and Spuyten Duyvil, New York; and

''(C) facilities and services used to operate and maintain lines described in subparagraphs (A) and (B).

''(5) QUALIFIED RAILROAD ASSET.—The term 'qualified railroad asset' means infrastructure, equipment, or a facility that—

''(A) is owned or controlled by an eligible applicant;

''(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) ELIGIBLE PROJECTS.—Projects eligible for grants under this section include capital projects to replace or rehabilitate qualified railroad assets, including—

''(1) capital projects to replace existing assets in-kind;

''(2) capital projects to replace existing assets with assets that increase capacity or provide a higher level of service;

''(3) capital projects to ensure that service can be maintained while existing assets are brought to a state of good repair; and

''(4) capital projects to bring existing assets into a state of good repair.

''(d) PROJECT SELECTION CRITERIA.—In selecting an applicant for a grant under this section, the Secretary shall—

''(1) give preference to eligible projects for which—

''(A) Amtrak is not the sole applicant;

''(B) applications were submitted jointly by multiple applicants; and

''(C) the proposed Federal share of total project costs does not exceed 50 percent; and

''(2) take into account—

''(A) the cost-benefit analysis of the proposed project, including anticipated private and public benefits relative to the costs of the proposed project, including—

''(i) effects on system and service performance;

''(ii) effects on safety, competitiveness, reliability, trip or transit time, and resilience;

''(iii) efficiencies from improved integration with other modes; and

''(iv) ability to meet existing or anticipated demand;

''(B) the degree to which the proposed project's business plan considers potential private sector participation in the financing, construction, or operation of the proposed project;

''(C) the applicant's past performance in developing and delivering similar projects, and previous financial contributions;

''(D) whether the applicant has, or will have—

''(i) the legal, financial, and technical capacity to carry out the project;

''(ii) satisfactory continuing control over the use of the equipment or facilities; and

''(iii) the capability and willingness to maintain the equipment or facilities;

''(E) if applicable, the consistency of the project with planning guidance and documents set forth by the Secretary or required by law; and

''(F) any other relevant factors, as determined by the Secretary.

''(e) NORTHEAST CORRIDOR PROJECTS.—

''(1) COMPLIANCE WITH USAGE AGREEMENTS.—Grant funds may not be provided under this section to an eligible recipient for an eligible project located on the Northeast Corridor unless Amtrak and the public authorities providing commuter rail passenger transportation on the Northeast Corridor are in compliance with section 24905(c)(2).

''(2) CAPITAL INVESTMENT PLAN.—When selecting projects located on the Northeast Corridor, the Secretary shall consider the appropriate sequence and phasing of projects as contained in the Northeast Corridor capital investment plan developed pursuant to section 24904(a).

''(f) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

''(1) TOTAL PROJECT COST.—The Secretary shall estimate the total cost of a project under this section based on the best available information, including engineering studies, studies of economic feasibility, environmental analyses, and information on the expected use of equipment or facilities.

''(2) FEDERAL SHARE.—The Federal share of total costs for a project under this section shall not exceed 80 percent.

''(3) TREATMENT OF AMTRAK REVENUE.—If Amtrak is an applicant under this section, Amtrak may use ticket and other revenues generated from its operations and other sources to satisfy the non-Federal share requirements.

''(g) LETTERS OF INTENT.—

''(1) IN GENERAL.—The Secretary shall, to the maximum extent practicable, issue a letter of intent to a grantee under this section that—

''(A) announces an intention to obligate, for a major capital project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project; and

''(B) states that the contingent commitment—

''(i) is not an obligation of the Federal Government; and

''(ii) is subject to the availability of appropriations for grants under this section and subject to Federal laws in force or enacted after the date of the contingent commitment.

''(2) CONGRESSIONAL NOTIFICATION.—

''(A) IN GENERAL.—Not later than 30 days before issuing a letter under paragraph (1), the Secretary shall submit written notification to—

''(i) the Committee on Commerce, Science, and Transportation of the Senate;

''(ii) the Committee on Appropriations of the Senate;

''(iii) the Committee on Transportation and Infrastructure of the House of Representatives; and

''(iv) the Committee on Appropriations of the House of Representatives.

''(B) CONTENTS.—The notification submitted pursuant to subparagraph (A) shall include—

''(i) a copy of the proposed letter;

''(ii) the criteria used under subsection (d) for selecting the project for a grant award; and

''(iii) a description of how the project meets such criteria.

''(3) APPROPRIATIONS REQUIRED.—An obligation or administrative commitment may be made under this section only when amounts are appropriated for such purpose.

''(h) AVAILABILITY.—Amounts appropriated for carrying out this section shall remain available until expended.

''(i) GRANT CONDITIONS.—Except as specifically provided in this section, the use of any amounts appropriated for grants under this section shall be subject to the grant conditions under section 24405.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 249 is amended by inserting after the item relating to section 24910 the following:

''24911. Federal-State partnership for state of good repair.''.

SEC. 11303. RESTORATION AND ENHANCEMENT GRANTS.

(a) IN GENERAL.—Chapter 244 of title 49, United States Code, is further amended by adding at the end the following:

''§ 24408. Restoration and enhancement grants

''(a) APPLICANT DEFINED.—Notwithstanding section 24401(1), in this section, the term 'applicant' means—

''(1) a State, including the District of Columbia;

''(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 political subdivision of a State;

''(6) Amtrak or another rail carrier that provides intercity rail passenger transportation;

''(7) Any rail carrier in partnership with at least 1 of the entities described in paragraphs (1) through (5); and

''(8) any combination of the entities described in paragraphs (1) through (7).

''(b) GRANTS AUTHORIZED.—The Secretary of Transportation shall develop and implement a program for issuing operating assistance grants to applicants, on a competitive basis, for the purpose of initiating, restoring, or enhancing intercity rail passenger transportation.

''(c) APPLICATION.—An applicant for a grant under this section shall submit to the Secretary—

''(1) a capital and mobilization plan that—

''(A) describes any capital investments, service planning actions (such as environmental reviews), and mobilization actions (such as qualification of train crews) required for initiation of 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) projected ridership, revenues, and costs;

''(G) descriptions of how the projections under subparagraph (F) were developed;

''(H) the equipment that will be utilized, how such equipment will be acquired or refurbished, and where such equipment will be maintained; and

''(I) a plan for ensuring safe operations and compliance with applicable safety regulations;

''(3) a funding plan that—

''(A) describes the funding of initial capital costs and operating costs for the first 3 years of operation;

''(B) includes a commitment by the applicant to provide the funds described in subparagraph (A) to the extent not covered by Federal grants and revenues; and

''(C) describes the funding of operating costs and capital costs, to the extent necessary, after the first 3 years of operation; and

''(4) a description of the status of negotiations and agreements with—

''(A) each of the railroads or regional transportation authorities whose tracks or facilities would be utilized by the service;

''(B) the anticipated railroad carrier, if such entity is not part of the applicant group; and

''(C) any other service providers or entities expected to provide services or facilities that will be used by the service, including any required access to Amtrak systems, stations, and facilities if Amtrak is not part of the applicant group.

''(d) PRIORITIES.—In awarding grants under this section, the Secretary shall give priority to applications—

''(1) for which planning, design, any environmental reviews, negotiation of agreements, acquisition of equipment, construction, and other actions necessary for initiation of service have been completed or nearly completed;

''(2) that would restore service over routes formerly operated by Amtrak, including routes described in section 11304 of the Passenger Rail Reform and Investment Act of 2015;

''(3) that would provide daily or daytime service over routes where such service did not previously exist;

''(4) that include funding (including funding from railroads), or other significant participation by State, local, and regional governmental and private entities;

''(5) that include a funding plan that demonstrates the intercity rail passenger service will be financially sustainable beyond the 3-year grant period;

''(6) that would provide service to regions and communities that are underserved or not served by other intercity public transportation;

''(7) that would foster economic development, particularly in rural communities and for disadvantaged populations;

''(8) that would provide other non-transportation benefits; and

''(9) that would enhance connectivity and geographic coverage of the existing national network of intercity rail passenger service.

''(e) LIMITATIONS.—

''(1) DURATION.—Federal operating assistance grants authorized under this section for any individual intercity rail passenger transportation route may not provide funding for more than 3 years and may not be renewed.

''(2) LIMITATION.—Not more than 6 of the operating assistance grants awarded pursuant to subsection (b) may be simultaneously active.

''(3) MAXIMUM FUNDING.—Grants described in paragraph (1) may not exceed—

''(A) 80 percent of the projected net operating costs for the first year of service;

''(B) 60 percent of the projected net operating costs for the second year of service; and

''(C) 40 percent of the projected net operating costs for the third year of service.

''(f) USE WITH CAPITAL GRANTS AND OTHER FEDERAL FUNDING.—A recipient of an operating assistance grant under subsection (b) may use that grant in combination with other Federal grants awarded that would benefit the applicable service.

''(g) AVAILABILITY.—Amounts appropriated for carrying out this section shall remain available until expended.

''(h) COORDINATION WITH AMTRAK.—If the Secretary awards a grant under this section to a rail carrier other than Amtrak, Amtrak may be required consistent with section 24711(c)(1) of this title to provide access to its reservation system, stations, and facilities that are directly related to operations to such carrier, to the extent necessary to carry out the purposes of this section. The Secretary may award an appropriate portion of the grant to Amtrak as compensation for this access.

''(i) CONDITIONS.—

''(1) GRANT AGREEMENT.—The Secretary shall require a grant recipient under this section to enter into a grant agreement that requires such recipient to provide similar information regarding the route performance, financial, and ridership projections, and capital and business plans that Amtrak is required to provide, and such other data and information as the Secretary considers necessary.

''(2) INSTALLMENTS; TERMINATION.—The Secretary may—

''(A) award grants under this section in installments, as the Secretary considers appropriate; and

''(B) terminate any grant agreement upon—

''(i) the cessation of service; or

''(ii) the violation of any other term of the grant agreement.

''(3) GRANT CONDITIONS.—The Secretary shall require each recipient of a grant under this section to comply with the grant requirements of section 24405.

''(j) 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 244.—Chapter 244 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.'';

(B) in the chapter heading by striking ''**INTERCITY PASSENGER RAIL SERVICE CORRIDOR CAPITAL ASSISTANCE**'' and inserting ''**RAIL IMPROVEMENT GRANTS**'';

(C) in section 24402 by striking subsection (j); and

(D) in section 24405—

(i) in subsection (b)(2) by striking ''(43'' and inserting ''(45'';

(ii) in subsection (c)(2)(B) by striking ''protective arrangements established'' and inserting ''protective arrangements that are equivalent to the protective arrangements established'';

(iii) in subsection (d)(1), in the matter preceding subparagraph (A), by inserting ''or unless Amtrak ceased providing intercity passenger railroad transportation over the affected route more than 3 years before the commencement of new service'' after ''unless such service was provided solely by Amtrak to another entity''; and

(iv) in subsection (f) by striking ''under this chapter for commuter rail passenger transportation, as defined in section 24102(4) 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 ''Rail improvement grants''.

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) railroad carriers 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 a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that includes—

(1) the preferred option selected under subsection (c)(2) and the reasons for selecting such option;

(2) the information described in subsection (c)(3);

(3) the funding sources identified under subsection (c)(4);

(4) the costs and benefits of restoring intercity rail passenger transportation in the region; and

(5) any other information the working group determines appropriate.

(e) FUNDING.—From 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) in the matter preceding subparagraph (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)(B) 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 adding at the end the following:

''(3) SUBMISSION OF STATEMENT OF GOALS, RECOMMENDATIONS, AND PERFORMANCE REPORTS.—The Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

''(A) any updates made to the statement of goals developed under paragraph (1) not later than 60 days after such updates are made; and

''(B) annual performance reports and recommendations for improvements, as appropriate, issued not later than March 31 of each year, for the prior fiscal year, which summarize—

''(i) the operations and performance of commuter, intercity, and freight rail transportation along the Northeast Corridor; and

''(ii) the delivery of the capital investment plan described in section 24904.''.

(c) COST ALLOCATION 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 implementing 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;

''(D) not later than October 1, 2015, adopt and implement the policy in accordance with the timetable; and

''(E) with the consent of a majority of its members, petition the Surface Transportation Board to appoint a mediator to assist the Commission members through nonbinding mediation to reach an agreement under this section.'';

(3) in paragraph (2)—

(A) by striking ''formula proposed in'' and inserting ''policy developed under''; and

(B) in the second sentence—

(i) by striking ''the timetable, the Commission shall petition the Surface Transportation Board to'' and inserting ''paragraph (1)(D) or fail to comply with the policy thereafter, the Surface Transportation Board shall''; and

(ii) by striking ''amounts for such services in accordance with section 24904(c) of this title'' and inserting ''for such usage in accordance with the procedures and procedural schedule applicable to a proceeding under section 24903(c), after taking into consideration the policy developed under paragraph (1)(A), as applicable'';

(4) in paragraph (3), by striking ''formula'' and inserting ''policy''; and

(5) by adding at the end the following:

''(4) REQUEST FOR DISPUTE RESOLUTION.—If a dispute arises with the implementation of, or compliance with, the policy developed under paragraph (1), the Commission, Amtrak, or public authorities providing commuter rail passenger transportation on the Northeast Corridor may request that the Surface Transportation Board conduct dispute resolution. The Surface Transportation Board shall establish procedures for resolution of disputes brought before it under this paragraph, which may include the provision of professional mediation services.''.

(d) CONFORMING AMENDMENTS.—

(1) TITLE 49.—Section 24905 of title 49, United States Code, is amended—

(A) in the section heading by striking ''**INFRASTRUCTURE AND OPERATIONS ADVISORY**'';

(B) in subsection (a)—

(i) in the heading by striking ''INFRASTRUCTURE AND OPERATIONS ADVISORY''; and

(ii) by striking ''Infrastructure and Operations Advisory'';

(C) by striking subsection (d);

(D) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively;

(E) in subsection (d), as so redesignated—

(i) by striking ''to the Commission'' and inserting ''to 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)(2), as so redesignated, by striking ''on the main line.'' and inserting ''on the main line and meet annually with the Commission on the topic of Northeast Corridor safety and security.''.

(2) TABLE OF CONTENTS.—The table of contents for chapter 249 of title 49, United States Code, is amended by striking the item relating to section 24905 and inserting the following:

''24905. Northeast Corridor Commission.''.

SEC. 11306. NORTHEAST CORRIDOR PLANNING.

(a) AMENDMENT.—Chapter 249 of title 49, United States Code, is amended—

(1) by redesignating section 24904 as section 24903; and

(2) 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) develop a capital investment plan for the Northeast Corridor; and

''(B) submit the capital investment plan to the Secretary of Transportation and 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 methods described in the cost allocation policy developed under section 24905(c);

''(C) cover a period of 5 fiscal years, beginning with the first fiscal year after the date on which the plan is completed;

''(D) notwithstanding section 24902(b), identify, prioritize, and phase the implementation of projects and programs to achieve the service outcomes identified in the Northeast Corridor service development plan and the asset condition needs identified in the Northeast Corridor asset management plans, once available, and consider—

''(i) the benefits and costs of capital investments in the plan;

''(ii) project and program readiness;

''(iii) the operational impacts; and

''(iv) 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 an assessment of—

''(i) the potential effect on passenger accessibility, operations, safety, reliability, and resiliency;

''(ii) the ability of infrastructure owners and operators to meet regulatory requirements if the project or program is not funded; and

''(iii) the benefits and costs; and

''(H) include a financial plan.

''(3) FINANCIAL PLAN.—The financial plan under paragraph (2)(H) shall—

''(A) identify funding sources and financing methods;

''(B) identify the expected allocated shares of costs pursuant to the cost allocation policy developed under section 24905(c);

''(C) identify the projects and programs that the Commission expects will receive Federal financial assistance; and

''(D) identify the eligible entity or entities that the Commission expects will receive the Federal financial assistance described under subparagraph (C) and implement each capital project.

''(b) FAILURE TO DEVELOP A CAPITAL INVESTMENT PLAN.—If a capital investment plan has not been developed by the Commission for a given fiscal year, then the funds assigned to the Northeast Corridor account established under section 24317(b) for that fiscal year may be spent only on—

''(1) capital projects described in clause (i) or (iii) of subsection (a)(2)(E) of this section; or

''(2) capital projects described in subsection (a)(2)(E)(iv) or (v) of this section that are for the sole benefit of Amtrak.

''(c) NORTHEAST CORRIDOR ASSET MANAGEMENT.—

''(1) CONTENTS.—With regard to its infrastructure, Amtrak and each State and public transportation entity that owns infrastructure that supports or provides for intercity rail passenger transportation on the Northeast Corridor shall develop an asset management system and develop and update, as necessary, a Northeast Corridor asset management plan for each service territory described in subsection (a) that—

''(A) is consistent with the Federal Transit Administration process, as authorized under section 5326, when implemented; and

''(B) includes, at a minimum—

''(i) an inventory of all capital assets owned by the developer of the asset management plan;

''(ii) an assessment of asset condition;

''(iii) a description of the resources and processes necessary to bring or maintain those assets in a state of good repair, including decision-support tools and investment prioritization methods; and

''(iv) a description of changes in asset condition since the previous version of the plan.

''(2) TRANSMITTAL.—Each entity described in paragraph (1) shall transmit to the Commission—

''(A) not later than 2 years after the date of enactment of the 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 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.''.

(b) 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) TABLE OF CONTENTS.—The table of contents for chapter 249 of title 49, United States Code, is amended—

(A) by redesignating the item relating to section 24904 as relating to section 24903; and

(B) by inserting after the item relating to section 24903, as so redesignated, 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

''(a) 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 implement a pilot program for 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 24102) operated by Amtrak on the date of enactment of such Act.

''(b) PILOT PROGRAM REQUIREMENTS.—

''(1) IN GENERAL.—The pilot program shall—

''(A) allow a petitioner described in paragraph (3) to petition the Secretary to provide intercity rail passenger transportation over a 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 rule promulgated under subsection (a), allow the contract to be renewed for 1 additional operation period of 4 years;

''(B) require the Secretary to—

''(i) notify the petitioner and Amtrak of receipt of the petition under subparagraph (A) and to publish in the Federal Register a notice of receipt not later than 30 days after the date of receipt;

''(ii) establish a deadline, of not more than 120 days after the notice of receipt is published in the Federal Register under clause (i), by which both the petitioner and Amtrak, if Amtrak chooses to do so, would be required to submit a complete bid to provide intercity rail passenger transportation over the applicable route; and

''(iii) upon selecting a winning bid, publish in the Federal Register the identity of the winning bidder, the long distance route that the bidder will operate, a detailed justification of the reasons why the Secretary selected the bid, and any other information the Secretary determines appropriate for public comment for a reasonable period of time not to exceed 30 days after the date on which the Secretary selects the bid;

''(C) require that each bid—

''(i) describe the capital needs, financial projections, and operational plans, including staffing plans, for the service, and such other factors as the Secretary considers appropriate; and

''(ii) be made available by the winning bidder to the public after the bid award with any appropriate redactions for confidential or proprietary information;

''(D) for a route that receives funding from a State or States, require that for each bid received from a petitioner described in paragraph (3), other than such State or States, the Secretary have the concurrence of the State or States that provide funding for that route; and

''(E) for a winning bidder that is not or does not include Amtrak, require the Secretary to execute a contract not later than 270 days after the deadline established under subparagraph (B)(ii) and award to the winning bidder—

''(i) subject to paragraphs (4) and (5), the right and obligation to provide intercity rail passenger transportation over that route subject to such performance standards as the Secretary may require; and

''(ii) an operating subsidy, as determined by the Secretary, for—

''(I) the first year at a level that does not exceed 90 percent of the level in effect for that specific route during the fiscal year preceding the fiscal year in which the petition was received, adjusted for inflation; and

''(II) any subsequent years at the level calculated under subclause (I), adjusted for inflation.

''(2) LIMITATION.—The requirements under paragraph (1)(E), including the amounts of operating subsidies in the first and any subsequent years under paragraph (1)(E)(ii), shall not apply to a winning bidder that is or includes Amtrak.

''(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, or another rail carrier 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.

''(4) PERFORMANCE STANDARDS.—The performance standards required under paragraph (1)(E)(i) shall meet or exceed the performance required of or achieved by Amtrak on the applicable route during the last fiscal year.

''(5) AGREEMENT GOVERNING ACCESS ISSUES.—Unless the winning bidder already has applicable access rights or agreements in place or includes a rail carrier that owns the infrastructure used in the operation of the route, a winning bidder that is not or does not include Amtrak shall enter into a written agreement governing access issues between the winning bidder and the rail carrier or rail carriers that own the infrastructure over which the winning bidder would operate and that host or would host the intercity rail passenger transportation.

''(c) ACCESS TO FACILITIES; EMPLOYEES.—If the Secretary awards the right and obligation to provide intercity rail passenger transportation over a route described in this section to an eligible petitioner—

''(1) the Secretary shall, if necessary to carry out the purposes of this section, require Amtrak to provide access to the Amtrak-owned reservation system, stations, and facilities directly related to operations of the awarded routes to the eligible petitioner awarded a contract under this section, in accordance with subsection (g);

''(2) an employee of any person, except as provided in a collective bargaining agreement, used by such eligible petitioner in the operation of a route under this section shall be considered an employee of that eligible petitioner and subject to the applicable Federal laws and regulations governing similar crafts or classes of employees of Amtrak; and

''(3) the winning bidder shall provide hiring preference to qualified Amtrak employees displaced by the award of the bid, consistent with the staffing plan submitted by the bidder, and shall be subject to the grant conditions under section 24405.

''(d) CESSATION OF SERVICE.—If 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 (b)(1)(E), the Secretary, in collaboration with the Surface Transportation Board, shall take any necessary action consistent with this title to enforce the contract and ensure the continued provision of service, including—

''(1) the installment of an interim rail carrier;

''(2) providing to the interim rail carrier under paragraph (1) an operating subsidy necessary to provide service; and

''(3) rebidding the contract to operate the intercity rail passenger transportation.

''(e) BUDGET AUTHORITY.—

''(1) IN GENERAL.—The Secretary shall provide to a winning bidder that is not or does not include Amtrak and that is selected under this section any appropriations withheld under section 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 selects a winning bidder that is not or does not include Amtrak, the Secretary shall provide to Amtrak an appropriate portion of the appropriations under section 11101(b) of the Passenger Rail Reform and Investment Act of 2015, or any subsequent appropriation for the same purpose, to cover any cost directly attributable to the termination of Amtrak service on the route and any indirect costs to Amtrak imposed on other Amtrak routes as a result of losing service on the route operated by the winning bidder. Any amount provided by the Secretary to Amtrak

under this paragraph shall not be deducted from or have any effect on the operating subsidy described in subsection (b)(1)(E)(ii).

''(f) REPORTING.—If the Secretary does not promulgate the final rule before the 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 2015 and every 90 days thereafter until the rule is 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.

''(g) DISPUTES.—

''(1) PETITIONING SURFACE TRANSPORTATION BOARD.—If Amtrak and the eligible petitioner awarded a route under this section cannot agree upon terms to carry out subsection (c)(1), either party may petition the Surface Transportation Board for a determination as to—

''(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 access to 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 under paragraph (1)(B), the Board shall issue an order that—

''(A) requires Amtrak to provide the applicable facilities, equipment, and services; and

''(B) determines reasonable compensation, liability, and other terms for the use of the facilities and equipment and the provision of the services.

''(h) LIMITATION.—Not more than 3 long-distance routes may be selected under this section for operation by a winning bidder that is not or does not include Amtrak.

''(i) PRESERVATION OF RIGHT TO COMPETITION ON STATE-SUPPORTED ROUTES.—Nothing in this section shall be construed as prohibiting a State from introducing competition for intercity rail passenger transportation or services on its State-supported route or routes.

''(j) 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 of title 49, United States Code, and quadrennially thereafter until the pilot program is discontinued, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the pilot program to date and any recommendations for further action.

SEC. 11308. PERFORMANCE-BASED PROPOSALS.

(a) SOLICITATION OF PROPOSALS.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall issue a request for proposals for projects for the financing, design, construction, operation, and maintenance of a high-speed passenger rail system operating within a high-speed rail corridor, including—

(A) the Northeast Corridor;

(B) the California Corridor;

(C) the Empire Corridor;

(D) the Pacific Northwest Corridor;

(E) the South Central Corridor;

(F) the Gulf Coast Corridor;

(G) the Chicago Hub Network;

(H) the Florida Corridor;

(I) the Keystone Corridor;

(J) the Northern New England Corridor; and

(K) the Southeast Corridor.

(2) SUBMISSION.—Proposals shall be submitted to the Secretary not later than 180 days after the publication of the request for proposals under paragraph (1).

(3) PERFORMANCE STANDARD.—Proposals submitted under paragraph (2) shall meet any standards established by the Secretary. For corridors with existing intercity passenger rail service, proposals shall also be designed to achieve a reduction of existing minimum intercity rail service trip times between the main corridor city pairs by a minimum of 25 percent. In the case of a proposal submitted with respect to paragraph (1)(A), the proposal shall be designed to achieve a 2-hour or less express service between Washington, District of Columbia, and New York City, New York.

(4) CONTENTS.—A proposal submitted under this subsection shall include—

(A) the names and qualifications of the persons submitting the proposal and the entities proposed to finance, design, construct, operate, and maintain the railroad, railroad equipment, and related facilities, stations, and infrastructure;

(B) a detailed description of the proposed rail service, including possible routes, required infrastructure investments and improvements, equipment needs and type, train frequencies, peak and average operating speeds, and trip times;

(C) a description of how the project would comply with all applicable Federal rail safety and security laws, orders, and regulations;

(D) the locations of proposed stations, which maximize the usage of existing infrastructure to the extent possible, and the populations such stations are intended to serve;

(E) the type of equipment to be used, including any technologies, to achieve trip time goals;

(F) a description of any proposed legislation needed to facilitate all aspects of the project;

(G) a financing plan identifying—

(i) projected revenue, and sources thereof;

(ii) the amount of any requested public contribution toward the project, and proposed sources;

(iii) projected annual ridership projections for the first 10 years of operations;

(iv) annual operations and capital costs;

(v) the projected levels of capital investments required both initially and in subsequent years to maintain a state-of-good-repair necessary to provide the initially proposed level of service or higher levels of service;

(vi) projected levels of private investment and sources thereof, including the identity of any person or entity that has made or is expected to make a commitment to provide or secure funding and the amount of such commitment; and

(vii) projected funding for the full fair market compensation for any asset, property right or interest, or service acquired from, owned, or held by a private person or Federal entity that would be acquired, impaired, or diminished in value as a result of a project, except as otherwise agreed to by the private person or entity;

(H) a description of how the project would contribute to the development of a national high-speed passenger rail system and an intermodal plan describing how the system will facilitate convenient travel connections with other transportation services;

(I) a description of how the project will ensure compliance with Federal laws governing the rights and status of employees associated with the route and service, including those specified in section 24405 of title 49, United States Code;

(J) a description of how the design, construction, implementation, and operation of the project will accommodate and allow for future growth of existing and projected intercity, commuter, and freight rail service;

(K) a description of how the project would comply with Federal and State environmental laws and regulations, of what environmental impacts would result from the project, and of how any adverse impacts would be mitigated; and

(L) a description of the project's impacts on highway and aviation congestion, energy consumption, land use, and economic development in the service area.

(b) DETERMINATION AND ESTABLISHMENT OF COMMISSIONS.—Not later than 90 days after receipt of the proposals under subsection (a), the Secretary shall—

(1) make a determination as to whether any such proposals—

(A) contain the information required under paragraphs (3) and (4) of subsection (a);

(B) are sufficiently credible to warrant further consideration;

(C) are likely to result in a positive impact on the Nation's transportation system; and

(D) are cost-effective and in the public interest;

(2) establish a commission for each corridor with 1 or more proposals that the Secretary determines satisfy the requirements of paragraph (1); and

(3) forward to each commission established under paragraph (2) the applicable proposals for review and consideration.

(c) COMMISSIONS.—

(1) MEMBERS.—Each commission established under subsection (b)(2) shall include—

(A) the Governors of the affected States, or their respective designees;

(B) mayors of appropriate municipalities with stops along the proposed corridor, or their respective designees;

(C) a representative from each freight railroad carrier using the relevant corridor, if applicable;

(D) a representative from each transit authority using the relevant corridor, if applicable;

(E) representatives of nonprofit employee labor organizations representing affected railroad employees; and

(F) the President of Amtrak or his or her designee.

(2) APPOINTMENT AND SELECTION.—The Secretary shall appoint the members under paragraph (1). In selecting each commission's members to fulfill the requirements under subparagraphs (B) and (E) of paragraph (1), the Secretary shall consult with the Chairperson and Ranking Member of the Committee on Commerce, Science, and Transportation of the Senate and of the Committee on Transportation and Infrastructure of the House of Representatives.

(3) CHAIRPERSON AND VICE-CHAIRPERSON SELECTION.—The Chairperson and Vice-Chairperson shall be elected from among members of each commission.

(4) QUORUM AND VACANCY.—

(A) QUORUM.—A majority of the members of each commission shall constitute a quorum.

(B) VACANCY.—Any vacancy in each commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

(d) COMMISSION CONSIDERATION.—

(1) IN GENERAL.—Each commission established under subsection (b)(2) shall be responsible for reviewing the proposal or proposals forwarded to it under that subsection and, not later than 90 days after the establishment of the commission, shall transmit to the Secretary a report, including—

(A) a summary of each proposal received;

(B) services to be provided under each proposal, including projected ridership, revenues, and costs;

(C) proposed public and private contributions for each proposal;

(D) the advantages offered by the proposal over existing intercity passenger rail services;

(E) public operating subsidies or assets needed for the proposed project;

(F) possible risks to the public associated with the proposal, including risks associated with project financing, implementation, completion, safety, and security;

(G) a ranked list of the proposals recommended for further consideration under subsection (e) in accordance with each proposal's projected positive impact on the Nation's transportation system;

(H) an identification of any proposed Federal legislation that would facilitate implementation of the projects and Federal legislation that would be required to implement the projects; and

(I) any other recommendations by the commission concerning the proposed projects.

(2) VERBAL PRESENTATION.—Proposers shall be given an opportunity to make a verbal presentation to the commission to explain their proposals.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for the use of each commission established under subsection (b)(2) such sums as are necessary to carry out this section.

(e) SELECTION BY SECRETARY.—

(1) IN GENERAL.—Not later than 60 days after receiving the recommended proposals of the commissions established under subsection (b)(2), the Secretary shall—

(A) review such proposals and select any proposal that provides substantial benefits to the public and the national transportation system, is cost-effective, offers significant advantages over existing services, and meets other relevant factors determined appropriate by the Secretary; and

(B) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing any proposal with respect to subsection (a)(1)(A) that is selected by the Secretary under subparagraph (A) of this paragraph, all the information regarding the proposal provided to the Secretary under subsection (d), and any other information the Secretary considers relevant.

(2) SUBSEQUENT REPORT.—Following the submission of the report under paragraph (1)(B), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing any proposal with respect to subparagraphs (B) through (K) of subsection (a)(1) that are selected by the Secretary under paragraph (1) of this subsection, all the information regarding the proposal provided to the Secretary under subsection (d), and any other information the Secretary considers relevant.

(3) LIMITATION ON REPORT SUBMISSION.—The report required under paragraph (2) shall not be 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, other than those actions specifically authorized by this section, without explicit statutory authority enacted after the date of enactment of this Act.

(g) ADEQUATE 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 24402 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 generally identifies the sources of the non-Federal funding required for any subsequent segments or phases of the corridor service development program covering the project for which the grant is awarded;

''(ii) the grant will result in a useable segment, a transportation facility, or equipment, that has operational independence; and

''(iii) the intercity passenger rail benefits anticipated to result from the grant, such as increased speed, improved on-time performance, reduced trip time, increased frequencies, new service, safety improvements, improved accessibility, or other significant enhancements, are detailed by the grantee and approved by the Secretary.

''(C)(i) The Secretary shall ensure that the project is maintained to the level of utility that is necessary to support the benefits approved under subparagraph (B)(iii) for a period of 20 years from the date on which the useable segment, transportation facility, or equipment described in subparagraph (B)(ii) is placed in service.

''(ii) If the project property is not maintained as required under clause (i) for a 12-month period, the grant recipient shall refund a pro-rata share of the Federal contribution, based upon the percentage remaining of the 20-year period that commenced when the project property was placed in service.

''(2) EARLY WORK.—The Secretary may allow a grantee subject to this subsection to engage in at-risk work activities subsequent to the conclusion of final design if the Secretary determines that such work activities are reasonable and necessary.''.

SEC. 11310. SMALL BUSINESS PARTICIPATION STUDY.

(a) STUDY.—The Secretary shall conduct a nationwide disparity and availability study on the availability and use of small business concerns owned and controlled by socially and economically disadvantaged individuals and veteran-owned small businesses in publicly funded intercity rail passenger transportation projects.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit a report containing the results of the study conducted under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(c) DEFINITIONS.—In this section:

(1) SMALL BUSINESS CONCERN.—The term ''small business concern'' has the meaning given such term in section 3 of the Small Business Act (15 U.S.C. 632), except that the term does not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals that have average annual gross receipts during the preceding 3 fiscal years in excess of $22,410,000, as adjusted annually by the Secretary for inflation.

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

(3) VETERAN-OWNED SMALL BUSINESS.—The term ''veteran-owned small business'' has the meaning given the term ''small business concern owned and controlled by veterans'' in section 3(q)(3) of the Small Business Act (15 U.S.C. 632(q)(3)), except that the term does not include any concern or group of concerns controlled by the same veterans that have average annual gross receipts during the preceding 3 fiscal years in excess of $22,410,000, as adjusted annually by the Secretary for inflation.

SEC. 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, commuter rail passenger transportation authorities, other railroad carriers, railroad carriers that own rail infrastructure over which both passenger and freight trains operate, States, the Surface Transportation Board, the Northeast Corridor Commission established under section 24905 of title 49, United States Code, the State-Supported Route Committee established under section 24712 of such title, and groups representing rail passengers and customers, as appropriate, shall complete a study that evaluates—

(1) the shared use of right-of-way by passenger and freight rail systems; and

(2) the operational, institutional, and legal structures that would best support improvements to the systems referred to in paragraph (1).

(b) AREAS OF STUDY.—In conducting the study under subsection (a), the Secretary shall evaluate—

(1) the access and use of railroad right-of-way by a rail carrier that does not own the right-of-way, such as passenger rail services that operate over privately-owned right-of-way, including an analysis of—

(A) access agreements;

(B) costs of access; and

(C) the resolution of disputes relating to such access or costs;

(2) the effectiveness of existing contractual, statutory, and regulatory mechanisms for establishing, measuring, and enforcing train performance standards, including—

(A) the manner in which passenger train delays are recorded;

(B) the assignment of responsibility for such delays; and

(C) the use of incentives and penalties for performance;

(3) the strengths and weaknesses of the existing mechanisms described in paragraph (2) and possible approaches to address the weaknesses;

(4) mechanisms for measuring and maintaining public benefits resulting from publicly funded freight or passenger rail improvements, including improvements directed towards shared-use right-of-way by passenger and freight rail;

(5) approaches to operations, capacity, and cost estimation modeling that—

(A) allow for transparent decisionmaking; and

(B) protect the proprietary interests of all parties;

(6) liability requirements and arrangements, including—

(A) whether to expand statutory liability limits to additional parties;

(B) whether to revise the current statutory liability limits;

(C) whether current insurance levels of passenger rail operators are adequate and whether to establish minimum insurance requirements for such passenger rail operators; and

(D) whether to establish 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.

(c) REPORT.—Not later than 60 days after the study under subsection (a) is complete, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(1) the results of the study; and

(2) any recommendations for further action, including any legislative proposals consistent with such recommendations.

(d) IMPLEMENTATION.—The Secretary shall integrate, as appropriate, the recommendations submitted under subsection (c) into the financial assistance programs under subtitle V of title 49, United States Code, and section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822).

SEC. 11312. NORTHEAST CORRIDOR THROUGH-TICKETING AND PROCUREMENT EFFICIENCIES.

(a) THROUGH-TICKETING STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Northeast Corridor Commission established under section 24905(a) of title 49, United States Code (referred to in this section as the ''Commission''), in consultation with Amtrak and the commuter rail passenger transportation providers along the Northeast Corridor, shall complete a study on the feasibility of and options for permitting through-ticketing between Amtrak service and commuter rail services on the Northeast Corridor.

(2) CONTENTS.—In completing the study under paragraph (1), the Northeast Corridor Commission shall—

(A) examine the current state of intercity and commuter rail ticketing technologies, policies, and other relevant aspects on the Northeast Corridor;

(B) consider and recommend technology, process, policy, or other options that would permit through-ticketing to allow intercity and commuter rail passengers to purchase, in a single transaction, travel that utilizes Amtrak and connecting commuter rail services;

(C) consider options to expand through-ticketing to include local transit services;

(D) summarize costs, benefits, opportunities, and impediments to developing such through-ticketing options; and

(E) develop a proposed methodology, including cost and schedule estimates, for carrying out a pilot program on through-ticketing on the Northeast Corridor.

(3) REPORT.—Not later than 60 days after the date the study under paragraph (1) is complete, the Commission shall submit to the Secretary, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(A) the results of the study; and

(B) any recommendations for further action.

(4) REVIEW.—Not later than 180 days after receipt of the report under paragraph (3), the Secretary shall review the report and recommend best practices in developing through ticketing for other areas outside of the Northeast Corridor. The Secretary shall transmit the best practices to the State-Supported Route Committee established under section 24712 of title 49, United States Code.

(b) JOINT PROCUREMENT STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary, in cooperation with the Commission, Amtrak, and commuter rail transportation authorities on the Northeast Corridor, shall complete a study of the potential benefits resulting from Amtrak and such authorities undertaking select joint procurements for common materials, assets, and equipment when expending Federal funds for such joint procurements.

(2) CONTENTS.—In completing the study under paragraph (1), the Secretary shall consider—

(A) the types of materials, assets, and equipment that are regularly purchased by Amtrak and such authorities that are similar and could be jointly procured;

(B) the potential benefits of such joint procurements, including lower procurement costs, better pricing, greater market relevancy, and other efficiencies;

(C) the potential costs of such joint procurements;

(D) any significant impediments to undertaking joint procurements, including any necessary harmonization and reconciliation of Federal and State procurement or safety regulations or standards and other requirements; and

(E) whether to create Federal incentives or requirements relating to considering or carrying out joint procurements when expending Federal funds.

(3) TRANSMISSION.—Not later than 60 days after completing the study required under this subsection, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(A) the results of the study; and

(B) any recommendations for further action.

(c) NORTHEAST CORRIDOR.—In this section, the term ''Northeast Corridor'' means the Northeast Corridor main line between Boston, Massachusetts, and the 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, in consultation with the Surface Transportation Board, Amtrak, freight railroads, State and local governments, and regional business, tourism, and economic development agencies shall conduct a data needs assessment to—

(1) support the development of an efficient and effective intercity passenger rail network;

(2) identify the data needed to conduct cost-effective modeling and analysis for intercity passenger rail development programs;

(3) determine limitations to the data used for inputs;

(4) develop a strategy to address such limitations;

(5) identify barriers to accessing existing data;

(6) develop recommendations regarding whether the authorization of additional data collection for intercity passenger rail travel is warranted; and

(7) determine which entities should be responsible for generating or collecting needed data.

(b) BENEFIT-COST ANALYSIS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall enhance the usefulness of assessments of benefits and costs for intercity passenger rail and freight rail projects by—

(1) providing ongoing guidance and training on developing benefit and cost information for rail projects;

(2) providing more direct and consistent requirements for assessing benefits and costs across transportation funding programs, including the appropriate use of discount rates;

(3) requiring applicants to clearly communicate the methodology used to calculate the project benefits and costs, including non-proprietary information on—

(A) assumptions underlying calculations;

(B) strengths and limitations of data used; and

(C) the level of uncertainty in estimates of project benefits and costs; and

(4) ensuring that applicants receive clear and consistent guidance on values to apply for key assumptions used to estimate potential project benefits and costs.

(c) CONFIDENTIAL DATA.—The Secretary shall protect all sensitive and confidential information to the greatest extent permitted by law. Nothing in this section shall require any entity to provide information to the Secretary in the absence of a voluntary agreement.

SEC. 11314. AMTRAK INSPECTOR GENERAL.

(a) AUTHORITY.—

(1) IN GENERAL.—The Inspector General of Amtrak shall have the authority available to other Inspectors General, as necessary in carrying out the duties specified in the Inspector General Act of 1978 (5 U.S.C. App.), to investigate any alleged violation of sections 286, 287, 371, 641, 1001, 1002 and 1516 of title 18, United States Code.

(2) AGENCY.—For purposes of sections 286, 287, 371, 641, 1001, 1002, and 1516 of title 18, United States Code, Amtrak and the Amtrak Office of Inspector General, shall be considered a corporation in which the United States has a proprietary interest as set forth in section 6 of such title.

(b) ASSESSMENT.—The Inspector General of Amtrak shall—

(1) not later than 60 days after the date of enactment of this Act, initiate an assessment to determine whether current expenditures or procurements involving Amtrak's fulfillment of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) utilize competitive, market-driven provisions that are applicable throughout the entire term of such related expenditures or procurements; and

(2) not later than 6 months after the date of enactment of this Act, transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the assessment under paragraph (1).

(c) LIMITATION.—The authority provided by subsection (a) shall be effective only with respect to a fiscal year for which Amtrak receives a Federal subsidy.

SEC. 11315. MISCELLANEOUS PROVISIONS.

(a) TITLE 49 AMENDMENTS.—

(1) AUTHORITY.—Section 22702(b)(4) of title 49, United States Code, is amended by striking ''5 years for reapproval by the Secretary'' and inserting ''4 years for acceptance by the Secretary''.

(2) CONTENTS OF STATE RAIL PLANS.—Section 22705(a) of title 49, United States Code, is amended by striking paragraph (12).

(b) PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT AMENDMENTS.—Section 305 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) is amended—

(1) in subsection (a) by inserting after ''equipment manufacturers,'' the following: ''nonprofit organizations representing employees who perform overhaul and maintenance of passenger railroad equipment,'';

(2) in subsection (c) by striking '', and may establish a corporation, which may be owned or jointly-owned by Amtrak, participating States, or other entities, to perform these functions''; and

(3) in subsection (e) by striking ''and establishing a jointly-owned corporation to manage that equipment''.

(c) CERTAIN PROJECTS.—A project described in 1307(a)(3) of SAFETEA–LU (Public Law 109–59) may be eligible for the Railroad Rehabilitation and Improvement Financing program if the Secretary determines such project meets the requirements of sections 502 and 503 of the Railroad

Revitalization and Regulatory Reform Act of 1976.

(d) 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) PROHIBITIONS.—The Secretary is prohibited from—

''(i) approving or disapproving a revised plan submitted under subsection (a)(1);

''(ii) considering a revised plan under subsection (a)(1) as a request for amendment under section 236.1021 of title 49, Code of Federal Regulations; or

''(iii) requiring the submission, as part of the revised plan under subsection (a)(1), of—

''(I) only a schedule and sequence under subsection (a)(2)(A)(iii)(VII); or

''(II) both a schedule and sequence under subsection (a)(2)(A)(iii)(VII) and an alternative schedule and sequence under subsection (a)(2)(B).

''(B) 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 the authority to review 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)(i), the contents under subsection (a)(2)(A)(ii), and the year or years, totals, and summary under subsection (a)(2)(A)(iii)(I) through (VI).''.

(2) CONFORMING AMENDMENT.—Section 20157(g)(3) of title 49, United States Code, is amended by striking ''by paragraph (2) and subsection (k)'' 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 1139 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 (j), by striking ''railroad passenger accident'' each place it appears and inserting ''rail passenger accident''.

(b) SOLID WASTE RAIL TRANSFER FACILITY LAND-USE EXEMPTION.—Section 10909 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 subsection (e), by striking ''Upon the granting of petition from the State'' and inserting ''Upon the granting of a petition from the State''.

(c) RULEMAKING PROCESS.—Section 20116 of title 49, United States Code, is amended—

(1) by inserting ''(2)'' before ''the code, rule, standard, requirement, or practice has been subject to notice and comment under a rule or order issued under this part.'' and indenting accordingly;

(2) by inserting ''(1)'' after ''unless'' and indenting accordingly;

(3) in paragraph (1), as redesignated, by striking ''order, or'' and inserting ''order; or''; and

(4) in the matter preceding paragraph (1), as redesignated, by striking ''unless'' and inserting ''unless—''.

(d) ENFORCEMENT REPORT.—Section 20120(a) of title 49, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking ''website'' and inserting ''Web site'';

(2) in paragraph (1), by striking ''accident and incidence reporting'' and inserting ''accident and incident reporting'';

(3) in paragraph (2)(G), by inserting ''and'' at the end; and

(4) in paragraph (5)(B), by striking ''Administrative Hearing Officer or Administrative Law Judge'' and inserting ''administrative hearing officer or administrative law judge''.

(e) RAILROAD SAFETY RISK REDUCTION PROGRAM.—Section 20156 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) in subsection (g)(1)—

(A) by inserting a comma after ''good faith''; and

(B) by striking ''non-profit'' and inserting ''nonprofit''.

(f) ROADWAY USER SIGHT DISTANCE AT HIGHWAY-RAIL GRADE CROSSINGS.—Section 20159 of title 49, United States Code, is amended by striking ''the Secretary'' and inserting ''the Secretary of Transportation''.

(g) 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 trackage over which it operates'' and inserting ''concerning each previously unreported crossing through which it operates with respect to the trackage over which it operates''; and

(2) in subsection (b)(1)(A), by striking ''concerning each crossing through which it operates or with respect to the trackage over which it operates'' and inserting ''concerning each crossing through which it operates with respect to the trackage over which it operates''.

(h) MINIMUM TRAINING STANDARDS AND PLANS.—Section 20162(a)(3) of title 49, United States Code, is amended by striking ''railroad compliance with Federal standards'' and inserting ''railroad carrier compliance with Federal standards''.

(i) DEVELOPMENT AND USE OF RAIL SAFETY TECHNOLOGY.—Section 20164(a) of title 49, United States Code, is amended by striking ''after enactment of the Railroad Safety Enhancement Act of 2008'' and inserting ''after the date of enactment of the Rail Safety Improvement Act of 2008''.

(j) RAIL SAFETY IMPROVEMENT ACT OF 2008.—

(1) TABLE OF CONTENTS.—Section 1(b) of division A of the Rail Safety Improvement Act of 2008 (Public Law 110–432; 122 Stat. 4848) is amended—

(A) in the item relating to section 307 by striking ''website'' and inserting ''Web site'';

(B) in the item relating to title VI by striking ''solid waste facilities'' and inserting ''solid waste rail transfer facilities''; and

(C) in the item relating to section 602 by striking ''solid waste transfer facilities'' and inserting ''solid waste rail transfer facilities''.

(2) DEFINITIONS.—Section 2(a)(1) of division A of the Rail Safety Improvement Act of 2008 (Public Law 110–432; 122 Stat. 4849) is amended in the matter preceding subparagraph (A), by inserting a comma after ''at grade''.

(3) RAILROAD SAFETY STRATEGY.—Section 102(a)(6) of title I of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20101 note) is amended by striking ''Improving the safety of railroad bridges, tunnels, and related infrastructure to prevent accidents, incidents, injuries, and fatalities caused by catastrophic failures and other bridge and tunnel failures.'' and inserting ''Improving the safety of railroad bridges, tunnels, and related infrastructure to prevent accidents, incidents, injuries, and fatalities caused by catastrophic and other failures of such infrastructure.''.

(4) OPERATION LIFESAVER.—Section 206(a) of title II of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 22501 note) is amended by striking ''Public Service Announcements'' and inserting ''public service announcements''.

(5) UPDATE OF FEDERAL RAILROAD ADMINISTRATION'S WEB SITE.—Section 307 of title III of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 103 note) is amended—

*(A) in the heading by striking ''**FEDERAL RAILROAD ADMINISTRATION'S WEBSITE**'' and inserting ''**FEDERAL RAILROAD ADMINISTRATION WEB SITE**'';*

(B) by striking ''website'' each place it appears and inserting ''Web site''; and

(C) by striking ''website's'' and inserting ''Web site's''.

(6) ALCOHOL AND CONTROLLED SUBSTANCE TESTING FOR MAINTENANCE-OF-WAY EMPLOYEES.—Section 412 of title IV of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20140 note) is amended by striking ''Secretary of Transportation'' and inserting ''Secretary''.

(7) TUNNEL INFORMATION.—Section 414 of title IV of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20103 note) is amended—

(A) by striking ''parts 171.8, 173.115'' and inserting ''sections 171.8, 173.115''; and

(B) by striking ''part 1520.5'' and inserting ''section 1520.5''.

(8) SAFETY INSPECTIONS IN MEXICO.—Section 416 of title IV of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20107 note) is amended—

(A) in the matter preceding paragraph (1), by striking ''Secretary of Transportation'' and inserting ''Secretary''; and

(B) in paragraph (4), by striking ''subsection'' and inserting ''section''.

*(9) HEADING OF TITLE VI.—The heading of title VI of division A of the Rail Safety Improvement Act of 2008 (122 Stat. 4900) is amended by striking ''**SOLID WASTE FACILITIES**'' and inserting ''***SOLID WASTE RAIL TRANSFER FACILITIES***''.*

*(10) HEADING OF SECTION 602.—The heading of section 602 of title VI of division A of the Rail Safety Improvement Act of 2008 (122 Stat. 4900) is amended by striking ''**SOLID WASTE TRANSFER FACILITIES**'' and inserting ''**SOLID WASTE RAIL TRANSFER FACILITIES**''.*

(k) CONTINGENT INTEREST RECOVERIES.—Section 22106(b) of title 49, United States Code, is amended by striking ''interest thereof'' and inserting ''interest thereon''.

(l) MISSION.—Section 24101(b) of title 49, United States Code, is amended by striking ''of subsection (d)'' and inserting ''set forth in subsection (c)''.

(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 24706—

(A) in subsection (a)—

(i) in paragraph (1) by striking ''a discontinuance under section 24704 or or''; and

(ii) in paragraph (2) by striking ''section 24704 or''; and

(B) in subsection (b) by striking ''section 24704 or''; and

(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'' at the end;

(2) in paragraph (13) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(14) to improve overall safety of intercity passenger and freight rail operations.''.

(p) SECRETARIAL OVERSIGHT.—Section 24403 of title 49, United States Code, is amended by striking subsection (b).

Subtitle D—Safety

SEC. 11401. HIGHWAY-RAIL GRADE CROSSING SAFETY.

(a) MODEL STATE HIGHWAY-RAIL GRADE CROSSING ACTION PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Railroad Administration shall develop a model of a State-specific highway-rail grade crossing action plan and distribute the plan to each State.

(2) CONTENTS.—The plan developed under paragraph (1) shall include—

(A) methodologies, tools, and data sources for identifying and evaluating highway-rail grade crossing safety risks, including the public safety risks posed by blocked highway-rail grade crossings due to idling trains;

(B) best practices to reduce the risk of highway-rail grade crossing accidents or incidents and to alleviate the blockage of highway-rail grade crossings due to idling trains, including strategies for—

(i) education, including model stakeholder engagement plans or tools;

(ii) engineering, including the benefits and costs of different designs and technologies used to mitigate highway-rail grade crossing safety risks; and

(iii) enforcement, including the strengths and weaknesses associated with different enforcement methods;

(C) for each State, a customized list and data set of the highway-rail grade crossing accidents or incidents in that State over the past 3 years, including the location, number of deaths, and number of injuries for each accident or incident, and a list of highway-rail grade crossings in that State that have experienced multiple accidents or incidents over the past 3 years; and

(D) contact information of a Department of Transportation safety official available to assist the State in adapting the model plan to satisfy the requirements under subsection (b).

(b) STATE HIGHWAY-RAIL GRADE CROSSING ACTION PLANS.—

(1) REQUIREMENTS.—Not later than 18 months after the Administrator develops and distributes the model plan under subsection (a), the Administrator shall promulgate a rule that requires—

(A) each State, except the 10 States identified under section 202 of the Rail Safety Improvement Act of 2008 (49 U.S.C. 22501 note), to develop and implement a State highway-rail grade crossing action plan; and

(B) each State identified under section 202 of the Rail Safety Improvement Act of 2008 (49 U.S.C. 22501 note) to—

(i) update the State action plan under such section; and

(ii) submit to the Administrator—

(I) the updated State action plan; and

(II) a report describing what the State did to implement its previous State action plan under such section and how the State will continue to reduce highway-rail grade crossing safety risks.

(2) CONTENTS.—Each State plan required under this subsection shall—

(A) identify highway-rail grade crossings that have experienced recent highway-rail grade crossing accidents or incidents or multiple highway-rail grade crossing accidents or incidents, or are at high-risk for accidents or incidents;

(B) identify specific strategies for improving safety at highway-rail grade crossings, including highway-rail grade crossing closures or grade separations; and

(C) designate a State official responsible for managing implementation of the State action plan under subparagraph (A) or (B) of paragraph (1), as applicable.

(3) ASSISTANCE.—The Administrator shall provide assistance to each State in developing and carrying out, as appropriate, the State action plan under this subsection.

(4) PUBLIC AVAILABILITY.—Each State shall submit a final State 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 that State submitting an acceptable State action plan under this subsection.

(6) REVIEW OF ACTION PLANS.—Not later than 60 days after the date of receipt of a State action plan under this subsection, the Administrator shall—

(A) if the State action plan is approved, notify the State and publish 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) FAILURE TO COMPLETE OR 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 carry out section 130 of title 23, United States Code, to provide States with funds to develop a State highway-rail grade crossing action plan under subsection (b)(1)(A) or to update a State action plan under subsection (b)(1)(B).

(e) DEFINITIONS.—In this section:

(1) HIGHWAY-RAIL GRADE CROSSING.—The term ''highway-rail grade crossing'' means a location within a State, other than a location where 1 or more railroad tracks cross 1 or more railroad tracks at grade, where—

(A) a public highway, road, or street, or a private roadway, including associated sidewalks and pathways, crosses 1 or more railroad tracks either at grade or grade-separated; or

(B) a pathway explicitly authorized by a public authority or a railroad carrier that is dedicated for the use of non-vehicular traffic, including pedestrians, bicyclists, and others, that is not associated with a public highway, road, or street, or a private roadway, crosses 1 or more railroad tracks either at grade or grade-separated.

(2) STATE.—The term ''State'' means a State of the United States or the District of Columbia.

SEC. 11402. PRIVATE HIGHWAY-RAIL GRADE CROSSINGS.

(a) IN GENERAL.—The Secretary, in consultation with railroad carriers, shall conduct a study to—

(1) determine whether limitations or weaknesses exist regarding the availability and usefulness for safety purposes of data on private highway-rail grade crossings; and

(2) evaluate existing engineering practices on private highway-rail grade crossings.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall make recommendations as necessary to improve—

(1) the utility of the data on private highway-rail grade crossings; and

(2) the implementation of private highway-rail crossing safety measures, including signage and warning systems.

(c) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report of the findings of the study and any recommendations for further action.

SEC. 11403. STUDY ON 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;

(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 limit or preclude any planned retrospective review by the Secretary of the final rule described in subsection (a).

SEC. 11404. POSITIVE TRAIN CONTROL AT GRADE CROSSINGS EFFECTIVENESS STUDY.

After the Secretary certifies that each Class I railroad carrier and each entity providing regularly scheduled intercity or commuter rail passenger transportation is in compliance with the positive train control requirements under section 20157(a) of title 49, United States Code, the Secretary shall—

(1) conduct a study of the possible effectiveness of positive train control and related technologies on reducing collisions at highway-rail grade crossings; and

(2) submit a report containing the results of the study conducted under paragraph (1) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 11405. BRIDGE INSPECTION REPORTS.

Section 417(d) of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20103 note) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(2) AVAILABILITY OF BRIDGE CONDITION.—

''(A) IN GENERAL.—A State or political subdivision of a State may file a request with the Secretary for a public version of a bridge inspection report generated under subsection (b)(5) for a bridge located in such State or political subdivision's jurisdiction.

''(B) PUBLIC VERSION OF REPORT.—If the Secretary determines that the request is reasonable, the Secretary shall require a railroad to submit a public version of the most recent bridge inspection report, such as a summary form, for a bridge subject to a request under subparagraph (A). The public version of a bridge inspection report shall include the date of last inspection, length of bridge, location of bridge, type of bridge, type of structure, feature crossed by bridge, and railroad contact information, along with a general statement on the condition of the bridge.

''(C) PROVISION OF REPORT.—The Secretary shall provide to a State or political subdivision of a State a public version of a bridge inspection report submitted under subparagraph (B).

''(D) TECHNICAL ASSISTANCE.—The Secretary, upon the reasonable request of State or political subdivision of a State, shall provide technical

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 carrier, shall survey its entire system and identify each main track location where there is a reduction of more than 20 miles per hour from the approach speed to a curve, bridge, or tunnel and the maximum authorized operating speed for passenger trains at that curve, bridge, or tunnel.

(b) ACTION PLANS.—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 speed for passenger trains at each location identified under paragraph (1), including—

(A) modification to automatic train control systems, if applicable, or other signal systems;

(B) increased crew size;

(C) installation of signage alerting train crews of the maximum authorized speed for passenger trains in each location identified under paragraph (1);

(D) installation of alerters;

(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 90 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 20157 of title 49, United States Code, or any other safety technology or practice that would achieve an equivalent or greater level of safety in reducing derailment risk.

(e) REPORT.—Not later than 6 months after the date of 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 describes—

(1) the actions railroad carriers have taken in response to Safety Advisory 2013–08, entitled ''Operational Tests and Inspections for Compliance With Maximum Authorized Train Speeds and Other Speed Restrictions'';

(2) the actions railroad carriers have taken in response to Safety Advisory 2015–03, entitled ''Operational and Signal Modifications for Compliance with Maximum Authorized Passenger Train Speeds and Other Speed Restrictions''; and

(3) the actions the Federal Railroad Administration has taken to evaluate or incorporate the information and findings arising from the safety advisories referred to in paragraphs (1) and (2) into the development of regulatory action and oversight activities.

(f) SAVINGS CLAUSE.—Nothing in this section shall prohibit the Secretary from applying the requirements of this section to other segments of track at high risk of overspeed derailment.

SEC. 11407. ALERTERS.

(a) IN GENERAL.—The Secretary shall promulgate a rule to require a working alerter in the controlling locomotive of each passenger train in intercity rail passenger transportation (as defined in section 24102 of title 49, United States Code) or commuter rail passenger transportation (as defined in section 24102 of title 49, United States Code).

(b) RULEMAKING.—

(1) IN GENERAL.—The Secretary may promulgate a rule to specify the essential functionalities of a working alerter, including the manner in which the alerter can be reset.

(2) ALTERNATE PRACTICE OR TECHNOLOGY.—The Secretary may require or allow a technology or practice in lieu of a working alerter if the Secretary determines that the technology or practice would achieve an equivalent or greater level of safety in enhancing or ensuring appropriate locomotive control.

SEC. 11408. SIGNAL PROTECTION.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall initiate a rulemaking to require that on-track safety regulations, whenever practicable and consistent with other safety requirements and operational considerations, include requiring implementation of redundant signal protection for maintenance-of-way work crews who depend on a train dispatcher to provide signal protection.

(b) ALTERNATIVE SAFETY MEASURES.—The Secretary shall consider exempting from any final requirements of this section each segment of track for which operations are governed by a positive train control system certified under section 20157 of title 49, United States Code, or any other safety technology or practice that would achieve an equivalent or greater level of safety in providing additional signal protection.

SEC. 11409. COMMUTER RAIL TRACK INSPECTIONS.

(a) IN GENERAL.—The Secretary shall evaluate track inspection regulations to determine if a railroad carrier providing commuter rail passenger transportation on high density commuter railroad lines should be required to inspect the lines in the same manner as is required for other commuter railroad lines.

(b) RULEMAKING.—Considering safety, including railroad carrier employee and contractor safety, system capacity, 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 revise the 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 any other law.

SEC. 11410. POST-ACCIDENT ASSESSMENT.

(a) IN GENERAL.—The Secretary, in cooperation with the National Transportation Safety Board and Amtrak, shall conduct a post-accident assessment of the Amtrak Northeast Regional Train #188 crash on May 12, 2015.

(b) ELEMENTS.—The assessment conducted pursuant to subsection (a) shall include—

(1) a review of Amtrak's compliance with the plan for addressing the needs of the families of 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 239.101(a) of title 49, Code of Federal Regulations;

(3) a determination of any additional action items that should be included in the plans referred to in paragraphs (1) and (2) to meet the needs of the passengers involved in the crash and their families, including—

(A) notification of emergency contacts;

(B) dedicated and trained staff to manage family assistance;

(C) the establishment of a family assistance center at the accident locale or other appropriate location;

(D) a system for identifying and recovering items belonging to passengers that were lost in the crash; and

(E) the establishment of a single customer service entity within Amtrak to coordinate the response to the needs of the passengers involved in the crash and their families; and

(4) recommendations for any additional training needed by Amtrak staff to better implement the plans referred to in paragraphs (1) and (2), including the establishment of a regular schedule for training drills and exercises.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of 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 to require each railroad carrier that provides regularly scheduled intercity rail passenger or commuter rail passenger transportation to the public to install inward- and outward-facing image recording devices in all controlling locomotive cabs and cab car operating compartments in such passenger trains.

''(b) DEVICE STANDARDS.—Each inward- and outward-facing image recording device shall—

''(1) have a minimum 12-hour continuous recording capability;

''(2) have crash and fire protections for any in-cab image recordings that are stored only within a controlling locomotive cab or cab car operating compartment; and

''(3) have recordings accessible for review during an accident or incident investigation.

''(c) REVIEW.—The Secretary shall establish a process to review and approve or disapprove an inward- or outward-facing image recording device for compliance with the standards described in subsection (b).

''(d) USES.—A railroad carrier subject to the requirements of subsection (a) that has installed an inward- or outward-facing image recording device approved under subsection (c) may use recordings from that inward- or outward-facing image recording device for the following purposes:

''(1) Verifying that train crew actions are in accordance with applicable safety laws and the

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 reportable accident or incident.

''(3) Documenting a criminal act or monitoring unauthorized occupancy of the controlling locomotive cab or car operating compartment.

''(4) Other purposes that the Secretary considers appropriate.

''(e) 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.

''(f) TAMPERING.—A railroad carrier subject to the requirements of subsection (a) may take appropriate enforcement or administrative action against any employee that tampers with or disables an audio or inward- or outward-facing image recording device installed by the railroad carrier.

''(g) PRESERVATION OF DATA.—Each railroad carrier subject to the requirements of subsection (a) shall preserve recording device data for 1 year after the date of a reportable accident or incident.

''(h) INFORMATION PROTECTIONS.—The Secretary may not disclose publicly any part of an in-cab audio or image recording or transcript of oral communications by or among train employees or other operating employees responsible for the movement and direction of the train, or between such operating employees and company communication centers, related to an accident 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 other factual reports on the accident or incident are released to the public.

''(i) PROHIBITED USE.—An in-cab audio or image recording obtained by a railroad carrier under this section may not be used to retaliate against an employee.

''(j) SAVINGS CLAUSE.—Nothing in this section may be construed as requiring a railroad carrier to cease or restrict operations upon a technical failure of an inward- or outward-facing image recording device or in-cab audio device. Such railroad carrier shall repair or replace the failed inward- or outward-facing image recording device as soon as practicable.''.

(b) CONFORMING AMENDMENT.—The table of contents for subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following:

''20168. Installation of audio and image recording devices.''.

SEC. 11412. RAILROAD POLICE OFFICERS.

(a) IN GENERAL.—Section 28101 of title 49, United States Code, is amended—

(1) by striking ''employed by'' each place it appears and inserting ''directly employed by or contracted by'';

(2) in subsection (b), by inserting ''or agent, as applicable,'' after ''an employee''; and

(3) by adding at the end the following:

''(c) TRANSFERS.—

''(1) IN GENERAL.—If a railroad police officer directly employed by or contracted by a rail carrier and certified or commissioned as a police officer under the laws of a State transfers primary employment or residence from the certifying or commissioning State to another State or jurisdiction, the railroad police officer, not later than 1 year after the date of transfer, shall apply to be certified or commissioned as a police office under the laws of the State of new primary employment or residence.

''(2) INTERIM PERIOD.—During the period beginning on the date of transfer and ending 1 year after the date of transfer, a railroad police officer directly employed by or contracted by a rail carrier and certified or commissioned as a police officer under the laws of a State may enforce the laws of the new jurisdiction in which the railroad police officer resides, to the same extent as provided in subsection (a).

''(d) TRAINING.—

''(1) IN GENERAL.—A State may recognize as meeting that State's basic police officer certification or commissioning requirements for qualification as a rail police officer under this section any individual who successfully completes a program at a State-recognized police training academy in another State or at a Federal law enforcement training center and who is certified or commissioned as a police officer by that other State.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as superseding or affecting any State training requirements related to criminal law, criminal procedure, motor vehicle code, any other State law, or State-mandated comparative or annual in-service training academy or Federal law enforcement training center.''.

(b) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall revise the regulations in part 207 of title 49, Code of Federal Regulations (relating to railroad police officers), to permit a railroad to designate an individual, who is commissioned in the individual's State of legal residence or State of primary employment and directly employed by or contracted by a railroad to enforce State laws for the protection of railroad property, personnel, passengers, and cargo, to serve in the States in which the railroad owns property.

(c) CONFORMING AMENDMENTS.—

(1) AMTRAK RAIL POLICE.—Section 24305(e) of title 49, United States Code, is amended—

(A) by striking ''may employ'' and inserting ''may directly employ or contract with'';

(B) by striking ''employed by'' and inserting ''directly employed by or contracted by''; and

(C) by striking ''employed without'' and inserting ''directly employed or contracted without''.

(2) EXCEPTIONS.—Section 922(z)(2)(B) of title 18, United States Code, is amended by striking ''employed by'' and inserting ''directly employed by or contracted by''.

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 credited directly to the Railroad Safety and Operations account of the Federal Railroad Administration and shall remain available until expended for the repair, operation, and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.''.

(b) CONFORMING AMENDMENT.—The table of contents for subchapter I of chapter 201 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 Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing research conducted or procured by the Federal Railroad Administration on developing a system that measures vertical track 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 Railroad Administration automated track inspection program geometry car;

(3) if considered 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) if considered appropriate by the Secretary based on the report and related research, 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, the aggregate allowable awards to all rail passengers, against all defendants, for all claims, including claims for punitive damages, arising from a single accident or incident involving Amtrak occurring on May 12, 2015, shall not exceed $295,000,000.

(b) ADJUSTMENT BASED ON CONSUMER PRICE INDEX.—The liability cap under section 28103(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 adjustment. The adjustment of the liability cap shall be effective 30 days after such notice. Every fifth year after the date of enactment of this Act, the Secretary shall adjust such liability cap to reflect the change in the Consumer Price Index-All Urban Consumers since the last adjustment. The Secretary shall provide appropriate public notice of each such adjustment, and the adjustment shall become effective 30 days after such notice.

Subtitle E—Project Delivery

SEC. 11501. SHORT TITLE.

This subtitle may be cited as the ''Track, Railroad, and Infrastructure Network Act'' or the ''TRAIN Act''.

SEC. 11502. TREATMENT OF IMPROVEMENTS TO RAIL AND TRANSIT UNDER PRESERVATION REQUIREMENTS.

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

''(f) RAIL AND TRANSIT.—

''(1) IN GENERAL.—Improvements to, or the maintenance, rehabilitation, or operation of, railroad or rail transit lines 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), regardless of whether the railroad or rail transit line or element thereof is listed on, or

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) in subsection (c), in the matter preceding paragraph (1), by striking ''subsection (d)'' and inserting ''subsections (d) and (h)''; and

(2) by adding at the end the following:

''(h) RAIL AND TRANSIT.—

''(1) IN GENERAL.—Improvements to, or the maintenance, rehabilitation, or operation of, railroad or rail transit lines 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 (c), regardless of whether the railroad or rail transit line or element thereof is listed on, or 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.''.

SEC. 11503. 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 139 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 paragraph (1), 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) DISCRETION.—The Secretary may choose not to incorporate into agency regulations and procedures pertaining to railroad projects described in paragraph (1) such project development procedures that could only feasibly apply to highway projects, public transportation capital projects, and multimodal projects.

''(4) APPLICABILITY.—Subsection (l) of section 139 of title 23 shall apply to railroad projects described in paragraph (1), except that the limitation on claims of 150 days shall be 2 years.

''(b) ADDITIONAL CATEGORICAL EXCLUSIONS.—Not later than 6 months after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary shall—

''(1) survey the use by the Federal Railroad Administration of categorical exclusions in transportation projects since 2005; and

''(2) 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.

''(c) 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 categorical exclusions meet the criteria for a categorical exclusion under section 1508.4 of title 40, Code of Federal Regulations.

''(d) 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 title.

''(e) 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 such subtitle.''.

(b) SAVINGS CLAUSE.—Except as expressly provided in section 41003(f) and subsection (o) of section 139 of title 23, United States Code, the requirements and other provisions of title 41 of this Act shall not apply to—

(1) programs administered now and in the future by the Department of Transportation or its operating administrations under title 23, 46, or 49, United States Code, including direct loan and loan guarantee programs, or other Federal statutes or programs or projects administered by an agency pursuant to their authority under title 49, United States Code; or

(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''.

SEC. 11504. RAILROAD RIGHTS-OF-WAY.

(a) AMENDMENT.—Chapter 242 of title 49, United States Code, (as added by this Act) is amended by adding at the end the following:

''§ 24202. Railroad rights-of-way

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary shall submit a proposed exemption of railroad rights-of-way from the review under section 306108 of title 54 to the Advisory Council on Historic Preservation for consideration, consistent with the exemption for interstate highways approved on March 10, 2005 (70 Fed. Reg. 11,928).

''(b) FINAL EXEMPTION.—Not later than 180 days after the date on which the Secretary submits the proposed exemption under subsection (a) to the Council, the Council shall issue a final exemption of railroad rights-of-way from review under chapter 3061 of title 54 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, (as added by this Act) is amended by adding at the end the following:

''24202. Railroad rights-of-way.''.

Subtitle F—Financing

SEC. 11601. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This subtitle may be cited as the ''Railroad Infrastructure Financing Improvement Act''.

(b) REFERENCES TO THE RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976.—Except as otherwise expressly provided, wherever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.).

SEC. 11602. DEFINITIONS.

Section 501 (45 U.S.C. 821) is amended—

(1) by redesignating paragraph (8) as paragraph (10);

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

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

''(6) The term 'investment-grade rating' means a rating of BBB minus, Baa 3, bbb minus, BBB(low), or higher assigned by a rating agency.'';

(4) by inserting after paragraph (8), as redesignated, the following:

''(9) The term 'master credit agreement' means an agreement to make 1 or more direct loans or loan guarantees at future dates for a program of related projects on terms acceptable to the Secretary.''; and

(5) by adding at the end the following:

''(11) The term 'project obligation' means a note, bond, debenture, or other debt obligation issued by a borrower in connection with the financing of a project, other than a direct loan or loan guarantee under this title.

''(12) The term 'railroad' has the meaning given the term 'railroad carrier' in section 20102 of title 49, United States Code.

''(13) The term 'rating agency' means a credit rating agency registered with the Securities and Exchange Commission as a nationally recognized statistical rating organization (as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))).

''(14) The term 'substantial completion' means—

''(A) the opening of a project to passenger or freight traffic; or

''(B) a comparable event, as determined by the Secretary and specified in the terms of the direct loan or loan guarantee provided by the Secretary.''.

SEC. 11603. ELIGIBLE APPLICANTS.

Section 502(a) (45 U.S.C. 822(a)) is amended—

(1) in paragraph (5), by striking ''one railroad'' and inserting ''1 of the entities described in paragraph (1), (2), (3), (4), or (6)''; and

(2) by amending paragraph (6) to read as follows:

''(6) solely for the purpose of constructing a rail connection between a plant or facility and a railroad, limited option freight shippers that own or operate a plant or other facility.''.

SEC. 11604. ELIGIBLE PURPOSES.

(a) IN GENERAL.—Section 502(b)(1) (45 U.S.C. 822(b)(1)) is amended—

(1) in subparagraph (A), by inserting '', and costs related to these activities, including preconstruction costs'' after ''shops'';

(2) in subparagraph (B), by striking ''subparagraph (A); or'' and inserting ''subparagraph (A) or (C);'';

(3) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(D) reimburse planning and design expenses relating to activities described in subparagraph (A) or (C); or

''(E) finance economic development, including commercial and residential development, and related infrastructure and activities, that—

''(i) incorporates private investment;

''(ii) is physically or functionally related to a passenger rail station or multimodal station that includes rail service;

''(iii) has a high probability of the applicant commencing the contracting process for construction not later than 90 days after the date on which the direct loan or loan guarantee is obligated for the project under this title; and

''(iv) has a high probability of reducing the need for financial assistance under any other Federal program for the relevant passenger rail station or service by increasing ridership, tenant lease payments, or other activities that generate revenue exceeding costs.''.

(b) REQUIRED NON-FEDERAL MATCH FOR TRANSIT-ORIENTED DEVELOPMENT PROJECTS.—Section 502(h) (45 U.S.C. 822(h)) is amended by adding at the end the following:

''(4) The Secretary shall require each recipient of a direct loan or loan guarantee under this section for a project described in subsection (b)(1)(E) to provide a non-Federal match of not less than 25 percent of the total amount expended by the recipient for such project.''.

(c) SUNSET.—Section 502(b) (45 U.S.C. 822(b)) is amended by adding at the end the following:

''(3) SUNSET.—The Secretary may provide a direct loan or loan guarantee under this section for a project described in paragraph (1)(E) only during the 4-year period beginning on the date of enactment of the Passenger Rail Reform and Investment Act of 2015.''.

SEC. 11605. PROGRAM ADMINISTRATION.

(a) APPLICATION PROCESSING PROCEDURES.—Section 502(i) (45 U.S.C. 822(i)) is amended to read as follows:

''(i) APPLICATION PROCESSING PROCEDURES.—

''(1) APPLICATION STATUS NOTICES.—Not later than 30 days after the date that the Secretary receives an application under this section, or additional information and material under paragraph (2)(B), the Secretary shall provide the applicant written notice as to whether the application is complete or incomplete.

''(2) INCOMPLETE APPLICATIONS.—If the Secretary determines that an application is incomplete, the Secretary shall—

''(A) provide the applicant with a description of all of the specific information or material that is needed to complete the application, including any information required by an independent financial analyst; and

''(B) allow the applicant to resubmit the application with the information and material described under subparagraph (A) to complete the application.

''(3) APPLICATION APPROVALS AND DISAPPROVALS.—

''(A) IN GENERAL.—Not later than 60 days after the date the Secretary notifies an applicant that an application is complete under paragraph (1), the Secretary shall provide the applicant written notice as to whether the Secretary has approved or disapproved the application.

''(B) ACTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—In order to enable compliance with the time limit under subparagraph (A), the Office of Management and Budget shall take any action required with respect to the application within that 60-day period.

''(4) EXPEDITED PROCESSING.—The Secretary shall implement procedures and measures to economize the time and cost involved in obtaining an approval or a disapproval of an application for a direct loan or loan guarantee under this title.

''(5) DASHBOARD.—The Secretary shall post on the Department of Transportation's Internet Web site a monthly report that includes, for each application—

''(A) the applicant type;

''(B) the location of the project;

''(C) a brief description of the project, including its purpose;

''(D) the requested direct loan or loan guarantee amount;

''(E) the date on which the Secretary provided application status notice under paragraph (1); and

''(F) the date that the Secretary provided notice of approval or disapproval under paragraph (3).''.

(b) ADMINISTRATION OF DIRECT LOANS AND LOAN GUARANTEES.—Section 503 (45 U.S.C. 823) is amended—

(1) in subsection (a) by striking the period at the end and inserting '', including a program guide, a standard term sheet, and specific timetables.'';

(2) by redesignating subsections (c) through (l) as subsections (d) through (m), respectively;

(3) by striking ''(b) ASSIGNMENT OF LOAN GUARANTEES.—'' and inserting ''(c) ASSIGNMENT OF LOAN GUARANTEES.—'';

(4) in subsection (d), as so redesignated—

(A) in paragraph (1) by striking ''; and'' and inserting a semicolon;

(B) in paragraph (2) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(3) the modification cost has been covered under section 502(f).''; and

(5) by striking subsection (l), as so redesignated, and inserting the following:

''(l) CHARGES AND LOAN SERVICING.—

''(1) PURPOSES.—The Secretary may collect from each applicant, obligor, or loan party a reasonable charge for—

''(A) the cost of evaluating the application, amendments, modifications, and waivers, including for evaluating project viability, applicant creditworthiness, and the appraisal of the value of the equipment or facilities for which the direct loan or loan guarantee is sought, and for making necessary determinations and findings;

''(B) the cost of award management and project management oversight;

''(C) the cost of services from expert firms, including counsel, and independent financial advisors to assist in the underwriting, auditing, servicing, and exercise of rights with respect to direct loans and loan guarantees; and

''(D) the cost of all other expenses incurred as a result of a breach of any term or condition or any event of default on a direct loan or loan guarantee.

''(2) STANDARDS.—The Secretary may charge different amounts under this subsection based on the different costs incurred under paragraph (1).

''(3) SERVICER.—

''(A) IN GENERAL.—The Secretary may appoint a financial entity to assist the Secretary in servicing a direct loan or loan guarantee under this title.

''(B) DUTIES.—A servicer appointed under subparagraph (A) shall act as the agent of the Secretary in serving a direct loan or loan guarantee under this title.

''(C) FEES.—A servicer appointed under subparagraph (A) shall receive a servicing fee from the obligor or other loan party, subject to approval by the Secretary.

''(4) SAFETY AND OPERATIONS ACCOUNT.—Amounts collected under this subsection shall—

''(A) be credited directly to the Safety and Operations account of the Federal Railroad Administration; and

''(B) remain available until expended to pay for the costs described in this subsection.''.

SEC. 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 established''.

(b) REPAYMENT SCHEDULES.—Section 502(j) (45 U.S.C. 822(j)) is amended—

(1) in paragraph (1) by striking ''the sixth anniversary date of the original loan disbursement'' and inserting ''5 years after the date of substantial completion''; and

(2) by adding at the end the following:

''(3) DEFERRED PAYMENTS.—

''(A) IN GENERAL.—If at any time after the date of substantial completion the obligor is unable to pay the scheduled loan repayments of principal and interest on a direct loan provided under this section, the Secretary, subject to subparagraph (B), may allow, for a maximum aggregate time of 1 year over the duration of the direct loan, the obligor to add unpaid principal and interest to the outstanding balance of the direct loan.

''(B) INTEREST.—A payment deferred under subparagraph (A) shall—

''(i) continue to accrue interest under paragraph (2) until the loan is fully repaid; and

''(ii) be scheduled to be amortized over the remaining term of the loan.

''(4) PREPAYMENTS.—

''(A) USE OF EXCESS REVENUES.—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 applied annually to prepay the direct loan without penalty.

''(B) USE OF PROCEEDS OF REFINANCING.—The direct loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.''.

(c) SALE OF DIRECT LOANS.—Section 502 (45 U.S.C. 822) is amended by adding at the end the following:

''(k) SALE OF DIRECT LOANS.—

''(1) IN GENERAL.—Subject to paragraph (2) and as soon as practicable after substantial completion of a project, the Secretary, after notifying the obligor, may sell to another entity or reoffer into the capital markets a direct loan for the project if the Secretary determines that the sale or reoffering has a high probability of being made on favorable terms.

''(2) CONSENT OF OBLIGOR.—In making a sale or reoffering under paragraph (1), the Secretary may not change the original terms and conditions of the secured loan without the prior written consent of the obligor.''.

(d) NONSUBORDINATION.—Section 502 (45 U.S.C. 822) is further amended by adding at the end the following:

''(l) NONSUBORDINATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a direct loan provided by the Secretary under this section shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

''(2) PREEXISTING INDENTURES.—

''(A) IN GENERAL.—The Secretary may waive the requirement under paragraph (1) for a public agency borrower that is financing ongoing capital programs and has outstanding senior bonds under a preexisting indenture if—

''(i) the direct loan is rated in the A category or higher;

''(ii) the direct loan is secured and payable from pledged revenues not affected by project performance, such as a tax-based revenue pledge or a system-backed pledge of project revenues; and

''(iii) the program share, under this title, of eligible project costs is 50 percent or less.

''(B) LIMITATION.—The Secretary may impose limitations for the waiver of the nonsubordination requirement under this paragraph if the Secretary determines that such limitations would be in the financial interest of the Federal Government.''.

SEC. 11607. CREDIT RISK PREMIUMS.

(a) INFRASTRUCTURE PARTNERS.—Section 502(f) (45 U.S.C. 822(f)) 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 as required under section 504(b)(1) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)(1)), including the cost of a modification thereof, the Secretary may accept on behalf of an applicant for assistance under this section a commitment from a non-Federal source, including a State or local government or agency or public benefit corporation or public authority thereof, to fund in whole or in part credit risk premiums and modification costs with respect to the loan that is the subject of the application or modification.'';

(2) in paragraph (2)—

(A) in subparagraph (D), by adding ''and'' after the semicolon;

(B) by striking subparagraph (E); and

(C) by redesignating subparagraph (F) as subparagraph (E);

(3) by striking paragraph (4);

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

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

''(3) CREDITWORTHINESS.—An applicant may propose and the Secretary 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 if the total amount of the direct loan or loan guarantee is greater than $75,000,000, the applicant shall have an investment-grade rating from at least 2 rating agencies on the direct loan or loan guarantee.''; and

(6) in paragraph (4), as redesignated, by striking ''amounts'' and inserting ''amounts (and in the case of a modification, before the modification is executed), to the extent appropriations are not available to the Secretary to meet the costs of direct loans and loan guarantees, including costs of modifications thereof''.

(b) SAVINGS CLAUSE.—All provisions under sections 502 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.) as they 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 thereon, if a direct loan provided by the Secretary under such sections has been paid back in full, prior to the date of enactment of this Act.

SEC. 11608. MASTER CREDIT AGREEMENTS.

Section 502 (45 U.S.C. 822) is further amended by adding at the end the following:

''(m) MASTER CREDIT AGREEMENTS.—

''(1) IN GENERAL.—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 direct loan or loan guarantee.

''(2) CONDITIONS.—Each master credit agreement shall—

''(A) establish the maximum amount and general terms and conditions of each applicable direct loan or loan guarantee;

''(B) identify 1 or more dedicated non-Federal revenue sources that will secure the repayment of each applicable direct loan or loan guarantee;

''(C) provide for the obligation of funds for the direct loans or loan guarantees contingent on and after all requirements have been met for the projects subject to the master credit agreement; and

''(D) provide 1 or more dates, as determined by the Secretary, before which the master credit agreement results in each of the direct loans or loan guarantees or in the release of the master credit agreement.''.

SEC. 11609. PRIORITIES AND CONDITIONS.

(a) PRIORITY PROJECTS.—Section 502(c) (45 U.S.C. 822(c)) is amended—

(1) in paragraph (1), by inserting '', including projects for the installation of a positive train control system (as defined in section 20157(i) of title 49, United States Code)'' after ''public safety'';

(2) by moving paragraph (3) to appear before paragraph (2), and redesignating those paragraphs accordingly;

(3) in paragraph (5), by inserting ''or chapter 227 of title 49'' after ''section 135 of title 23'';

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

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

''(6) improve railroad stations and passenger facilities and increase transit-oriented development;''.

(b) CONDITIONS OF ASSISTANCE.—Section 502(h)(2) (45 U.S.C. 822(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 was in effect prior to the date of enactment of this Act. Any such transaction entered into before the date of enactment of this Act shall be administered until completion under its terms as if this Act were not enacted.

(b) MODIFICATION COSTS.—At the discretion of the Secretary, the authority to accept modification costs on behalf of an applicant under section 502(f) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(f)), as amended by section 11607 of this Act, may apply with respect to any direct loan (or direct loan obligation) or an outstanding loan guarantee (or loan guarantee commitment) that was in effect prior to the date of enactment of this Act.

SEC. 11611. REPORT ON LEVERAGING RRIF.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States 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 Railroad 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 such Program;

(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 length 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) $132,730,000 for fiscal year 2016.

(2) $135,517,330 for fiscal year 2017.

(3) $138,363,194 for fiscal year 2018.

(4) $141,268,821 for fiscal year 2019.

(5) $144,235,466 for fiscal year 2020.

(b) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS IF A CERTIFICATION IS MADE.—

(1) IN GENERAL.—In addition to the amounts authorized to be appropriated under subsection (a) to carry out chapter 301 of title 49, and part C of subtitle VI of title 49, United States Code, if the certification described in paragraph (2) is made during a fiscal year there is authorized to be appropriated to the Secretary for that purpose for that fiscal year and subsequent fiscal years an additional amount as follows:

(A) $46,270,000 for fiscal year 2016.

(B) $51,537,670 for fiscal year 2017.

(C) $57,296,336 for fiscal year 2018.

(D) $62,999,728 for fiscal year 2019.

(E) $69,837,974 for fiscal year 2020.

(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 (ST–2015–063).

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 that will help ensure that motor vehicle safety recall information available to the public on the Federal website is readily accessible and easy to use, including—

(1) by improving the organization, availability, readability, and functionality of the website;

(2) by accommodating high-traffic volume; and

(3) by establishing best practices for scheduling routine website maintenance.

(b) GOVERNMENT ACCOUNTABILITY OFFICE PUBLIC AWARENESS REPORT.—

(1) IN GENERAL.—The Comptroller General shall study the current use by consumers, dealers, and manufacturers of the safety recall information made available to the public, including the usability and content of the Federal and manufacturers' websites and the National Highway Traffic Safety Administration's efforts to publicize and educate consumers about safety recall information.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall issue a report with the findings of the study under paragraph (1), including recommending any actions the Secretary can take to improve public awareness and use of the websites for safety recall information.

(c) PROMOTION OF PUBLIC AWARENESS.—Section 31301(c) of the Moving Ahead for Progress in the 21st Century Act (49 U.S.C. 30166 note) is amended to read as follows:

''(c) PROMOTION OF PUBLIC AWARENESS.—The Secretary shall improve public awareness of safety recall information made publicly available by periodically updating the method of conveying that information to consumers, dealers, and manufacturers, such as through public service announcements.''.

(d) CONSUMER GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall make available to the public on the Internet detailed guidance for consumers submitting safety complaints, including—

(1) a detailed explanation of what information a consumer should include in a complaint; and

(2) a detailed explanation of the possible actions the National Highway Traffic Safety Administration can take to address a complaint and respond to the consumer, including information on—

(A) the consumer records, such as photographs and police reports, that could assist with an investigation; and

(B) the length of time a consumer should retain the records described in subparagraph (A).

(e) VIN SEARCH.—

(1) IN GENERAL.—The Secretary, in coordination with industry, including manufacturers and dealers, shall study—

(A) the feasibility of searching multiple vehicle identification numbers at a time to retrieve motor vehicle safety recall information; and

(B) the feasibility of making the search mechanism described under subparagraph (A) publicly available.

(2) CONSIDERATIONS.—In conducting the study under paragraph (1), the Secretary shall consider the potential costs, and potential risks to privacy and security in implementing such a search mechanism.

SEC. 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 577.7 of title 49, Code of Federal Regulations, to include notification by electronic means in addition to notification by first class mail.

(2) DEFINITION OF ELECTRONIC MEANS.—In this subsection, the term ''electronic means'' includes electronic mail and may include such other means of electronic notification, such as social media or targeted online campaigns, as determined by the Secretary.

(b) NOTIFICATION BY MANUFACTURER.—Section 30118(c) of title 49, United States Code, is amended by inserting ''or electronic mail'' after ''certified mail''.

(c) RECALL COMPLETION RATES REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and biennially thereafter for 4 years, the Secretary shall—

(A) conduct an analysis of vehicle safety recall completion rates to assess potential actions by the National Highway Traffic Safety Administration to improve vehicle safety recall completion rates; and

(B) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the results of the analysis.

(2) CONTENTS.—Each report shall include—

(A) the annual recall completion rate by manufacturer, model year, component (such as brakes, fuel systems, and air bags), and vehicle type (passenger car, sport utility vehicle, passenger van, and pick-up truck) for each of the 5 years before the year the report is submitted;

(B) the methods by which the Secretary has conducted analyses of these recall completion rates to determine trends and identify risk factors associated with lower recall rates; and

(C) the actions the Secretary has planned to improve recall completion rates based on the results of this data analysis.

(d) INSPECTOR GENERAL AUDIT OF VEHICLE RECALLS.—

(1) IN GENERAL.—The Department of Transportation Inspector General shall conduct an audit of the National Highway Traffic Safety Administration's management of vehicle safety recalls.

(2) CONTENTS.—The audit shall include a determination of whether the National Highway Traffic Safety Administration—

(A) appropriately monitors recalls to ensure the appropriateness of scope and adequacy of recall completion rates and remedies;

(B) ensures manufacturers provide safe remedies, at no cost to consumers;

(C) is capable of coordinating recall remedies and processes; and

(D) can improve its policy on consumer notice to combat effects of recall fatigue.

SEC. 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 open motor vehicle recalls at the time of motor vehicle registration in the State.

(b) GRANTS.—To carry out this program, the Secretary may make a grant to each eligible State, but not more than 6 eligible States in total, that agrees to comply with the requirements under subsection (c). Funds made available to a State under this section shall be used by the State for the pilot program described in subsection (a).

(c) ELIGIBILITY.—To be eligible for a grant, a State shall—

(1) submit an application in such form and manner as the Secretary prescribes;

(2) agree to notify, at the time of registration, each owner or lessee of a motor vehicle presented for registration in the State of any open recall on that vehicle;

(3) provide the open motor vehicle recall information at no cost to each owner or lessee of a motor vehicle presented for registration in the State; and

(4) provide such other information as the Secretary may require.

(d) AWARDS.—In selecting an applicant for an award under this section, the Secretary shall consider the State's methodology for determining open recalls on a motor vehicle, for informing consumers of the open recalls, and for determining performance.

(e) PERFORMANCE PERIOD.—Each grant awarded under this section shall require a 2-year performance period.

(f) REPORT.—Not later than 90 days after the completion of the performance period under subsection (e), a grantee shall provide to the Secretary a report of performance containing such information as the Secretary considers necessary to evaluate the extent to which open recalls have been remedied.

(g) EVALUATION.—Not later than 180 days after the completion of the pilot program, the Secretary shall evaluate the extent to which open recalls identified have been remedied.

(h) DEFINITIONS.—In this section:

(1) CONSUMER.—The term ''consumer'' includes owner and lessee.

(2) MOTOR VEHICLE.—The term ''motor vehicle'' has the meaning given the term under section 30102(a) of title 49, United States Code.

(3) OPEN RECALL.—The term ''open recall'' means a recall for which a notification by a manufacturer has been provided under section 30119 of title 49, United States Code, and that has not been remedied under section 30120 of that title.

(4) REGISTRATION.—The term ''registration'' means the process for registering motor vehicles in the State.

(5) STATE.—The term ''State'' has the meaning given the term under section 101(a) of title 23, United States Code.

SEC. 24106. RECALL OBLIGATIONS UNDER BANKRUPTCY.

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(f) of title 49, United States Code, is amended—

(1) by inserting ''(1) IN GENERAL. A manufacturer'' and indenting appropriately;

(2) in paragraph (1), as redesignated, by striking the period at the end and inserting the following: ''if—

''(A) at the time of providing service for each of the manufacturer's motor vehicles it services, the dealer notifies the owner or the individual requesting the service of any open recall; and

''(B) the notification requirement under subparagraph (A) is specified in a franchise, operating, or other agreement between the dealer and the manufacturer.''; and

(3) by adding at the end the following:

''(2) DEFINITION OF OPEN RECALL.—In this subsection, the term 'open recall' means a recall for which a notification by a manufacturer has been provided under section 30119 and that has not been remedied under this section.''.

SEC. 24108. EXTENSION OF TIME PERIOD FOR REMEDY OF TIRE DEFECTS.

Section 30120(b) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking ''60 days'' and inserting ''180 days''; and

(2) in paragraph (2), by striking ''60-day'' each place it appears and inserting ''180-day''.

SEC. 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 30102(a) of title 49, United States Code, is amended—

(1) by redesignating paragraphs (10) and (11) as paragraphs (12) and (13), respectively;

(2) by redesignating paragraphs (1) through (9) as paragraphs (2) through (10), respectively;

(3) by inserting before paragraph (2), as redesignated, the following:

''(1) 'covered rental vehicle' means a motor vehicle that—

''(A) has a gross vehicle weight rating of 10,000 pounds or less;

''(B) is rented without a driver for an initial term of less than 4 months; and

''(C) is part of a motor vehicle fleet of 35 or more motor vehicles that are used for rental purposes by a rental company.''; and

(4) by inserting after paragraph (10), as redesignated, the following:

''(11) 'rental company' means a person who—

''(A) is engaged in the business of renting covered rental vehicles; and

''(B) uses for rental purposes a motor vehicle fleet of 35 or more covered rental vehicles, on average, during the calendar year.''.

(c) REMEDIES FOR DEFECTS AND NONCOMPLIANCE.—Section 30120(i) of title 49, United States Code, is amended—

(1) in the subsection heading, by adding '', OR RENTAL'' at the end;

(2) in paragraph (1)—

(A) by striking ''(1) If notification'' and inserting the following:

''(1) IN GENERAL.—If notification'';

(B) by indenting subparagraphs (A) and (B) four ems from the left margin;

(C) by inserting ''or the manufacturer has provided to a rental company notification about a covered rental vehicle in the company's possession at the time of notification'' after ''time of notification'';

(D) by striking ''the dealer may sell or lease,'' and inserting ''the dealer or rental company may sell, lease, or rent''; and

(E) in subparagraph (A), by striking ''sale or lease'' and inserting ''sale, lease, or rental agreement'';

(3) by amending paragraph (2) to read as follows:

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prohibit a dealer or rental company from offering the vehicle or equipment for sale, lease, or rent.''; and

(4) by adding at the end the following:

''(3) SPECIFIC RULES FOR RENTAL COMPANIES.—

''(A) IN GENERAL.—Except as otherwise provided under this paragraph, a rental company shall comply with the limitations on sale, lease, or rental set forth in subparagraph (C) and paragraph (1) as soon as practicable, but not later than 24 hours after the earliest receipt of the notice to owner under subsection (b) or (c) of section 30118 (including the vehicle identification number for the covered vehicle) by the rental company, whether by electronic means or first class mail.

''(B) SPECIAL RULE FOR LARGE VEHICLE FLEETS.—Notwithstanding subparagraph (A), if a rental company receives a notice to owner covering more than 5,000 motor vehicles in its fleet, the rental company shall comply with the limitations on sale, lease, or rental set forth in subparagraph (C) and paragraph (1) as soon as practicable, but not later than 48 hours after the earliest receipt of the notice to owner under subsection (b) or (c) of section 30118 (including the vehicle identification number for the covered vehicle) by the rental company, whether by electronic means or first class mail.

''(C) SPECIAL RULE FOR WHEN REMEDIES NOT IMMEDIATELY AVAILABLE.—If a notification required under subsection (b) or (c) of section 30118 indicates that the remedy for the defect or noncompliance is not immediately available and specifies actions to temporarily alter the vehicle that eliminate the safety risk posed by the defect or noncompliance, the rental company, after causing the specified actions to be performed, may rent (but may not sell or lease) the motor vehicle. Once the remedy for the rental vehicle becomes available to the rental company, the rental company may not rent the vehicle until the vehicle has been remedied, as provided in subsection (a).

''(D) INAPPLICABILITY TO JUNK AUTOMOBILES.—Notwithstanding paragraph (1), this subsection does not prohibit a rental company from selling a covered rental vehicle if such vehicle—

''(i) meets the definition of a junk automobile under section 201 of the Anti-Car Theft Act of 1992 (49 U.S.C. 30501);

''(ii) is retitled as a junk automobile pursuant to applicable State law; and

''(iii) is reported to the National Motor Vehicle Information System, if required under section 204 of such Act (49 U.S.C. 30504).''.

(d) MAKING SAFETY DEVICES AND ELEMENTS INOPERATIVE.—Section 30122(b) of title 49, United States Code, is amended by inserting ''rental company,'' after ''dealer,'' each place such term appears.

(e) INSPECTIONS, INVESTIGATIONS, AND RECORDS.—Section 30166 of title 49, United States Code, is amended—

(1) in subsection (c)(2), by striking ''or dealer'' each place such term appears and inserting ''dealer, or rental company'';

(2) in subsection (e), by striking ''or dealer'' each place such term appears and inserting ''dealer, or rental company''; and

(3) in subsection (f), by striking ''or to owners'' and inserting '', rental companies, or other owners''.

(f) RESEARCH AUTHORITY.—The Secretary of Transportation may conduct a study of—

(1) the effectiveness of the amendments made by this section; and

(2) other activities of rental companies (as defined in section 30102(a)(11) of title 49, United States Code) related to their use and disposition of motor vehicles that are the subject of a notification required under section 30118 of title 49, United States Code.

(g) STUDY.—

(1) ADDITIONAL REQUIREMENT.—Section 32206(b)(2) of the Moving Ahead for Progress in the 21st Century Act (Public Law 112–141; 126 Stat. 785) is amended—

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

(B) by redesignating subparagraph (F) as subparagraph (G); and

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

''(F) evaluate the completion of safety recall remedies on rental trucks; and''.

(2) REPORT.—Section 32206(c) of such Act is amended—

(A) in paragraph (1), by striking ''subsection (b)'' and inserting ''subparagraphs (A) through (E) and (G) of subsection (b)(2)'';

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

(C) by striking ''REPORT. Not later'' and inserting the following:

''(c) REPORTS.—

''(1) INITIAL REPORT.—Not later''; and

(D) by adding at the end the following:

''(2) SAFETY RECALL REMEDY REPORT.—Not later than 1 year after the date of the enactment of the 'Raechel and Jacqueline Houck Safe Rental Car Act of 2015', the Secretary shall submit a report to the congressional committees set forth in paragraph (1) that contains—

''(A) the findings of the study conducted pursuant to subsection (b)(2)(F); and

''(B) any recommendations for legislation that the Secretary determines to be appropriate.''.

(h) PUBLIC COMMENTS.—The Secretary shall solicit comments regarding the implementation of this section from members of the public, including rental companies, consumer organizations, automobile manufacturers, and automobile dealers.

(i) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section—

(1) may be construed to create or increase any liability, including for loss of use, for a manufacturer as a result of having manufactured or imported a motor vehicle subject to a notification of defect or noncompliance under subsection (b) or (c) of section 30118 of title 49, United States Code; or

(2) shall supersede or otherwise affect the contractual obligations, if any, between such a manufacturer and a rental company (as defined in section 30102(a) of title 49, United States Code).

(j) RULEMAKING.—The Secretary may promulgate rules, as appropriate, to implement this section and the amendments made by this section.

(k) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 180 days after the date of enactment of this Act.

SEC. 24110. INCREASE IN CIVIL PENALTIES FOR VIOLATIONS OF MOTOR VEHICLE SAFETY.

(a) INCREASE IN CIVIL PENALTIES.—Section 30165(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 take effect on the date that the Secretary certifies to Congress that the National Highway Traffic Safety Administration has issued the final rule required by section 31203(b) of the Moving Ahead for Progress In the 21st Century Act (Public Law 112–141; 126 Stat. 758; 49 U.S.C. 30165 note).

(c) PUBLICATION OF EFFECTIVE DATE.—The Secretary shall publish notice of the effective date under subsection (b) of this section in the Federal Register.

SEC. 24111. ELECTRONIC ODOMETER DISCLOSURES.

Section 32705(g) of title 49, United States Code, is amended—

(1) by inserting ''(1)'' before ''Not later than'' and indenting appropriately; and

(2) by adding at the end the following:

''(2) Notwithstanding paragraph (1) and subject to paragraph (3), a State, without approval from the Secretary under subsection (d), may allow for written disclosures or notices and related matters to be provided electronically if—

''(A) in compliance with—

''(i) the requirements of subchapter 1 of chapter 96 of title 15; or

''(ii) the requirements of a State law under section 7002(a) of title 15; and

''(B) the disclosures or notices otherwise meet the requirements under this section, including appropriate authentication and security measures.

''(3) Paragraph (2) ceases to be effective on the date the regulations under paragraph (1) become effective.''.

SEC. 24112. CORPORATE RESPONSIBILITY FOR NHTSA REPORTS.

Section 30166(o) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking ''may'' and inserting ''shall''; and

(2) by adding at the end the following:

''(3) DEADLINE.—Not later than 1 year after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015, the Secretary shall issue a final rule under paragraph (1).''.

SEC. 24113. DIRECT VEHICLE NOTIFICATION OF RECALLS.

(a) RECALL NOTIFICATION REPORT.—Not later than 1 year after the date of enactment of this

Act, the Secretary shall issue a report on the feasibility of a technical system that would operate in each new motor vehicle to indicate when the vehicle is subject to an open recall.

(b) DEFINITION OF OPEN RECALL.—In this section the term ''open recall'' means a recall for which a notification by a manufacturer has been provided under section 30119 of title 49, United States Code, and that has not been remedied under section 30120 of that title.

SEC. 24114. UNATTENDED CHILDREN WARNING.

Section 31504(a) of the Moving Ahead for Progress in the 21st Century Act (49 U.S.C. 30111 note) is amended by striking ''may'' and inserting ''shall''.

SEC. 24115. TIRE PRESSURE MONITORING SYSTEM.

(a) PROPOSED RULE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish a proposed rule that—

(1) updates the standards pertaining to tire pressure monitoring systems to ensure that a tire pressure monitoring system that is installed in a new motor vehicle after the effective date of such updated standards cannot be overridden, reset, or recalibrated in such a way that the system will no longer detect when the inflation pressure in one or more of the vehicle's tires has fallen to or below a significantly underinflated pressure level; and

(2) does not contain any provision that has the effect of prohibiting the availability of direct or indirect tire pressure monitoring systems that meet the requirements of the standards updated pursuant to paragraph (1).

(b) FINAL RULE.—Not later than 2 years after the date of enactment of this Act, after providing the public with sufficient opportunity for notice and comment on the proposed rule published pursuant to subsection (a), the Secretary shall issue a final rule based on the proposed rule described in subsection (a) that—

(1) allows a manufacturer to install a tire pressure monitoring system that can be reset or recalibrated to accommodate—

(A) the repositioning of tire sensor locations on vehicles with split inflation pressure recommendations;

(B) tire rotation; or

(C) replacement tires or wheels of a different size than the original equipment tires or wheels; and

(2) to address the accommodations described in subparagraphs (A), (B), and (C) of paragraph (1), ensures that a tire pressure monitoring system that is reset or recalibrated according to the manufacturer's instructions would illuminate the low tire pressure warning telltale when a tire is significantly underinflated until the tire is no longer significantly underinflated.

(c) SIGNIFICANTLY UNDERINFLATED PRESSURE LEVEL DEFINED.—In this section, the term ''significantly underinflated pressure level'' means a pressure level that is—

(1) below the level at which the low tire pressure warning telltale must illuminate, consistent with the TPMS detection requirements contained in S4.2(a) of section 571.138 of title 49, Code of Federal Regulations, or any corresponding similar or successor regulation or ruling (as determined by the Secretary); and

(2) in the case of a replacement wheel or tire, below the recommended cold inflation pressure of the wheel or tire manufacturer.

SEC. 24116. INFORMATION REGARDING COMPONENTS INVOLVED IN RECALL.

Section 30119 of title 49, United States Code, is amended by adding at the end the following:

''(g) INFORMATION REGARDING COMPONENTS INVOLVED IN RECALL.—A manufacturer that is required to furnish a report under section 573.6 of title 49, Code of Federal Regulations (or any successor regulation) for a defect or noncompliance in a motor vehicle or in an item of original or replacement equipment shall, if such defect or noncompliance involves a specific component or components, include in such report, with respect to such component or components, the following information:

''(1) The name of the component or components.

''(2) A description of the component or components.

''(3) The part number of the component or components, if any.''.

Subtitle B—Research And Development And Vehicle Electronics

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 Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report regarding the operations of the Council for Vehicle Electronics, Vehicle Software, and Emerging Technologies established under section 31401 of the Moving Ahead for Progress in the 21st Century Act (49 U.S.C. 105 note). The report shall include information about the accomplishments of the Council, the role of the Council in integrating and aggregating electronic and emerging technologies expertise across the National Highway Traffic Safety Administration, the role of the Council in coordinating with other Federal agencies, and the priorities of the Council over the next 5 years.

SEC. 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''; and

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

''(6) in coordination with Department of State, enter into cooperative agreements and collaborative research and development agreements with foreign governments.''.

(b) TITLE 23 AMENDMENT.—Section 403 of title 23, United States Code, is amended—

(1) in subsection (b)(2)(C), by inserting ''foreign government (in coordination with the Department of State)'' after ''institution,''; and

(2) in subsection (c)(1)(A), by inserting ''foreign governments,'' after ''local governments,''.

(c) AUDIT.—The Department of Transportation Inspector General shall conduct an audit of the Secretary of Transportation's management and oversight of cooperative agreements and collaborative research and development agreements, including any cooperative agreements between the Secretary of Transportation and foreign governments under section 30182(b)(6) of title 49, United States Code, and subsections (b)(2)(C) and (c)(1)(A) of title 23, United States Code.

Subtitle C—Miscellaneous Provisions

PART I—DRIVER PRIVACY ACT OF 2015

SEC. 24301. SHORT TITLE.

This part may be cited as the ''Driver Privacy Act of 2015''.

SEC. 24302. LIMITATIONS ON DATA RETRIEVAL FROM VEHICLE EVENT DATA RECORDERS.

(a) OWNERSHIP OF DATA.—Any data retained by an event data recorder (as defined in section 563.5 of title 49, Code of Federal Regulations), regardless of when the motor vehicle in which it is installed was manufactured, is the property of the owner, or, in the case of a leased vehicle, the lessee of the motor vehicle in which the event data recorder is installed.

(b) PRIVACY.—Data recorded or transmitted by an event data recorder described in subsection (a) may not be accessed by a person other than an owner or a lessee of the motor vehicle in which the event data recorder is installed unless—

(1) a court or other judicial or administrative authority having jurisdiction—

(A) authorizes the retrieval of the data; and

(B) to the extent that there is retrieved data, the data is subject to the standards for admission into evidence required by that court or other administrative authority;

(2) an owner or a lessee of the motor vehicle provides written, electronic, or recorded audio consent to the retrieval of the data for any purpose, including the purpose of diagnosing, servicing, or repairing the motor vehicle, or by agreeing to a subscription that describes how data will be retrieved and used;

(3) the data is retrieved pursuant to an investigation or inspection authorized under section 1131(a) or 30166 of title 49, United States Code, and the personally identifiable information of an owner or a lessee of the vehicle and the vehicle identification number is not disclosed in connection with the retrieved data, except that the vehicle identification number may be disclosed to the certifying manufacturer;

(4) the data is retrieved for the purpose of determining the need for, or facilitating, emergency medical response in response to a motor vehicle crash; or

(5) the data is retrieved for traffic safety research, and the personally identifiable information of an owner or a lessee of the vehicle and the vehicle identification number is not disclosed in connection with the retrieved data.

SEC. 24303. VEHICLE EVENT DATA RECORDER STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the National Highway Traffic Safety Administration shall submit to Congress a report that contains the results of a study conducted by the Administrator to determine the amount of time event data recorders installed in passenger motor vehicles should capture and record for retrieval vehicle-related data in conjunction with an event in order to provide sufficient information to investigate the cause of motor vehicle crashes.

(b) RULEMAKING.—Not later than 2 years after submitting the report required under subsection (a), the Administrator of the National Highway Traffic Safety Administration shall promulgate regulations to establish the appropriate period during which event data recorders installed in passenger motor vehicles may capture and record for retrieval vehicle-related data to the time necessary to provide accident investigators with vehicle-related information pertinent to crashes involving such motor vehicles.

PART II—SAFETY THROUGH INFORMED CONSUMERS ACT OF 2015

SEC. 24321. SHORT TITLE.

This part may be cited as the ''Safety Through Informed Consumers Act of 2015''.

SEC. 24322. PASSENGER MOTOR VEHICLE INFORMATION.

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 is indicated next to crashworthiness information on stickers placed on motor vehicles by their manufacturers.''.

PART III—TIRE EFFICIENCY, SAFETY, AND REGISTRATION ACT OF 2015

SEC. 24331. SHORT TITLE.

This part may be cited as the ''Tire Efficiency, Safety, and Registration Act of 2015'' or the ''TESR Act''.

SEC. 24332. 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) in the heading, by striking ''Rulemaking'' and inserting ''Consumer Tire Information''; and

(B) in paragraph (1), by inserting ''(referred to in this section as the 'Secretary')'' after ''Secretary of Transportation'';

(3) by redesignating subsections (b) through (e) as subsections (e) though (h), respectively; and

(4) by inserting after subsection (a) the following:

''(b) PROMULGATION OF REGULATIONS FOR TIRE FUEL EFFICIENCY MINIMUM PERFORMANCE STANDARDS.—

''(1) IN GENERAL.—The Secretary, after consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall promulgate regulations for tire fuel efficiency minimum performance standards for—

''(A) passenger car tires with a maximum speed capability equal to or less than 149 miles per hour or 240 kilometers per hour; and

''(B) passenger car tires with a maximum speed capability greater than 149 miles per hour or 240 kilometers per hour.

''(2) TIRE FUEL EFFICIENCY MINIMUM PERFORMANCE STANDARDS.—

''(A) STANDARD BASIS AND TEST PROCEDURES.—The minimum performance standards promulgated under paragraph (1) shall be expressed in terms of the rolling resistance coefficient measured using the test procedure specified in section 575.106 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act).

''(B) NO DISPARATE EFFECT ON HIGH PERFORMANCE TIRES.—The Secretary shall ensure that the minimum performance standards promulgated under paragraph (1) will not have a disproportionate effect on passenger car high performance tires with a maximum speed capability greater than 149 miles per hour or 240 kilometers per hour.

''(C) APPLICABILITY.—

''(i) IN GENERAL.—This subsection applies to new pneumatic tires for use on passenger cars.

''(ii) EXCEPTIONS.—This subsection does not apply to light truck tires, deep tread tires, winter-type snow tires, space-saver or temporary use spare tires, or tires with nominal rim diameters of 12 inches or less.

''(c) PROMULGATION OF REGULATIONS FOR TIRE WET TRACTION MINIMUM PERFORMANCE STANDARDS.—

''(1) IN GENERAL.—The Secretary shall promulgate regulations for tire wet traction minimum performance standards to ensure that passenger tire wet traction capability is not reduced to achieve improved tire fuel efficiency.

''(2) TIRE WET TRACTION MINIMUM PERFORMANCE STANDARDS.—

''(A) BASIS OF STANDARD.—The minimum performance standards promulgated under paragraph (1) shall be expressed in terms of peak coefficient of friction.

''(B) TEST PROCEDURES.—Any test procedure promulgated under this subsection shall be consistent with any test procedure promulgated under subsection (a).

''(C) BENCHMARKING.—The Secretary shall conduct testing to benchmark the wet traction performance of tire models available for sale in the United States as of the date of enactment of this Act to ensure that the minimum performance standards promulgated under paragraph (1) are tailored to—

''(i) tires sold in the United States; and

''(ii) the needs of consumers in the United States.

''(D) APPLICABILITY.—

''(i) IN GENERAL.—This subsection applies to new pneumatic tires for use on passenger cars.

''(ii) EXCEPTIONS.—This subsection does not apply to light truck tires, deep tread tires, winter-type snow tires, space-saver or temporary use spare tires, or tires with nominal rim diameters of 12 inches or less.

''(d) COORDINATION AMONG REGULATIONS.—

''(1) COMPATIBILITY.—The Secretary shall ensure that the test procedures and requirements promulgated under subsections (a), (b), and (c) are compatible and consistent.

''(2) COMBINED EFFECT OF RULES.—The Secretary shall evaluate the regulations promulgated under subsections (b) and (c) to ensure that compliance with the minimum performance standards promulgated under subsection (b) will not diminish wet traction performance of affected tires.

''(3) RULEMAKING DEADLINES.—The Secretary shall promulgate—

''(A) the regulations under subsections (b) and (c) not later than 24 months after the date of enactment of this Act; and

''(B) the regulations under subsection (c) not later than the date of promulgation of the regulations under subsection (b).''.

SEC. 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 that is not owned or controlled by a manufacturer of tires to maintain records of—

''(i) the name and address of tire purchasers and lessors;

''(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 all of 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 database established under subsection (a) shall be searchable by Tire Identification Number (TIN) and any other criteria that assists consumers in determining whether a tire is subject to a recall.

PART IV—ALTERNATIVE FUEL VEHICLES

SEC. 24341. REGULATORY PARITY FOR NATURAL GAS VEHICLES.

The Administrator of the Environmental Protection Agency shall revise the regulations issued in sections 600.510-12(c)(2)(vi) and 600.510-12(c)(2)(vii)(A) of title 40, Code of Federal Regulations, to replace references to the year ''2019'' with the year ''2016''.

PART V—MOTOR VEHICLE SAFETY WHISTLEBLOWER ACT

SEC. 24351. SHORT TITLE.

This part may be cited as the ''Motor Vehicle Safety Whistleblower Act''.

SEC. 24352. MOTOR VEHICLE SAFETY WHISTLEBLOWER INCENTIVES AND PROTECTIONS.

(a) IN GENERAL.—Subchapter IV of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

''§ 30172. Whistleblower incentives and protections

''(a) DEFINITIONS.—In this section:

''(1) COVERED ACTION.—The term 'covered action' means any administrative or judicial action, including any related administrative or judicial action, brought by the Secretary or the Attorney General under this chapter that in the aggregate results in monetary sanctions exceeding $1,000,000.

''(2) MONETARY SANCTIONS.—The term 'monetary sanctions' means monies, including penalties and interest, ordered or agreed to be paid.

''(3) ORIGINAL INFORMATION.—The term 'original information' means information that—

''(A) is derived from the independent knowledge or analysis of an individual;

''(B) is not known to the Secretary from any other source, unless the individual is the original source of the information; and

''(C) is not exclusively derived from an allegation made in a judicial or an administrative action, in a governmental report, a hearing, an audit, or an investigation, or from the news media, unless the individual is a source of the information.

''(4) PART SUPPLIER.—The term 'part supplier' means a manufacturer of motor vehicle equipment.

''(5) SUCCESSFUL RESOLUTION.—The term 'successful resolution', with respect to a covered action, includes any settlement or adjudication of the covered action.

''(6) WHISTLEBLOWER.—The term 'whistleblower' means any employee or contractor of a motor vehicle manufacturer, part supplier, or dealership who voluntarily provides to the Secretary original information relating to any motor vehicle defect, noncompliance, or any violation or alleged violation of any notification or reporting requirement of this chapter, which is likely to cause unreasonable risk of death or serious physical injury.

''(b) AWARDS.—

''(1) IN GENERAL.—If the original information that a whistleblower provided to the Secretary leads to the successful resolution of a covered action, the Secretary, subject to subsection (c), may pay an award or awards to one or more whistleblowers in an aggregate amount of—

''(A) not less than 10 percent, in total, of collected monetary sanctions; and

''(B) not more than 30 percent, in total, of collected monetary sanctions.

''(2) PAYMENT OF AWARDS.—Any amount payable under paragraph (1) shall be paid from the monetary sanctions collected, and any monetary sanctions so collected shall be available for such payment.

''(c) DETERMINATION OF AWARDS; DENIAL OF AWARDS.—

''(1) DETERMINATION OF AWARDS.—

''(A) DISCRETION.—The determination of whether, to whom, or in what amount to make an award shall be in the discretion of the Secretary subject to the provisions in subsection (b)(1).

''(B) CRITERIA.—In determining an award made under subsection (b), the Secretary shall take into consideration—

''(i) if appropriate, whether a whistleblower reported or attempted to report the information internally to an applicable motor vehicle manufacturer, part supplier, or dealership;

''(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 and any legal representative of the whistleblower in 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 violation related to the covered action for which the whistleblower otherwise could receive an award under this section;

''(B) to any whistleblower who, acting without direction from an 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; or

''(E) if the applicable motor vehicle manufacturer, parts supplier, or dealership has an internal reporting mechanism in place to protect 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 30171(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; CONFIDENTIALITY.—

''(1) IN GENERAL.—Notwithstanding section 30167, and except as provided in paragraphs (4) and (5) of this subsection, the Secretary, and any 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 for the information to be disclosed; 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) REDACTION.—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 disclosing any information under paragraph (1).

''(3) SECTION 552(B)(3)(B).—For purposes of section 552 of title 5, paragraph (1) of this subsection shall be considered a statute described in subsection (b)(3)(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.

''(5) AVAILABILITY TO GOVERNMENT AGENCIES.—

''(A) IN GENERAL.—Without the loss of its status as confidential in the hands of the Secretary, all 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 subparagraph (B), be made available to the following:

''(i) The Department of Justice.

''(ii) An appropriate department or agency of the Federal Government, acting within the scope of its jurisdiction.

''(B) 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).

''(g) PROVISION OF FALSE INFORMATION.—A whistleblower who knowingly and intentionally makes any false, fictitious, or fraudulent statement or representation, or who makes or uses any false writing or document knowing 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.

''(h) APPEALS.—

''(1) IN GENERAL.—Any determination made under this section, including whether, to whom, or in what amount to make an award, shall be in the discretion of 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.

''(i) 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 section.''.

(b) RULE OF CONSTRUCTION.—

(1) ORIGINAL INFORMATION.—Information submitted to the Secretary of Transportation by a whistleblower in accordance with the requirements of section 30172 of title 49, United States Code, shall not lose its status as original information solely because the whistleblower submitted the information prior to the effective date of the regulations issued under subsection (i) of that section if that information was submitted after the date of enactment of this Act.

(2) AWARDS.—A whistleblower may receive an award under section 30172 of title 49, United States Code, regardless of whether the violation underlying the covered action occurred prior to the date of enactment of this Act, and may receive an award prior to the Secretary of Transportation promulgating the regulations under subsection (i) of that section.

(c) CONFORMING AMENDMENTS.—The table of contents of subchapter IV of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

''30172. Whistleblower incentives and protections.''.

Subtitle D—Additional Motor Vehicle Provisions

SEC. 24401. REQUIRED REPORTING OF NHTSA AGENDA.

Not later than December 1 of the year beginning after the date of enactment of this Act, and each year thereafter, the Administrator of the National Highway Traffic Safety Administration shall publish on the public website of the Administration, and file with the Committees on Energy and Commerce and Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an annual plan for the following calendar year detailing the Administration's projected activities, including—

(1) the Administrator's policy priorities;

(2) any rulemakings projected to be commenced;

(3) any plans to develop guidelines;

(4) any plans to restructure the Administration or to establish or alter working groups;

(5) any planned projects or initiatives of the Administration, including the working groups and advisory committees of the Administration; and

(6) any projected dates or timetables associated with any of the items described in paragraphs (1) through (5).

SEC. 24402. APPLICATION OF REMEDIES FOR DEFECTS AND NONCOMPLIANCE.

Section 30120(g)(1) of title 49, United States Code, is amended by striking ''10 calendar years'' and inserting ''15 calendar years''.

SEC. 24403. RETENTION OF SAFETY RECORDS BY MANUFACTURERS.

(a) RULE.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall issue a final rule pursuant to section 30117 of title 49, United States Code, requiring each manufacturer of motor vehicles or motor vehicle equipment to retain all motor vehicle safety records required to be maintained by manufacturers under section 576.6 of title 49, Code of Federal Regulations, for a period of not less than 10 calendar years from the date on which they were generated or acquired by the manufacturer.

(b) APPLICATION.—The rule required by subsection (a) shall apply with respect to any record described in such subsection that is in the possession of a manufacturer on the effective date of such rule.

SEC. 24404. NONAPPLICATION OF PROHIBITIONS RELATING TO NONCOMPLYING MOTOR VEHICLES TO VEHICLES USED FOR TESTING OR EVALUATION.

Section 30112(b) of title 49, United States Code, is amended—

(1) in paragraph (8), by striking ''; or'' and inserting a semicolon;

(2) in paragraph (9), by striking the period at the end and inserting ''; or''; and

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

''(10) the introduction of a motor vehicle in interstate commerce solely for purposes of testing or evaluation by a manufacturer that agrees not to sell or offer for sale the motor vehicle at the conclusion of the testing or evaluation and that prior to the date of enactment of this paragraph—

''(A) has manufactured and distributed motor vehicles into the United States that are certified to comply with all applicable Federal motor vehicle safety standards;

''(B) has submitted to the Secretary appropriate manufacturer identification information under part 566 of title 49, Code of Federal Regulations; and

''(C) if applicable, has identified an agent for service of process in accordance with part 551 of such title.''.

SEC. 24405. TREATMENT OF LOW-VOLUME MANUFACTURERS.

(a) EXEMPTION FROM VEHICLE SAFETY STANDARDS FOR LOW-VOLUME MANUFACTURERS.—Section 30114 of title 49, United States Code, is amended—

(1) by striking ''The'' and inserting ''(a) VEHICLES USED FOR PARTICULAR PURPOSES. The''; and

(2) by adding at the end the following new subsection:

''(b) EXEMPTION FOR LOW-VOLUME MANUFACTURERS.—

''(1) IN GENERAL.—The Secretary shall—

''(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) except as provided 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 ensure that no person may register as a low-volume manufacturer if the person is registered as 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 specified standards and regulations for which such vehicle is exempt from section 30112(a), states that the vehicle is a replica, and designates the model year such vehicle replicates.

''(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 first purchaser is not an individual that purchases the motor vehicle for resale.

''(C) REPORTING REQUIREMENT.—A low-volume manufacturer shall annually submit a 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) EFFECT ON OTHER PROVISIONS.—Any motor vehicle exempted under this subsection shall also be exempted from sections 32304, 32502, and 32902 of this title and from section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232).

''(5) LIMITATION AND PUBLIC NOTICE.—The Secretary shall have 90 days to review and approve or deny a registration submitted under paragraph (2). If the Secretary determines that any such registration submitted is incomplete, the Secretary shall have an additional 30 days for review. Any registration not approved or denied within 90 days after initial submission, or 120 days if the registration submitted is incomplete, shall be deemed approved. The Secretary shall have the authority to revoke an existing registration based on a failure to comply with requirements set forth in this subsection or a finding by the Secretary of a safety-related defect or unlawful conduct under this chapter that poses a significant safety risk. The registrant shall be provided a reasonable opportunity to correct all deficiencies, if such are correctable based on the sole discretion of the Secretary. An exemption granted by the Secretary to a low-volume manufacturer under this subsection may not be transferred to any other person, and shall expire at the end of the calendar year for which it was granted with respect to any volume authorized by the exemption that was not applied by the low-volume manufacturer to vehicles built during that calendar year. The Secretary shall maintain an up-to-date list of registrants and a list of the make and model of motor vehicles exempted under paragraph (1) on at least an annual basis and publish such list in the Federal Register or on a website operated by the Secretary.

''(6) LIMITATION OF LIABILITY FOR ORIGINAL MANUFACTURERS, LICENSORS OR OWNERS OF PRODUCT CONFIGURATION, TRADE DRESS, OR DESIGN PATENTS.—The original manufacturer, its successor or assignee, or current owner, who grants a license or otherwise transfers rights to a low-volume manufacturer shall incur no liability to any person or entity under Federal or State statute, regulation, local ordinance, or under any Federal or State common law for such license or assignment to a low-volume manufacturer.

''(7) DEFINITIONS.—In this subsection:

''(A) LOW-VOLUME MANUFACTURER.—The term 'low-volume manufacturer' means a motor vehicle manufacturer, other than a person who is registered as an importer under section 30141 of this title, whose annual worldwide production, including by a parent or subsidiary of the manufacturer, if applicable, is not more than 5,000 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 that was 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, trade dress, trademark, or patent, for the motor vehicle that is intended to be replicated from the original manufacturer, its successors or assignees, or current owner of such product configuration, trade dress, trademark, or patent rights.

''(8) CONSTRUCTION.—Except as provided in paragraphs (1) and (4), 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 registrant from complying with the requirements under sections 30116 through 30120A of this title if the motor vehicle excepted under paragraph (1) contains a defect related to motor vehicle safety.

''(9) STATE REGISTRATION.—Nothing in this subsection shall be construed to preempt, affect, or supersede any State titling or registration law or regulation for a replica motor vehicle, or exempt a person from complying with such law or regulation.''.

(b) 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 engine is from a motor vehicle that is covered by a certificate of conformity issued by the Administrator for the model year in which the exempted specially produced motor vehicle is produced, or the motor vehicle engine is covered by an Executive order subject to regulations promulgated by the California Air Resources Board for the model year in which the exempted specially produced motor vehicle is produced, and—

''(i) the manufacturer of the engine supplies written instructions to the Administrator and the manufacturer of the exempted specially produced motor vehicle explaining how to install the engine and maintain functionality of the engine's emission control system and the on-board diagnostic system (commonly known as 'OBD'), except with respect to evaporative emissions;

''(ii) the manufacturer of the exempted specially produced motor vehicle installs the engine in accordance with such instructions and certifies such installation in accordance with subparagraph (E);

''(iii) the installation instructions include emission control warranty information from the engine manufacturer in compliance with section 207, including where warranty repairs can be made, emission control labels to be affixed to the vehicle, and the certificate of conformity number for the applicable vehicle in which the engine was originally intended or the applicable Executive order number for the engine; and

''(iv) the manufacturer of the exempted specially produced motor vehicle does not produce more than 325 such vehicles in the calendar year in which the vehicle is produced.

''(B) A motor vehicle containing an engine compliant with the requirements of subparagraph (A) shall be treated as meeting the requirements of section 202 applicable to new vehicles produced or imported in the model year in which the exempted specially produced motor vehicle is produced or imported.

''(C) Engine installations that are not performed in accordance with installation instructions provided by the manufacturer and alterations to the engine not in accordance with the installation instructions shall—

''(i) be treated as prohibited acts by the installer under section 203 and any applicable regulations; and

''(ii) subject to civil penalties under section 205(a), civil actions under section 205(b), and administrative assessment of penalties under section 205(c).

''(D) The manufacturer of an exempted specially produced motor vehicle that has an engine compliant with the requirements of subparagraph (A) shall provide to the purchaser of such vehicle all information received by the manufacturer from the engine manufacturer, including information regarding emissions warranties from the engine manufacturer and all emissions-related recalls by the engine manufacturer.

''(E) To qualify to install an engine under this paragraph, and sell, offer for sale, introduce into commerce, deliver for introduction into commerce or import an exempted specially produced motor vehicle, a manufacturer of exempted specially produced motor vehicles shall register with the Administrator at such time and in such manner as the Administrator determines appropriate. The manufacturer shall submit an annual report to the Administrator that includes—

''(i) a description of the exempted specially produced motor vehicles and engines installed in such vehicles;

''(ii) the certificate of conformity number issued to the motor vehicle in which the engine was originally intended or the applicable Executive order number for the engine; and

''(iii) a certification that it produced all exempted specially produced motor vehicles according to the written instructions from the engine manufacturer, and otherwise that the engine conforms in all material respects to the description in the application for the applicable certificate of conformity or Executive order.

''(F) Exempted specially produced motor vehicles compliant with this paragraph shall be exempted from—

''(i) motor vehicle certification testing under this section; and

''(ii) vehicle emission control inspection and maintenance programs required under section 110.

''(G)(i) Except as provided in subparagraphs (A) through (F), a person engaged in the manufacturing or assembling of exempted specially produced motor vehicles shall be considered a manufacturer for purposes of this Act.

''(ii) Nothing in this paragraph shall be construed to exempt any person from the prohibitions in section 203(a)(3) or the requirements in sections 208, 206(c), or 202(m)(5).

''(H) In this paragraph:

''(i) The term 'exempted specially produced motor vehicle' means a light-duty vehicle or light-duty truck produced by a low-volume manufacturer and that—

''(I) is intended to resemble the body of another motor vehicle that was manufactured not less than 25 years before the manufacture of the exempted specially produced motor vehicle; and

''(II) is manufactured under a license for the product configuration, trade dress, trademark, or patent, for the motor vehicle that is intended to be replicated from the original manufacturer, its successors or assignees, or current owner of such product configuration, trade dress, trademark, or patent rights.

''(ii) The term 'low-volume manufacturer' means a motor vehicle manufacturer, other than

a person who is registered as an importer under section 30141 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 vehicles.''.

(c) IMPLEMENTATION.—Not later than 12 months after the date of enactment of this Act, the Secretary of Transportation 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 GUIDELINES.

Section 30111 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 allege a violation of a provision of this subtitle, a motor vehicle safety standard issued under this subtitle, or another relevant statute or regulation. The Secretary may not base an enforcement action on, or execute a consent order based on, practices that are alleged to be inconsistent with any such guidelines, unless the practices allegedly violate a provision of this subtitle, a motor vehicle safety standard issued under this subtitle, or another relevant statute or regulation.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to confer any authority upon or 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.

(2) If a five-point harness child restraint system was in use during the crash, whether the child restraint system was forward-facing or rear-facing in the vehicle concerned.

(b) CONSULTATION.—In implementing subsection (a), the Secretary shall work with law enforcement officials, safety advocates, the medical community, and research organizations to improve the recordation of data described in subsection (a) in police and other applicable incident reports.

(c) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on child occupant crash data collection in the crash investigation data collection system of the National Highway Traffic Safety Administration pursuant to the revision required by subsection (a).

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 9503 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) SPORT FISH RESTORATION AND BOATING TRUST FUND.—Section 9504 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''.

(c) LEAKING UNDERGROUND STORAGE TANK TRUST FUND.—Section 9508(e)(2) of such Code is amended by striking ''December 5, 2015'' 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, 2016'' and inserting ''September 30, 2022'':

(A) Section 4041(a)(1)(C)(iii)(I).

(B) Section 4041(m)(1)(B).

(C) Section 4081(d)(1).

(2) Each of the following provisions of such Code is amended by striking ''October 1, 2016'' and inserting ''October 1, 2022'':

(A) Section 4041(m)(1)(A).

(B) Section 4051(c).

(C) Section 4071(d).

(D) Section 4081(d)(3).

(b) EXTENSION OF TAX, ETC., ON USE OF CERTAIN HEAVY VEHICLES.—Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking ''2017'' each place it appears and inserting ''2023'':

(1) Section 4481(f).

(2) Subsections (c)(4) and (d) of section 4482.

(c) FLOOR STOCKS REFUNDS.—Section 6412(a)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''October 1, 2016'' each place it appears and inserting ''October 1, 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''.

(d) EXTENSION OF CERTAIN EXEMPTIONS.—

(1) Section 4221(a) of the Internal Revenue Code of 1986 is amended by striking ''October 1, 2016'' and inserting ''October 1, 2022''.

(2) Section 4483(i) of such Code is amended by striking ''October 1, 2017'' and inserting ''October 1, 2023''.

(e) EXTENSION OF TRANSFERS OF CERTAIN TAXES.—

(1) IN GENERAL.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(A) in subsection (b)—

(i) by striking ''October 1, 2016'' each place it appears in paragraphs (1) and (2) and inserting ''October 1, 2022'';

(ii) by striking ''OCTOBER 1, 2016'' in the heading of paragraph (2) and inserting ''OCTOBER 1, 2022'';

(iii) by striking ''September 30, 2016'' in paragraph (2) and inserting ''September 30, 2022''; and

(iv) by striking ''July 1, 2017'' in paragraph (2) and inserting ''July 1, 2023''; and

(B) in subsection (c)(2), by striking ''July 1, 2017'' and inserting ''July 1, 2023''.

(2) MOTORBOAT AND SMALL-ENGINE FUEL TAX TRANSFERS.—

(A) IN GENERAL.—Paragraphs (3)(A)(i) and (4)(A) of section 9503(c) of such Code are each amended by striking ''October 1, 2016'' and inserting ''October 1, 2022''.

(B) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 200310 of title 54, United States Code, is amended—

(i) by striking ''October 1, 2017'' each place it appears and inserting ''October 1, 2023''; and

(ii) by striking ''October 1, 2016'' and inserting ''October 1, 2022''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2016.

Subtitle B—Additional Transfers to Highway Trust Fund

SEC. 31201. FURTHER ADDITIONAL TRANSFERS TO TRUST FUND.

Subsection (f) of section 9503 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (8) as paragraph (10) and inserting after paragraph (7) the following new paragraphs:

''(8) FURTHER TRANSFERS TO TRUST FUND.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated—

''(A) $51,900,000,000 to the Highway Account (as defined in subsection (e)(5)(B)) in the Highway Trust Fund; and

''(B) $18,100,000,000 to the Mass Transit Account in the Highway Trust Fund.

''(9) ADDITIONAL INCREASE IN FUND BALANCE.—There is hereby transferred to the Highway Account (as defined in subsection (e)(5)(B)) in the Highway Trust Fund amounts appropriated from the Leaking Underground Storage Tank Trust Fund under section 9508(c)(4).''.

SEC. 31202. TRANSFER TO HIGHWAY TRUST FUND OF CERTAIN MOTOR VEHICLE SAFETY PENALTIES.

(a) IN GENERAL.—Paragraph (5) of section 9503(b) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''There are hereby'' and inserting the following:

''(A) IN GENERAL.—There are hereby'', and

(2) by adding at the end the following new paragraph:

''(B) PENALTIES RELATED TO MOTOR VEHICLE SAFETY.—

''(i) IN GENERAL.—There are hereby appropriated to the Highway Trust Fund amounts equivalent to covered motor vehicle safety penalty collections.

''(ii) COVERED MOTOR VEHICLE SAFETY PENALTY COLLECTIONS.—For purposes of this subparagraph, the term 'covered motor vehicle safety penalty collections' means any amount collected in connection with a civil penalty under section 30165 of title 49, United States Code, reduced by any award authorized by the Secretary of Transportation to be paid to any person in connection with information provided by such person related to a violation of chapter 301 of such title which is a predicate to such civil penalty.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts collected after the date of the enactment of this Act.

SEC. 31203. APPROPRIATION FROM LEAKING UNDERGROUND STORAGE TANK TRUST FUND.

(a) IN GENERAL.—Subsection (c) of section 9508 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) ADDITIONAL TRANSFER TO HIGHWAY TRUST FUND.—Out of amounts in the Leaking Underground Storage Tank Trust Fund there is hereby appropriated—

''(A) on the date of the enactment of the FAST Act, $100,000,000,

''(B) on October 1, 2016, $100,000,000, and

''(C) on October 1, 2017, $100,000,000,

to be transferred under section 9503(f)(9) to the Highway Account (as defined in section 9503(e)(5)(B)) in the Highway Trust Fund.''.

(b) CONFORMING AMENDMENT.—Section 9508(c)(1) of the Internal Revenue Code of 1986 is amended by striking ''paragraphs (2) and (3)'' and inserting ''paragraphs (2), (3), and (4)''.

TITLE XXXII—OFFSETS

Subtitle A—Tax Provisions

SEC. 32101. REVOCATION OR DENIAL OF PASSPORT IN CASE OF CERTAIN UNPAID TAXES.

(a) IN GENERAL.—Subchapter D of chapter 75 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 7345. REVOCATION OR DENIAL OF PASSPORT IN CASE OF CERTAIN TAX DELINQUENCIES.

''(a) IN GENERAL.—If the Secretary receives certification by the Commissioner of Internal Revenue that an individual has a seriously delinquent tax debt, the Secretary shall transmit such certification to the Secretary of State for action with respect to denial, revocation, or limitation of a passport pursuant to section 32101 of the FAST Act.

''(b) SERIOUSLY DELINQUENT TAX DEBT.—

''(1) IN GENERAL.—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 been assessed,

''(B) which is greater than $50,000, and

''(C) with respect to which—

''(i) a notice of lien has been filed pursuant to section 6323 and the administrative rights under section 6320 with respect to such filing have been exhausted or have lapsed, or

''(ii) a levy is made 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—

''(i) because a due process hearing under section 6330 is requested or pending, or

''(ii) because an election under subsection (b) or (c) of section 6015 is made or relief under subsection (f) of such section 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 if the debt with respect to such certification is fully satisfied or ceases to be a seriously delinquent tax debt by reason of subsection (b)(2).

''(2) TIMING OF NOTICE.—

''(A) FULL SATISFACTION OF DEBT.—In the case of a debt that has been fully satisfied or has become legally 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 6325(a).

''(B) INNOCENT SPOUSE RELIEF.—In the case of an individual who makes an election under subsection (b) or (c) of section 6015, or requests relief under subsection (f) of such section, such notification shall be made not later than 30 days after any such election or request.

''(C) INSTALLMENT AGREEMENT 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.

''(d) CONTEMPORANEOUS NOTICE TO INDIVIDUAL.—The Commissioner shall contemporaneously notify an individual of any certification under subsection (a), or any reversal of certification under subsection (c), with respect to such individual. Such notice shall include a description in simple and nontechnical terms of the right to bring a civil action under subsection (e).

''(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 reverse 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—

''(1) such dollar amount, multiplied by

''(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2015' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

''(g) DELEGATION OF CERTIFICATION.—A certification under subsection (a) or reversal of certification under subsection (c) may only be delegated by the Commissioner of Internal Revenue to the Deputy Commissioner for Services and Enforcement, or the Commissioner of an operating division, of the Internal Revenue Service.''.

(b) INFORMATION INCLUDED IN NOTICE OF LIEN AND LEVY.—

(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 by adding at the end the following new subparagraph:

''(E) the provisions of section 7345 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 LEVY.—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 by adding at the end the following new subparagraph:

''(G) the provisions of section 7345 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.''.

(c) AUTHORITY FOR INFORMATION SHARING.—

(1) IN GENERAL.—Section 6103(k) of such Code is amended by adding at the end the following new paragraph:

''(11) DISCLOSURE OF RETURN INFORMATION TO DEPARTMENT OF STATE FOR PURPOSES OF PASSPORT REVOCATION UNDER SECTION 7345.—

''(A) IN GENERAL.—The Secretary shall, upon receiving a certification described in section 7345, disclose to the Secretary of State return information with respect to a taxpayer who has a seriously delinquent tax debt described in such section. Such return information shall be limited to—

''(i) the taxpayer identity information with respect to such taxpayer, and

''(ii) the amount of such seriously delinquent tax debt.

''(B) RESTRICTION ON DISCLOSURE.—Return information disclosed under subparagraph (A) may be used by officers and employees of the Department of State for the purposes of, and to the extent necessary in, carrying out the requirements of section 32101 of the FAST Act.''.

(2) CONFORMING AMENDMENT.—Paragraph (4) of section 6103(p) of such Code is amended by striking ''or (10)'' each place it appears in subparagraph (F)(ii) and in the matter preceding subparagraph (A) and inserting '', (10), or (11)''.

(d) TIME FOR CERTIFICATION OF SERIOUSLY DELINQUENT TAX DEBT POSTPONED BY REASON OF SERVICE IN COMBAT ZONE.—Section 7508(a) of such Code is amended by striking the period at the end of paragraph (2) and inserting ''; and'' and by adding at the end the following new paragraph:

''(3) Any certification of a seriously delinquent tax debt under section 7345.''.

(e) AUTHORITY TO DENY OR REVOKE PASSPORT.—

(1) DENIAL.—

(A) IN GENERAL.—Except as provided under subparagraph (B), upon receiving a certification described in section 7345 of the Internal Revenue Code of 1986 from the Secretary of the Treasury, the Secretary of State shall not issue a passport to any individual who has a seriously delinquent tax debt described in such section.

(B) EMERGENCY AND HUMANITARIAN SITUATIONS.—Notwithstanding subparagraph (A), the Secretary of State may issue a passport, in emergency circumstances or for humanitarian reasons, to an individual described in such subparagraph.

(2) REVOCATION.—

(A) IN GENERAL.—The Secretary of State may revoke a passport previously issued to any individual described in paragraph (1)(A).

(B) LIMITATION FOR RETURN TO UNITED STATES.—If the Secretary of State decides to revoke a passport under subparagraph (A), the Secretary of State, before revocation, may—

(i) limit a previously issued passport only for return travel to the United States; or

(ii) issue a limited passport that only permits return travel to the United States.

(3) HOLD HARMLESS.—The Secretary of the Treasury, the Secretary of State, and any of their designees shall not be liable to an individual for any action with respect to a certification by the Commissioner of Internal Revenue under section 7345 of the Internal Revenue Code of 1986.

(f) REVOCATION OR DENIAL OF PASSPORT IN CASE OF INDIVIDUAL WITHOUT SOCIAL SECURITY ACCOUNT NUMBER.—

(1) DENIAL.—

(A) IN GENERAL.—Except as provided under subparagraph (B), upon receiving an application for a passport from an individual that either—

(i) does not include the social security account number issued to that individual, or

(ii) includes an incorrect or invalid social security number willfully, intentionally, negligently, or recklessly provided by such individual,

the Secretary of State is authorized to deny such application and is authorized to not issue a passport to the individual.

(B) EMERGENCY AND HUMANITARIAN SITUATIONS.—Notwithstanding subparagraph (A), the Secretary of State may issue a passport, in emergency circumstances or for humanitarian reasons, to an individual described in subparagraph (A).

(2) REVOCATION.—

(A) IN GENERAL.—The Secretary of State may revoke a passport previously issued to any individual described in paragraph (1)(A).

(B) LIMITATION FOR RETURN TO UNITED STATES.—If the Secretary of State decides to revoke a passport under subparagraph (A), the Secretary of State, before revocation, may—

(i) limit a previously issued passport only for return travel to the United States; or

(ii) issue a limited passport that only permits return travel to the United States.

(g) REMOVAL OF CERTIFICATION FROM RECORD WHEN DEBT CEASES TO BE SERIOUSLY DELINQUENT.—If pursuant to subsection (c) or (e) of section 7345 of the Internal Revenue Code of 1986 the Secretary of State receives from the Secretary of the Treasury a notice that an individual ceases to have a seriously delinquent tax

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 subchapter D of chapter 75 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 7345. Revocation or denial of passport in case of certain tax delinquencies.''.

(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. REFORM OF RULES RELATING TO QUALIFIED TAX COLLECTION CONTRACTS.

(a) REQUIREMENT TO COLLECT CERTAIN INACTIVE TAX RECEIVABLES UNDER QUALIFIED TAX COLLECTION CONTRACTS.—Section 6306 of the Internal Revenue Code of 1986 is amended by redesignating subsections (c) through (f) as subsections (d) through (g), respectively, and by inserting after subsection (b) the following new subsection:

''(c) COLLECTION OF INACTIVE TAX RECEIVABLES.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall enter into one or more qualified tax collection contracts for the collection of all outstanding inactive tax receivables.

''(2) INACTIVE TAX RECEIVABLES.—For purposes of this section—

''(A) IN GENERAL.—The term 'inactive tax receivable' means any tax receivable if—

''(i) at any time after assessment, the Internal Revenue Service removes such receivable from the active inventory for lack of resources or inability to locate the taxpayer,

''(ii) more than ⅓ of the period of the applicable statute of limitation has lapsed and such receivable has not been assigned for collection to any employee of the Internal Revenue Service, or

''(iii) in the case of a receivable which has been assigned for collection, more than 365 days have passed without interaction with the taxpayer or a third party for purposes of furthering the collection of such receivable.

''(B) TAX RECEIVABLE.—The term 'tax receivable' means any outstanding assessment which the Internal Revenue Service includes in potentially collectible inventory.''.

(b) CERTAIN TAX RECEIVABLES NOT ELIGIBLE FOR COLLECTION UNDER QUALIFIED TAX COLLECTION CONTRACTS.—Section 6306 of the Internal Revenue Code of 1986, as amended by subsection (a), is amended by redesignating subsections (d) through (g) as subsections (e) through (h), respectively, and by inserting after subsection (c) the following new subsection:

''(d) CERTAIN TAX RECEIVABLES NOT ELIGIBLE FOR COLLECTION UNDER QUALIFIED TAX COLLECTIONS CONTRACTS.—A tax receivable shall not be eligible for collection pursuant to a qualified tax collection contract if such receivable—

''(1) is subject to a pending or active offer-in-compromise or installment agreement,

''(2) is classified as an innocent spouse case,

''(3) involves a taxpayer identified by the Secretary as being—

''(A) deceased,

''(B) under the age of 18,

''(C) in a designated combat zone, or

''(D) a victim of tax-related identity theft,

''(4) is currently under examination, litigation, criminal investigation, or levy, or

''(5) is currently subject to a proper exercise of a right of appeal under this title.''.

(c) CONTRACTING PRIORITY.—Section 6306 of the Internal Revenue Code of 1986, as amended by the preceding provisions of this section, is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) CONTRACTING PRIORITY.—In contracting for the services of any person under this section, the Secretary shall utilize private collection contractors and debt collection centers on the schedule required under section 3711(g) of title 31, United States Code, including the technology and communications infrastructure established therein, to the extent such private collection contractors and debt collection centers are appropriate to carry out the purposes of this section.''.

(d) DISCLOSURE OF RETURN INFORMATION.—Section 6103(k) of the Internal Revenue Code of 1986, 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 contact. Disclosures under this paragraph shall be made only in such situations and under such conditions as have been approved by the Secretary.''.

(e) TAXPAYERS AFFECTED BY FEDERALLY DECLARED DISASTERS.—Section 6306 of the Internal Revenue Code of 1986, as amended by the preceding provisions of this section, is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

''(i) TAXPAYERS IN PRESIDENTIALLY DECLARED DISASTER AREAS.—The Secretary may prescribe procedures under which a taxpayer determined to be affected by a Federally declared disaster (as defined by section 165(i)(5)) may request—

''(1) relief from immediate collection measures by contractors under this section, and

''(2) a return of the inactive tax receivable to the inventory of the Internal Revenue Service to be collected by an employee thereof.''.

(f) REPORT TO CONGRESS.—

(1) IN GENERAL.—Section 6306 of the Internal Revenue Code of 1986, as amended by the preceding provisions of this section, is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

''(j) REPORT TO CONGRESS.—Not later than 90 days after the last day of each fiscal year (beginning with the first such fiscal year ending after the date of the enactment of this subsection), the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report with respect to qualified tax collection contracts under this section which shall include—

''(1) annually, with respect to such fiscal year—

''(A) the total number and amount of tax receivables provided to each contractor for collection under this section,

''(B) the total amounts collected (and amounts of installment agreements entered into under subsection (b)(1)(B)) with respect to each contractor and the collection costs incurred (directly and indirectly) by the Internal Revenue Service with respect to such amounts,

''(C) the impact of such contracts on the total number and amount of unpaid assessments, and on the number and amount of assessments collected by Internal Revenue Service personnel after initial contact by a contractor,

''(D) the amount of fees retained by the Secretary under subsection (e) and a description of the use of such funds, and

''(E) a disclosure safeguard report in a form similar to that required under section 6103(p)(5), and

''(2) biannually (beginning with the second report submitted under this subsection)—

''(A) an independent evaluation of contractor performance, and

''(B) a measurement plan that includes a comparison of the best practices used by the private collectors to the collection techniques used by the Internal Revenue Service and mechanisms to identify and capture information on successful collection techniques used by the contractors that could be adopted by the Internal Revenue Service.''.

(2) REPEAL OF EXISTING REPORTING REQUIREMENTS WITH RESPECT TO QUALIFIED TAX COLLECTION CONTRACTS.—Section 881 of the American Jobs Creation Act of 2004 is amended by striking subsection (e).

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall apply to tax receivables identified by the Secretary after the date of the enactment of this Act.

(2) CONTRACTING PRIORITY.—The Secretary shall begin entering into contracts and agreements as described in the amendment made by subsection (c) within 3 months after the date of the enactment of this Act.

(3) DISCLOSURES.—The amendment made by subsection (d) shall apply to disclosures made after the date of the enactment of this Act.

(4) PROCEDURES; REPORT TO CONGRESS.—The amendments made by subsections (e) and (f) shall take effect on the date of the enactment of this Act.

SEC. 32103. SPECIAL COMPLIANCE PERSONNEL PROGRAM.

(a) IN GENERAL.—Subsection (e) of section 6306 of the Internal Revenue Code of 1986, as redesignated by section 52106, is amended by striking ''for collection enforcement activities of the Internal Revenue Service'' in paragraph (2) and inserting ''to fund the special compliance personnel program account under section 6307''.

(b) SPECIAL COMPLIANCE PERSONNEL PROGRAM ACCOUNT.—Subchapter A of chapter 64 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 6307. SPECIAL COMPLIANCE PERSONNEL PROGRAM ACCOUNT.

''(a) ESTABLISHMENT OF A SPECIAL COMPLIANCE PERSONNEL PROGRAM ACCOUNT.—The Secretary shall establish an account within the Department for carrying out a program consisting of the hiring, training, and employment of special compliance personnel, and shall transfer to such account from time to time amounts retained by the Secretary under section 6306(e)(2).

''(b) RESTRICTIONS.—The program described in subsection (a) shall be subject to the following restrictions:

''(1) No funds shall be transferred to such account except as described in subsection (a).

''(2) No other funds from any other source shall be expended for special compliance personnel employed under such program, and no funds from such account shall be expended for the hiring of any personnel other than special compliance personnel.

''(3) Notwithstanding any other authority, the Secretary is prohibited from spending funds out of such account for any purpose other than for costs under such program associated with the employment of special compliance personnel and the retraining and reassignment of current non-collections personnel as special compliance personnel, and to reimburse the Internal Revenue Service or other government agencies for the cost of administering qualified tax collection contracts under section 6306.

''(c) REPORTING.—Not later than March of each year, the Commissioner of Internal Revenue shall submit a report to the Committees on Finance and Appropriations of the Senate and the Committees on Ways and Means and Appropriations of the House of Representatives consisting of the following:

''(1) For the preceding fiscal year, all funds received in the account established under subsection (a), administrative and program costs for the program described in such subsection, the number of special compliance personnel hired

and employed under the program, and the amount of revenue actually collected by such personnel.

''(2) For the current fiscal year, all actual and estimated funds received or to be received in the account, all actual and estimated administrative and program costs, the number of all actual and estimated special compliance personnel hired and employed under the program, and the actual and estimated revenue actually collected or to be collected by such personnel.

''(3) For the following fiscal year, an estimate of all funds to be received in the account, all estimated administrative and program costs, the estimated number of special compliance personnel hired and employed under the program, and the estimated revenue to be collected by such personnel.

''(d) DEFINITIONS.—For purposes of this section—

''(1) SPECIAL COMPLIANCE PERSONNEL.—The term 'special compliance personnel' means individuals employed by the Internal Revenue Service as field function collection officers or in a similar position, or employed to collect taxes using the automated collection system or an equivalent replacement system.

''(2) PROGRAM COSTS.—The term 'program costs' means—

''(A) total salaries (including locality pay and bonuses), benefits, and employment taxes for special compliance personnel employed or trained under the program described in subsection (a), and

''(B) direct overhead costs, salaries, benefits, and employment taxes relating to support staff, rental payments, office equipment and furniture, travel, data processing services, vehicle costs, utilities, telecommunications, postage, printing and reproduction, supplies and materials, lands and structures, insurance claims, and indemnities for special compliance personnel hired and employed under this section.

For purposes of subparagraph (B), the cost of management and supervision of special compliance personnel shall be taken into account as direct overhead costs to the extent such costs, when included in total program costs under this paragraph, do not represent more than 10 percent of such total costs.''.

(c) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 64 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 6306 the following new item:

''Sec. 6307. Special compliance personnel program account.''.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to amounts collected and retained by the Secretary after the date of the enactment of this Act.

SEC. 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 CUSTOMS SERVICES.

(a) IN GENERAL.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended by adding at the end the following:

''(l) ADJUSTMENT OF FEES FOR INFLATION.—

''(1) IN GENERAL.—The Secretary of the Treasury shall adjust the fees established under subsection (a), and the limitations on such fees under paragraphs (2), (3), (5), (6), (8), and (9) of subsection (b), on April 1, 2016, and at the beginning of each fiscal year thereafter, to reflect the percentage (if any) of the increase in the average of the Consumer Price Index for the preceding 12-month period compared to the Consumer Price Index for fiscal year 2014.

''(2) SPECIAL RULES FOR CALCULATION OF ADJUSTMENT.—In adjusting under paragraph (1) the amount of the fees established under subsection (a), and the limitations on such fees under paragraphs (2), (3), (5), (6), (8), and (9) of subsection (b), the Secretary—

''(A) shall round the amount of any increase in the Consumer Price Index to the nearest dollar; and

''(B) may ignore any such increase of less than 1 percent.

''(3) CONSUMER PRICE INDEX DEFINED.—For purposes of this subsection, the term 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.''.

(b) USE OF FEES.—The fees collected as a result of the amendments made by this section shall be deposited in the Customs User Fee Account, shall be available for reimbursement of customs services and inspections costs, and shall be available only to the extent provided in appropriations Acts.

(c) CONFORMING AMENDMENTS.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c), as amended by subsections (a) and (b), is further amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting ''(subject to adjustment under subsection (l))'' after ''following fees''; and

(2) in subsection (b)—

(A) in paragraph (2), by inserting ''(subject to adjustment under subsection (l))'' after ''in fees'';

(B) in paragraph (3), by inserting ''(subject to adjustment under subsection (l))'' after ''in fees'';

(C) in paragraph (5)(A), by inserting ''(subject to adjustment under subsection (l))'' after ''in fees'';

(D) in paragraph (6), by inserting ''(subject to adjustment under subsection (l))'' after ''in fees'';

(E) in paragraph (8)(A)—

(i) in clause (i), by inserting ''or (l)'' after ''subsection (a)(9)(B)''; and

(ii) in clause (ii), by inserting ''(subject to adjustment under subsection (l))'' after ''$3''; and

(F) in paragraph (9)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by inserting ''and subject to adjustment under subsection (l)'' after ''Tariff Act of 1930''; and

(II) in clause (ii)(I), by inserting ''(subject to adjustment under subsection (l))'' after ''bill of lading''; and

(ii) in subparagraph (B)(i), by inserting ''(subject to adjustment under subsection (l))'' after ''bill of lading''.

SEC. 32202. LIMITATION ON SURPLUS FUNDS OF FEDERAL RESERVE BANKS.

Section 7(a) of the Federal Reserve Act (12 U.S.C. 289(a)) is amended by adding at the end the following:

''(3) LIMITATION ON SURPLUS FUNDS.—

''(A) IN GENERAL.—The aggregate amount of the surplus funds of the Federal reserve banks may not exceed $10,000,000,000.

''(B) TRANSFER TO THE GENERAL FUND.—Any amounts of the surplus funds of the Federal reserve banks that exceed, or would exceed, the limitation under subparagraph (A) shall be transferred to the Board of Governors of the Federal Reserve System for transfer to the Secretary of the Treasury for deposit in the general fund of the Treasury.''.

SEC. 32203. DIVIDENDS OF FEDERAL RESERVE BANKS.

(a) IN GENERAL.—Section 7(a)(1) of the Federal Reserve Act (12 15 U.S.C. 289(a)(1)) is amended—

(1) by amending subparagraph (A) to read as follows:

''(A) DIVIDEND AMOUNT.—After all necessary expenses of a Federal reserve bank have been paid or provided for, the stockholders of the bank shall be entitled to receive an annual dividend on paid-in capital stock of—

''(i) in the case of a stockholder with total consolidated assets of more than $10,000,000,000, the smaller of—

''(I) the rate equal to the high yield of the 10-year Treasury note auctioned at the last auction held prior to the payment of such dividend; and

''(II) 6 percent; and

''(ii) in the case of a stockholder with total consolidated assets of $10,000,000,000 or less, 6 percent.''; and

(2) by adding at the end the following:

''(C) INFLATION ADJUSTMENT.—The Board of Governors of the Federal Reserve System shall annually adjust the dollar amounts of total consolidated assets specified under subparagraph (A) to reflect the change in the Gross Domestic Product Price Index, published by the Bureau of Economic Analysis.''.

(b) EFFECTIVE DATE.—The amendments made by 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 of Energy shall drawdown and sell from the Strategic Petroleum Reserve—

(A) the quantity of barrels of crude oil that the Secretary of Energy determines to be appropriate to maximize the financial return to United States taxpayers for each of fiscal years 2016 and 2017;

(B) 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 SALE.—Amounts received from a sale under paragraph (1) shall be deposited in the general fund of the Treasury during the fiscal year in which the sale occurs.

(b) EMERGENCY PROTECTION.—The Secretary shall not draw down and sell crude oil under this section in quantities that would limit the authority to sell petroleum products under section 161(h) of the Energy Policy and Conservation Act (42 U.S.C. 6241(h)) in the full quantity authorized by that subsection.

(c) INCREASE; LIMITATION.—

(1) INCREASE.—The Secretary of Energy may increase the drawdown and sales under subparagraphs (A) through (I) of subsection (a)(1) as the Secretary of Energy determines to be appropriate to maximize the financial return to United States taxpayers.

(2) LIMITATION.—The Secretary of Energy shall not drawdown or conduct sales of crude oil under this section after the date on which a total of $6,200,000,000 has been deposited in the general fund of the Treasury from sales authorized under this section.

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 and the amendments made by such section are 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.

Subtitle C—Outlays

SEC. 32301. INTEREST ON OVERPAYMENT.

Section 111 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1721) is amended—

(1) by striking subsections (h) and (i);

(2) by redesignating subsections (j) through (l) as subsections (h) through (j), respectively; and

(3) in subsection (h) (as so redesignated), by striking the fourth sentence.

Subtitle D—Budgetary Effects

SEC. 32401. BUDGETARY EFFECTS.

The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

DIVISION D—MISCELLANEOUS

TITLE XLI—FEDERAL PERMITTING IMPROVEMENT

SEC. 41001. DEFINITIONS.

In this title:

(1) AGENCY.—The term ''agency'' has the meaning given the term in section 551 of title 5, United States Code.

(2) AGENCY CERPO.—The term ''agency CERPO'' means the chief environmental review and permitting officer of an agency, as designated by the head of the agency under section 41002(b)(2)(A)(iii)(I).

(3) AUTHORIZATION.—The term ''authorization'' means any license, permit, approval, finding, determination, or other administrative decision issued by an agency that is required or authorized under Federal law in order to site, construct, reconstruct, or commence operations of a covered project administered by a Federal agency or, in the case of a State that chooses to participate in the environmental review and authorization process in accordance with section 41003(c)(3)(A), a State agency.

(4) COOPERATING AGENCY.—The term ''cooperating agency'' means any agency with—

(A) jurisdiction under Federal law; or

(B) special expertise as described in section 1501.6 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(5) COUNCIL.—The term ''Council'' means the Federal Infrastructure Permitting Improvement Steering Council established under section 41002(a).

(6) COVERED PROJECT.—

(A) IN GENERAL.—The term ''covered project'' means any activity in the United States that requires authorization or environmental review by a Federal agency involving construction of infrastructure for renewable or conventional energy production, electricity transmission, surface transportation, aviation, ports and waterways, water resource projects, broadband, pipelines, manufacturing, or any other sector as determined by a majority vote of the Council that—

(i)(I) is subject to NEPA;

(II) is likely to require a total investment of more than $200,000,000; and

(III) does not qualify for abbreviated authorization or environmental review processes under any applicable law; or

(ii) is subject to NEPA and the size and complexity of which, in the opinion of the Council, make the project likely to benefit from enhanced oversight and coordination, including a project likely to require—

(I) authorization from or environmental review involving more than 2 Federal agencies; or

(II) the preparation of an environmental impact statement under NEPA.

(B) EXCLUSION.—The term ''covered project'' does not include—

(i) any project subject to section 139 of title 23, United States Code; or

(ii) any project subject to section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348).

(7) DASHBOARD.—The term ''Dashboard'' means the Permitting Dashboard required under section 41003(b).

(8) ENVIRONMENTAL ASSESSMENT.—The term ''environmental assessment'' means a concise public document for which a Federal agency is responsible under section 1508.9 of title 40, Code of Federal Regulations (or successor regulations).

(9) ENVIRONMENTAL DOCUMENT.—

(A) IN GENERAL.—The term ''environmental document'' means an environmental assessment, finding of no significant impact, notice of intent, environmental impact statement, or record of decision.

(B) INCLUSIONS.—The term ''environmental document'' includes—

(i) any document that is a supplement to a document described in subparagraph (A); and

(ii) a document prepared pursuant to a court order.

(10) ENVIRONMENTAL IMPACT STATEMENT.—The term ''environmental impact statement'' means the detailed written statement required under section 102(2)(C) of NEPA.

(11) ENVIRONMENTAL REVIEW.—The term ''environmental review'' means the agency procedures and processes for applying a categorical exclusion or for preparing an environmental assessment, an environmental impact statement, or other document required under NEPA.

(12) EXECUTIVE DIRECTOR.—The term ''Executive Director'' means the Executive Director appointed by the President under section 41002(b)(1)(A).

(13) FACILITATING AGENCY.—The term ''facilitating agency'' means the agency that receives the initial notification from the project sponsor required under section 41003(a).

(14) INVENTORY.—The term ''inventory'' means the inventory of covered projects established by the Executive Director under section 41002(c)(1)(A).

(15) LEAD AGENCY.—The term ''lead agency'' means the agency with principal responsibility for an environmental review of a covered project under NEPA and parts 1500 through 1508 of title 40, Code of Federal Regulations (or successor regulations).

(16) NEPA.—The term ''NEPA'' means the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(17) PARTICIPATING AGENCY.—The term ''participating agency'' means an agency participating in an environmental review or authorization for a covered project in accordance with section 41003.

(18) PROJECT SPONSOR.—The term ''project sponsor'' means an entity, including any private, public, or public-private entity, seeking an authorization for a covered project.

SEC. 41002. FEDERAL PERMITTING IMPROVEMENT COUNCIL.

(a) ESTABLISHMENT.—There is established the Federal Permitting Improvement Steering Council.

(b) COMPOSITION.—

(1) CHAIR.—The Executive Director shall—

(A) be appointed by the President; and

(B) serve as Chair of the Council.

(2) COUNCIL MEMBERS.—

(A) IN GENERAL.—

(i) DESIGNATION BY HEAD OF AGENCY.—Each individual listed in subparagraph (B) shall designate a member of the agency in which the individual serves to serve on the Council.

(ii) QUALIFICATIONS.—A councilmem-ber described in clause (i) shall hold a position in the agency of deputy secretary (or the equivalent) or higher.

(iii) SUPPORT.—

(I) IN GENERAL.—Consistent with guidance provided by the Director of the Office of Management and Budget, each individual listed in subparagraph (B) shall designate 1 or more appropriate members of the agency in which the individual serves to serve as an agency CERPO.

(II) REPORTING.—In carrying out the duties of the agency CERPO under this title, an agency CERPO shall report directly to a deputy secretary (or the equivalent) or higher.

(B) HEADS OF AGENCIES.—The individuals that shall each designate a councilmember under this subparagraph are as follows:

(i) The Secretary of Agriculture.

(ii) The Secretary of the Army.

(iii) The Secretary of Commerce.

(iv) The Secretary of the Interior.

(v) The Secretary of Energy.

(vi) The Secretary of Transportation.

(vii) The Secretary of Defense.

(viii) The Administrator of the Environmental Protection Agency.

(ix) The Chairman of the Federal Energy Regulatory Commission.

(x) The Chairman of the Nuclear Regulatory Commission.

(xi) The Secretary of Homeland Security.

(xii) The Secretary of Housing and Urban Development.

(xiii) The Chairman of the Advisory Council on Historic Preservation.

(xiv) Any other head of a Federal agency that the Executive Director may invite to participate as a member of the Council.

(3) ADDITIONAL MEMBERS.—In addition to the members listed in paragraphs (1) and (2), the Chairman of the Council on Environmental Quality and the Director of the Office of Management and Budget shall also be members of the Council.

(c) DUTIES.—

(1) EXECUTIVE DIRECTOR.—

(A) INVENTORY DEVELOPMENT.—The Executive Director, in consultation with the Council, shall—

(i) not later than 180 days after the date of enactment of this Act, establish an inventory of covered projects that are pending the environmental review or authorization of the head of any Federal agency;

(ii)(I) categorize the projects in the inventory as appropriate, based on sector and project type; and

(II) for each category, identify the types of environmental reviews and authorizations most commonly involved; and

(iii) add a covered project to the inventory after receiving a notice described in section 41003(a)(1).

(B) FACILITATING AGENCY DESIGNATION.—The Executive Director, in consultation with the Council, shall—

(i) designate a facilitating agency for each category of covered projects described in subparagraph (A)(ii); and

(ii) publish the list of designated facilitating agencies for each category of projects in the inventory on the Dashboard in an easily accessible format.

(C) PERFORMANCE SCHEDULES.—

(i) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Executive Director, in consultation with the Council, shall develop recommended performance schedules, including intermediate and final completion dates, for environmental reviews and authorizations most commonly required for each category of covered projects described in subparagraph (A)(ii).

(ii) REQUIREMENTS.—

(I) IN GENERAL.—The performance schedules shall reflect employment of the use of the most efficient applicable processes, including the alignment of Federal reviews of projects and reduction of permitting and project delivery time.

(II) LIMIT.—

(aa) IN GENERAL.—The final completion dates in any performance schedule for the completion of an environmental review or authorization under clause (i) shall not exceed the average time to complete an environmental review or authorization for a project within that category.

(bb) CALCULATION OF AVERAGE TIME.—The average time referred to in item (aa) shall be calculated on the basis of data from the preceding 2 calendar years and shall run from the period beginning on the date on which the Executive Director must make a specific entry for the project on the Dashboard under section 41003(b)(2) (except that, for projects initiated before that duty takes effect, the period beginning

on the date of filing of a completed application), and ending on the date of the issuance of a record of decision or other final agency action on the review or authorization.

(cc) COMPLETION DATE.—Each performance schedule shall specify that any decision by an agency on an environmental review or authorization must be issued not later than 180 days after the date on which all information needed to complete the review or authorization (including any hearing that an agency holds on the matter) is in the possession of the agency.

(iii) REVIEW AND REVISION.—Not later than 2 years after the date on which the performance schedules are established under this subparagraph, and not less frequently than once every 2 years thereafter, the Executive Director, in consultation with the Council, shall review and revise the performance schedules.

(D) GUIDANCE.—The Executive Director, in consultation with the Council, may recommend to the Director of the Office of Management and Budget or to the Council on Environmental Quality, as appropriate, that guidance be issued as necessary for agencies—

(i) to carry out responsibilities under this title; and

(ii) to effectuate the adoption by agencies of the best practices and recommendations of the Council described in paragraph (2).

(2) COUNCIL.—

(A) RECOMMENDATIONS.—

(i) IN GENERAL.—The Council shall make recommendations to the Executive Director with respect to the designations under paragraph (1)(B) and the performance schedules under paragraph (1)(C).

(ii) UPDATE.—The Council may update the recommendations described in clause (i).

(B) BEST PRACTICES.—Not later than 1 year after the date of enactment of this Act, and not less frequently than annually thereafter, the Council shall issue recommendations on the best practices for—

(i) enhancing early stakeholder engagement, including fully considering and, as appropriate, incorporating recommendations provided in public comments on any proposed covered project;

(ii) ensuring timely decisions regarding environmental reviews and authorizations, including through the development of performance metrics;

(iii) improving coordination between Federal and non-Federal governmental entities, including through the development of common data standards and terminology across agencies;

(iv) increasing transparency;

(v) reducing information collection requirements and other administrative burdens on agencies, project sponsors, and other interested parties;

(vi) developing and making available to applicants appropriate geographic information systems and other tools;

(vii) creating and distributing training materials useful to Federal, State, tribal, and local permitting officials; and

(viii) addressing other aspects of infrastructure permitting, as determined by the Council.

(C) MEETINGS.—The Council shall meet not less frequently than annually with groups or individuals representing State, tribal, and local governments that are engaged in the infrastructure permitting process.

(3) AGENCY CERPOS.—An agency CERPO shall—

(A) advise the respective agency councilmember on matters related to environmental reviews and authorizations;

(B) provide technical support, when requested to facilitate efficient and timely processes for environmental reviews and authorizations for covered projects under the jurisdictional responsibility of the agency, including supporting timely identification and resolution of potential disputes within the agency or between the agency and other Federal agencies;

(C) analyze agency environmental review and authorization processes, policies, and authorities and make recommendations to the respective agency councilmember for ways to standardize, simplify, and improve the efficiency of the processes, policies, and authorities, including by implementing guidance issued under paragraph (1)(D) and other best practices, including the use of information technology and geographic information system tools within the agency and across agencies, to the extent consistent with existing law; and

(D) review and develop training programs for agency staff that support and conduct environmental reviews or authorizations.

(d) ADMINISTRATIVE SUPPORT.—The Director of the Office of Management and Budget shall designate a Federal agency, other than an agency that carries out or provides support only for projects that are not covered projects, to provide administrative support for the Executive Director, and the designated agency shall, as reasonably necessary, provide support and staff to enable the Executive Director to fulfill the duties of the Executive Director under this title.

SEC. 41003. PERMITTING PROCESS IMPROVEMENT.

(a) PROJECT INITIATION AND DESIGNATION OF PARTICIPATING AGENCIES.—

(1) NOTICE.—

(A) IN GENERAL.—A project sponsor of a covered project shall submit to the Executive Director and the facilitating agency notice of the initiation of a proposed covered project.

(B) DEFAULT DESIGNATION.—If, at the time of submission of the notice under subparagraph (A), the Executive Director has not designated a facilitating agency under section 41002(c)(1)(B) for the categories of projects noticed, the agency that receives the notice under subparagraph (A) shall be designated as the facilitating agency.

(C) CONTENTS.—Each notice described in subparagraph (A) shall include—

(i) a statement of the purposes and objectives of the proposed project;

(ii) a concise description, including the general location of the proposed project and a summary of geospatial information, if available, illustrating the project area and the locations, if any, of environmental, cultural, and historic resources;

(iii) a statement regarding the technical and financial ability of the project sponsor to construct the proposed project;

(iv) a statement of any Federal financing, environmental reviews, and authorizations anticipated to be required to complete the proposed project; and

(v) an assessment that the proposed project meets the definition of a covered project under section 41001 and a statement of reasons supporting the assessment.

(2) INVITATION.—

(A) IN GENERAL.—Not later than 45 days after the date on which the Executive Director must make a specific entry for the project on the Dashboard under subsection (b)(2)(A), the facilitating agency or lead agency, as applicable, shall—

(i) identify all Federal and non-Federal agencies and governmental entities likely to have financing, environmental review, authorization, or other responsibilities with respect to the proposed project; and

(ii) invite all Federal agencies identified under clause (i) to become a participating agency or a cooperating agency, as appropriate, in the environmental review and authorization management process described in section 41005.

(B) DEADLINES.—Each invitation made under subparagraph (A) shall include a deadline for a response to be submitted to the facilitating or lead agency, as applicable.

(3) PARTICIPATING AND COOPERATING AGENCIES.—

(A) IN GENERAL.—An agency invited under paragraph (2) shall be designated as a participating or cooperating agency for a covered project, unless the agency informs the facilitating or lead agency, as applicable, in writing before the deadline under paragraph (2)(B) that the agency—

(i) has no jurisdiction or authority with respect to the proposed project; or

(ii) does not intend to exercise authority related to, or submit comments on, the proposed project.

(B) CHANGED CIRCUMSTANCES.—On request and a showing of changed circumstances, the Executive Director may designate an agency that has opted out under subparagraph (A)(ii) to be a participating or cooperating agency, as appropriate.

(4) EFFECT OF DESIGNATION.—The designation described in paragraph (3) shall not—

(A) give the participating agency authority or jurisdiction over the covered project; or

(B) expand any jurisdiction or authority a cooperating agency may have over the proposed project.

(5) LEAD AGENCY DESIGNATION.—

(A) IN GENERAL.—On establishment of the lead agency, the lead agency shall assume the responsibilities of the facilitating agency under this title.

(B) REDESIGNATION OF FACILITATING AGENCY.—If the lead agency assumes the responsibilities of the facilitating agency under subparagraph (A), the facilitating agency may be designated as a cooperative or participating agency.

(6) CHANGE OF FACILITATING OR LEAD AGENCY.—

(A) IN GENERAL.—On the request of a participating agency or project sponsor, the Executive Director may designate a different agency as the facilitating or lead agency, as applicable, for a covered project, if the facilitating or lead agency or the Executive Director receives new information regarding the scope or nature of a covered project that indicates that the project should be placed in a different category under section 41002(c)(1)(B).

(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 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, unless the Executive Director, facilitating agency, or lead agency, as applicable, determines that the project is not a covered project.

(B) EXPLANATION.—If the facilitating agency or lead agency, as applicable, determines that the project is not a covered project, the project sponsor may submit a further explanation as to why the project is a covered project not later than 14 days after the date of the determination under subparagraph (A).

(C) FINAL DETERMINATION.—Not later than 14 days after receiving an explanation described in subparagraph (B), the Executive Director shall—

(i) make a final and conclusive determination as to whether the project is a covered project; and

(ii) if the Executive Director determines that the project is a covered project, create a specific entry on the Dashboard for the covered project.

(3) POSTINGS BY AGENCIES.—

(A) IN GENERAL.—For each covered project added to the Dashboard under paragraph (2), the facilitating or lead agency, as applicable, and each cooperating and participating agency shall post to the Dashboard—

(i) a hyperlink that directs to a website that contains, to the extent consistent with applicable law—

(I) the notification submitted under subsection (a)(1);

(II)(aa) where practicable, the application and supporting documents, if applicable, that have been submitted by a project sponsor for any required environmental review or authorization; or

(bb) a notice explaining how the public may obtain access to such documents;

(III) a description of any Federal agency action taken or decision made that materially affects the status of a covered project;

(IV) any significant document that supports the action or decision described in subclause (III); and

(V) a description of the status of any litigation to which the agency is a party that is directly related to the project, including, if practicable, any judicial document made available on an electronic docket maintained by a Federal, State, or local court; and

(ii) any document described in clause (i) that is not available by hyperlink on another website.

(B) DEADLINE.—The information described in subparagraph (A) shall be posted to the website made available by hyperlink on the Dashboard not later than 5 business days after the date on which the Federal agency receives the information.

(4) POSTINGS BY THE EXECUTIVE DIRECTOR.—The Executive Director shall publish to the Dashboard—

(A) the permitting timetable established under subparagraph (A) or (C) of subsection (c)(2);

(B) the status of the compliance of each agency with the permitting timetable;

(C) any modifications of the permitting timetable;

(D) an explanation of each modification described in subparagraph (C); and

(E) any memorandum of understanding established under subsection (c)(3)(B).

(c) COORDINATION AND TIMETABLES.—

(1) COORDINATED PROJECT PLAN.—

(A) IN GENERAL.—Not later than 60 days after the date on which the Executive Director must make a specific entry for the project on the Dashboard under subsection (b)(2)(A), the facilitating or lead agency, as applicable, in consultation with each coordinating and participating agency, shall establish a concise plan for coordinating public and agency participation in, and completion of, any required Federal environmental review and authorization for the project.

(B) REQUIRED INFORMATION.—The Coordinated Project Plan shall include the following information and be updated by the facilitating or lead agency, as applicable, at least once per quarter:

(i) A list of, and roles and responsibilities for, all entities with environmental review or authorization responsibility for the project.

(ii) A permitting timetable, as described in paragraph (2), setting forth a comprehensive schedule of dates by which all environmental reviews and authorizations, and to the maximum extent practicable, State permits, reviews and approvals must be made.

(iii) A discussion of potential avoidance, minimization, and mitigation strategies, if required by applicable law and known.

(iv) Plans and a schedule for public and tribal outreach and coordination, to the extent required by applicable law.

(C) MEMORANDUM OF UNDERSTANDING.—The coordinated project plan described in subparagraph (A) may be incorporated into a memorandum of understanding.

(2) PERMITTING TIMETABLE.—

(A) ESTABLISHMENT.—As part of the coordination project plan under paragraph (1), the facilitating or lead agency, as applicable, in consultation with each cooperating and participating agency, the project sponsor, and any State in which the project is located, and, subject to subparagraph (C), with the concurrence of each cooperating agency, shall establish a permitting timetable that includes intermediate and final completion dates for action by each participating agency on any Federal environmental review or authorization required for the project.

(B) FACTORS FOR CONSIDERATION.—In establishing the permitting timetable under subparagraph (A), the facilitating or lead agency shall follow the performance schedules established under section 41002(c)(1)(C), but may vary the timetable based on relevant factors, including—

(i) the size and complexity of the covered project;

(ii) the resources available to each participating agency;

(iii) the regional or national economic significance of the project;

(iv) the sensitivity of the natural or historic resources that may be affected by the project;

(v) the financing plan for the project; and

(vi) the extent to which similar projects in geographic proximity to the project were recently subject to environmental review or similar procedures under State law.

(C) DISPUTE RESOLUTION.—

(i) IN GENERAL.—The Executive Director, in consultation with appropriate agency CERPOs and the project sponsor, shall, as necessary, mediate any disputes regarding the permitting timetable referred to under subparagraph (A).

(ii) DISPUTES.—If a dispute remains unresolved 30 days after the date on which the dispute was submitted to the Executive Director, the Director of the Office of Management and Budget, in consultation with the Chairman of the Council on Environmental Quality, shall facilitate a resolution of the dispute and direct the agencies party to the dispute to resolve the dispute by the end of the 60-day period beginning on the date of submission of the dispute to the Executive Director.

(iii) FINAL RESOLUTION.—Any action taken by the Director of the Office of Management and Budget in the resolution of a dispute under clause (ii) shall—

(I) be final and conclusive; and

(II) not be subject to judicial review.

(D) MODIFICATION AFTER APPROVAL.—

(i) IN GENERAL.—The facilitating or lead agency, as applicable, may modify a permitting timetable established under subparagraph (A) only if—

(I) the facilitating or lead agency, as applicable, and the affected cooperating agencies, after consultation with the participating agencies and the project sponsor, agree to a different completion date;

(II) the facilitating agency or lead agency, as applicable, or the affected cooperating agency provides a written justification for the modification; and

(III) in the case of a modification that would necessitate an extension of a final completion date under a permitting timetable established under subparagraph (A) to a date more than 30 days after the final completion date originally established under subparagraph (A), the facilitating or lead agency submits a request to modify the permitting timetable to the Executive Director, who shall consult with the project sponsor and make a determination on the record, based on consideration of the relevant factors described under subparagraph (B), whether to grant the facilitating or lead agency, as applicable, authority to make such modification.

(ii) COMPLETION DATE.—A completion date in the permitting timetable may not be modified within 30 days of the completion date.

(iii) LIMITATION ON LENGTH OF MODIFICATIONS.—

(I) IN GENERAL.—Except as provided in subclause (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 extend the permitting timetable for a period of time greater than half of the amount of time from the establishment of the permitting timetable under subparagraph (A) to the last final completion date originally established under subparagraph (A).

(II) ADDITIONAL EXTENSIONS.—The Director of the Office of Management and Budget, after consultation with the project sponsor, may permit the Executive Director to authorize additional extensions of a permitting timetable beyond the limit prescribed by subclause (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 authorization of extension under this subclause, a report to Congress explaining why such modification is required. Such report shall explain to Congress with specificity why the original permitting timetable and the modifications authorized by the Executive Director failed to be adequate. The lead or facilitating agency, as applicable, shall transmit to Congress, the Director of the Office of Management and Budget, and the Executive Director a supplemental report on progress toward the final completion date each year thereafter, until the permit review is completed or the project sponsor withdraws its notice or application or other request to which this title applies under section 41010.

(iv) LIMITATION ON JUDICIAL REVIEW.—The following shall not be subject to judicial review:

(I) A determination by the Executive Director under clause (i)(III).

(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) shall be consistent with any other relevant time periods established under Federal law and shall not prevent any cooperating or participating agency from discharging any obligation under Federal law in connection with the project.

(F) CONFORMING TO PERMITTING TIMETABLES.—

(i) IN GENERAL.—Each Federal agency shall conform to the completion dates set forth in the permitting timetable established under subparagraph (A), or with any completion date modified under subparagraph (D).

(ii) FAILURE TO CONFORM.—If a Federal agency fails to conform with a completion date for agency action on a covered project or is at significant risk of failing to conform with such a completion date, the agency shall—

(I) promptly submit to the Executive Director for publication on the Dashboard an explanation of the specific reasons for failing or significantly risking failing to conform to the completion date and a proposal for an alternative completion date;

(II) in consultation with the facilitating or lead agency, as applicable, establish an alternative completion date; and

(III) each month thereafter until the agency has taken final action on the delayed authorization or review, submit to the Executive Director for posting on the Dashboard a status report describing any agency activity related to the project.

(G) ABANDONMENT OF COVERED PROJECT.—

(i) IN GENERAL.—If the facilitating or lead agency, as applicable, has a reasonable basis to doubt the continuing technical or financial ability of the project sponsor to construct the covered project, the facilitating or lead agency may request the project sponsor provide an updated statement regarding the ability of the project sponsor to complete the project.

(ii) FAILURE TO RESPOND.—If the project sponsor fails to respond to a request described in clause (i) by the date that is 30 days after receiving the request, the lead or facilitating agency, as applicable, shall notify the Executive Director, who shall publish an appropriate notice on the Dashboard.

(iii) PUBLICATION TO DASHBOARD.—On publication of a notice under clause (ii), the completion dates in the permitting timetable shall be tolled and agencies shall be relieved of the obligation to comply with subparagraph (F) until such time as the project sponsor submits to the facilitating or lead agency, as applicable, an updated statement regarding the technical and financial ability of the project sponsor to construct the project.

(3) COOPERATING STATE, LOCAL, OR TRIBAL GOVERNMENTS.—

(A) STATE AUTHORITY.—If the Federal environmental review is being implemented within the boundaries of a State, the State, consistent with State law, may choose to participate in the environmental review and authorization process under this subsection and to make subject to the process all State agencies that—

(i) have jurisdiction over the covered project;

(ii) are required to conduct or issue a review, analysis, opinion, or statement for the covered project; or

(iii) are required to make a determination on issuing a permit, license, or other approval or decision for the covered project.

(B) COORDINATION.—To the maximum extent practicable under applicable law, the facilitating or lead agency, as applicable, shall coordinate the Federal environmental review and authorization processes under this subsection with any State, local, or tribal agency responsible for conducting any separate review or authorization of the covered project to ensure timely and efficient completion of environmental reviews and authorizations.

(C) MEMORANDUM OF UNDERSTANDING.—

(i) IN GENERAL.—Any coordination plan between the facilitating or lead agency, as applicable, and any State, local, or tribal agency shall, to the maximum extent practicable, be included in a memorandum of understanding.

(ii) SUBMISSION TO EXECUTIVE DIRECTOR.—The facilitating or lead agency, as applicable, shall submit to the Executive Director each memorandum of understanding described in clause (i).

(D) APPLICABILITY.—The requirements under this title shall only apply to a State or an authorization 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 expeditious process for project sponsors to confer with each cooperating and participating agency involved and, not later than 60 days after the date on which the project sponsor submits a request under this subsection, to have each such agency provide to the project sponsor information concerning—

(1) the availability of information and tools, including pre-application toolkits, to facilitate early planning efforts;

(2) key issues of concern to each agency and to the public; and

(3) issues that must be addressed before an environmental review or authorization can be completed.

(e) COOPERATING AGENCY.—

(1) IN GENERAL.—A lead agency may designate a participating agency as a cooperating agency in accordance with part 1501 of title 40, Code of Federal Regulations (or successor regulations).

(2) EFFECT ON OTHER DESIGNATION.—The designation described in paragraph (1) shall not affect any designation under subsection (a)(3).

(3) LIMITATION ON DESIGNATION.—Any agency not designated as a participating agency under subsection (a)(3) shall not be designated as a cooperating agency under paragraph (1).

(f) REPORTING STATUS OF OTHER PROJECTS ON DASHBOARD.—

(1) IN GENERAL.—On request of the Executive Director, the Secretary and the Secretary of the Army shall use best efforts to provide information for inclusion on the Dashboard on projects subject to section 139 of title 23, United States Code, and section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348) likely to require—

(A) a total investment of more than $200,000,000; and

(B) an environmental impact statement under NEPA.

(2) EFFECT OF INCLUSION ON DASHBOARD.—Inclusion on the Dashboard of information regarding projects subject to section 139 of title 23, United States Code, or section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348) shall not subject those projects to any requirements of this title.

SEC. 41004. INTERSTATE COMPACTS.

(a) IN GENERAL.—The consent of Congress is given for 3 or more contiguous States to enter into an interstate compact establishing regional infrastructure development agencies to facilitate authorization and review of covered projects, under State law or in the exercise of delegated permitting authority described under section 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 being conducted by other cooperating or participating agencies, including environmental reviews and authorizations required under NEPA, unless the agency determines that doing so would impair the ability of the agency to carry out the statutory obligations of the agency; and

(2) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.

(b) ADOPTION, INCORPORATION BY REFERENCE, AND USE OF DOCUMENTS.—

(1) STATE ENVIRONMENTAL DOCUMENTS; SUPPLEMENTAL DOCUMENTS.—

(A) USE OF EXISTING DOCUMENTS.—

(i) IN GENERAL.—On the request of a project sponsor, a lead agency shall consider and, as appropriate, adopt or incorporate by reference, the analysis and documentation that has been prepared for a covered project under State laws and procedures as the documentation, or part of the documentation, required to complete an environmental review for the covered project, if the analysis and documentation were, as determined by the lead agency in consultation with the Council on Environmental Quality, prepared under circumstances that allowed for opportunities for public participation and consideration of alternatives, environmental consequences, and other required analyses that are substantially equivalent to what would have been available had the documents and analysis been prepared by a Federal agency pursuant to NEPA.

(ii) GUIDANCE BY CEQ.—The Council on Environmental Quality may issue guidance to carry out this subsection.

(B) NEPA OBLIGATIONS.—An environmental document adopted under subparagraph (A) or a document that includes documentation incorporated under subparagraph (A) may serve as the documentation required for an environmental review or a supplemental environmental review required to be prepared by a lead agency under NEPA.

(C) SUPPLEMENTATION OF STATE DOCUMENTS.—If the lead agency adopts or incorporates analysis and documentation described in subparagraph (A), the lead agency shall prepare and publish a supplemental document if the lead agency determines that during the period after preparation of the analysis and documentation and before the adoption or incorporation—

(i) a significant change has been made to the covered project that is relevant for purposes of environmental review of the project; or

(ii) there has been a significant circumstance or new information has emerged that is relevant to the environmental review for the covered project.

(D) COMMENTS.—If a lead agency prepares and publishes a supplemental document under subparagraph (C), the lead agency shall solicit comments from other agencies and the public on the supplemental document for a period of not more than 45 days, beginning on the date on which the supplemental document is published, unless—

(i) the lead agency, the project sponsor, and any cooperating agency agree to a longer deadline; or

(ii) the lead agency extends the deadline for good cause.

(E) NOTICE OF OUTCOME OF ENVIRONMENTAL REVIEW.—A lead agency shall issue a record of decision or finding of no significant impact, as appropriate, based on the document adopted under subparagraph (A) and any supplemental document prepared under subparagraph (C).

(c) ALTERNATIVES ANALYSIS.—

(1) PARTICIPATION.—

(A) IN GENERAL.—As early as practicable during the environmental review, but not later than the commencement of scoping for a project requiring the preparation of an environmental impact statement, the lead agency shall engage the cooperating agencies and the public to determine the range of reasonable alternatives to be considered for a covered project.

(B) DETERMINATION.—The determination under subparagraph (A) shall be completed not later than the completion of scoping.

(2) RANGE OF ALTERNATIVES.—

(A) IN GENERAL.—Following participation under paragraph (1) and subject to subparagraph (B), the lead agency shall determine the range of reasonable alternatives for consideration in any document that the lead agency is responsible for preparing for the covered project.

(B) ALTERNATIVES REQUIRED BY LAW.—In determining the range of alternatives under subparagraph (A), the lead agency shall include all alternatives required to be considered by law.

(3) METHODOLOGIES.—

(A) IN GENERAL.—The lead agency shall determine, in collaboration with each cooperating agency at appropriate times during the environmental review, the methodologies to be used and the level of detail required in the analysis of each alternative for a covered project.

(B) ENVIRONMENTAL REVIEW.—A cooperating agency shall use the methodologies referred to in subparagraph (A) when conducting any required environmental review, to the extent consistent with existing law.

(4) PREFERRED ALTERNATIVE.—With the concurrence of the cooperating agencies with jurisdiction under Federal law and at the discretion

of the lead agency, the preferred alternative for a project, after being identified, may be developed to a higher level of detail than other alternatives to facilitate the development of mitigation measures or concurrent compliance with other applicable laws if the lead agency determines that the development of the higher level of detail will not prevent—

(A) the lead agency from making an impartial decision as to whether to accept another alternative that is being considered in the environmental review; and

(B) the public from commenting on the preferred and other alternatives.

(d) ENVIRONMENTAL REVIEW COMMENTS.—

(1) COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT.—For comments by an agency or the public on a draft environmental impact statement, the lead agency shall establish a comment period of not less than 45 days and not more than 60 days after the date on which a notice announcing availability of the environmental impact statement is published in the Federal Register, unless—

(A) the lead agency, the project sponsor, and any cooperating agency agree to a longer deadline; or

(B) the lead agency, in consultation with each cooperating agency, extends the deadline for good cause.

(2) OTHER REVIEW AND COMMENT PERIODS.—For all other review or comment periods in the environmental review process described in parts 1500 through 1508 of title 40, Code of Federal Regulations (or successor regulations), the lead agency shall establish a comment period of not more than 45 days after the date on which the materials on which comment is requested are made available, unless—

(A) the lead agency, the project sponsor, and any cooperating agency agree to a longer deadline; or

(B) the lead agency extends the deadline for good cause.

(e) ISSUE IDENTIFICATION AND RESOLUTION.—

(1) COOPERATION.—The lead agency and each cooperating and participating agency shall work cooperatively in accordance with this section to identify and resolve issues that could delay completion of an environmental review or an authorization required for the project under applicable law or result in the denial of any approval under applicable law.

(2) LEAD AGENCY RESPONSIBILITIES.—

(A) IN GENERAL.—The lead agency shall make information available to each cooperating and participating agency and project sponsor as early as practicable in the environmental review regarding the environmental, historic, and socioeconomic resources located within the project area and the general locations of the alternatives under consideration.

(B) SOURCES OF INFORMATION.—The information described in subparagraph (A) may be based on existing data sources, including geographic information systems mapping.

(3) COOPERATING AND PARTICIPATING AGENCY RESPONSIBILITIES.—Each cooperating and participating agency shall—

(A) identify, as early as practicable, any issues of concern regarding any potential environmental impacts of the covered project, including any issues that could substantially delay or prevent an agency from completing any environmental review or authorization required for the project; and

(B) communicate any issues described in subparagraph (A) to the project sponsor.

(f) CATEGORIES OF PROJECTS.—The authorities granted under this section may be exercised for an individual covered project or a category of covered projects.

SEC. 41006. DELEGATED STATE PERMITTING PROGRAMS.

(a) IN GENERAL.—If a Federal statute permits a Federal agency to delegate to or otherwise authorize a State to issue or otherwise administer a permit program in lieu of the Federal agency, the Federal agency with authority to carry out the statute shall—

(1) on publication by the Council of best practices under section 41002(c)(2)(B), initiate a national process, with public participation, to determine whether and the extent to which any of the best practices are generally applicable on a delegation- or authorization-wide basis to permitting under the statute; and

(2) not later than 2 years after the date of enactment of this Act, make model recommendations for State modifications of the applicable permit program to reflect the best practices described in section 41002(c)(2)(B), as appropriate.

(b) BEST PRACTICES.—Lead and cooperating agencies may share with State, tribal, and local authorities best practices involved in review of covered projects and invite input from State, tribal, and local authorities regarding best practices.

SEC. 41007. LITIGATION, JUDICIAL REVIEW, AND SAVINGS PROVISION.

(a) LIMITATIONS ON CLAIMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of any authorization issued by a Federal agency for a covered project shall be barred unless—

(A) the action is filed not later than 2 years after the date of publication in the Federal Register of the final record of decision or approval or denial of a permit, unless a shorter time is specified in the Federal law under which judicial review is allowed; and

(B) in the case of an action pertaining to an environmental review conducted under NEPA—

(i) the action is filed by a party that submitted a comment during the environmental review; and

(ii) any commenter filed a sufficiently detailed comment so as to put the lead agency on notice of the issue 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 preparation of a supplemental environmental impact statement or other supplemental environmental document, the preparation of such document shall be considered a separate final agency action and the deadline for filing a claim for judicial review of the agency action shall be 2 years after the date on which a notice announcing the final agency action is published in the Federal Register, unless a shorter time is specified in the Federal law under which judicial review is allowed.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection creates a right to judicial review or places any limit on filing a claim that a person has violated the terms of an authorization.

(b) PRELIMINARY INJUNCTIVE RELIEF.—In addition to considering any other applicable equitable factors, in any action seeking a temporary restraining order or preliminary injunction against an agency or a project sponsor in connection with review or authorization of a covered project, the court shall—

(1) consider the potential effects on public health, safety, and the environment, and the potential for significant negative effects on jobs resulting from an order or injunction; and

(2) not presume that the harms described in paragraph (1) are reparable.

(c) JUDICIAL REVIEW.—Except as provided in subsection (a), nothing in this title affects the reviewability of any final Federal agency action in a court of competent jurisdiction.

(d) SAVINGS CLAUSE.—Nothing in this title—

(1) supersedes, amends, or modifies any Federal statute or affects the responsibility of any Federal officer to comply with or enforce any statute; or

(2) creates a presumption that a covered project will be approved or favorably reviewed by any agency.

(e) LIMITATIONS.—Nothing in this section preempts, limits, or interferes with—

(1) any practice of seeking, considering, or responding to public comment; or

(2) any power, jurisdiction, responsibility, or authority that a Federal, State, or local governmental agency, metropolitan planning organization, Indian tribe, or project sponsor has with respect to carrying out a project or any other provisions of law applicable to any project, plan, or program.

SEC. 41008. REPORTS.

(a) 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.

(2) CONTENTS.—The report described in paragraph (1) shall assess the performance of each participating agency and lead agency based on the best practices described in section 41002(c)(2)(B), including—

(A) agency progress in making improvements consistent with those best practices; and

(B) agency compliance with the performance schedules established under section 41002(c)(1)(C).

(3) OPPORTUNITY TO INCLUDE COMMENTS.—Each councilmember, with input from the respective agency CERPO, shall have the opportunity to include comments concerning the performance of the agency in the report described in paragraph (1).

(b) COMPTROLLER 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, OVERSIGHT, AND PROCESSING OF ENVIRONMENTAL REVIEWS AND PERMITS.

(a) IN GENERAL.—The heads of agencies listed in section 41002(b)(2)(B), with the guidance of the Director of the Office of Management and Budget and in consultation with the Executive Director, may, after public notice and opportunity for comment, issue regulations establishing a fee structure for project proponents to reimburse the United States for reasonable costs incurred in conducting environmental reviews and authorizations for covered projects.

(b) REASONABLE COSTS.—As used in this section, the term ''reasonable costs'' shall include costs to implement the requirements and authorities required under sections 41002 and 41003, including the costs to agencies and the costs of operating the Council.

(c) FEE STRUCTURE.—The fee structure established under subsection (a) shall—

(1) be developed in consultation with affected project proponents, industries, and other stakeholders;

(2) exclude parties for which the fee would impose an undue financial burden or is otherwise determined to be inappropriate; and

(3) be established in a manner that ensures that the aggregate amount of fees collected for a fiscal year is estimated not to exceed 20 percent of the total estimated costs for the fiscal year for the resources allocated for the conduct of the environmental reviews and authorizations covered by this title, as determined by the Director of the Office of Management and Budget.

(d) ENVIRONMENTAL REVIEW AND PERMITTING IMPROVEMENT FUND.—

(1) IN GENERAL.—All amounts collected pursuant to this section shall be deposited into a separate fund in the Treasury of the United States

to be known as the ''Environmental Review Improvement Fund'' (referred to in this section as the ''Fund'').

(2) AVAILABILITY.—Amounts in the Fund shall be available to the Executive Director, without appropriation or fiscal year limitation, solely for the 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 41002(b)(2)(B) shall have the authority to transfer, in accordance with section 1535 of title 31, United States Code, funds appropriated to those agencies and not otherwise obligated to other affected Federal agencies for the purpose of implementing the provisions of this title.

(2) LIMITATION.—Appropriations under title 23, United States Code and appropriations for the civil works program of the Army Corps of Engineers shall not be available for transfer under paragraph (1).

SEC. 41010. APPLICATION.

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. 41011. 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. 41012. SAVINGS PROVISION.

Nothing in this title amends the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 41013. SUNSET.

This title shall terminate 7 years after the date of enactment of this Act.

SEC. 41014. PLACEMENT.

The Office of the Law Revision Counsel is directed to place sections 41001 through 41013 of this title in chapter 55 of title 42, United States Code, as subchapter IV.

TITLE XLII—ADDITIONAL PROVISIONS

SEC. 42001. GAO REPORT ON REFUNDS TO REGISTERED 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 6427(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, which shall 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 6427(l)(4)(C)(ii) of such Code;

(D) the excess of—

(i) the amount of payments which would be made under section 6427(l)(4)(C)(ii) of such Code if all vendors of kerosene used in noncommercial aviation were registered and filed claims for such payments, over

(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.

TITLE XLIII—PAYMENTS TO CERTIFIED STATES AND INDIAN TRIBES

SEC. 43001. PAYMENTS FROM ABANDONED MINE RECLAMATION FUND.

Section 411(h) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240a(h)) is amended—

(1) in paragraph (1)(C)—

(A) by striking ''Payments'' and inserting the following:

''(i) IN GENERAL.—Payments''; and

(B) by adding at the end the following:

''(ii) CERTAIN PAYMENTS REQUIRED.—Notwithstanding 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 $28,000,000 in fiscal year 2014—

''(I) the final 2 installments in 2 separate payments of $82,700,000 each; and

''(II) 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''.

TITLE LI—TAXPAYER PROTECTION PROVISIONS AND INCREASED ACCOUNTABILITY

SEC. 51001. REDUCTION IN AUTHORIZED AMOUNT OF OUTSTANDING LOANS, GUARANTEES, AND INSURANCE.

Section 6(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

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

''(2) APPLICABLE AMOUNT DEFINED.—In this subsection, the term 'applicable amount', for each of fiscal years 2015 through 2019, means $135,000,000,000.

''(3) FREEZING OF LENDING CAP IF DEFAULT RATE IS 2 PERCENT OR MORE.—If the rate calculated under section 8(g)(1) is 2 percent or more for a quarter, the Bank may not exceed the amount of loans, guarantees, and insurance outstanding on the last day of that quarter until the rate calculated under section 8(g)(1) is less than 2 percent.''.

SEC. 51002. INCREASE IN LOSS RESERVES.

(a) IN GENERAL.—Section 6 of the Export-Import Bank Act of 1945 (12 U.S.C. 635e) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

''(b) RESERVE REQUIREMENT.—The Bank shall build to and hold in reserve, to protect against future losses, an amount that is not less than 5 percent of the aggregate amount of disbursed and outstanding loans, guarantees, and insurance of the Bank.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 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 4 years thereafter, the Comptroller General of the United States shall—

''(1) review the adequacy of the design and effectiveness of the controls used by the Export-Import Bank of the United States to prevent, detect, and investigate fraudulent applications for loans and guarantees and the compliance by the Bank with the controls, including by auditing a sample of Bank transactions; and

''(2) submit a written report regarding the findings of the review and providing such recommendations with respect to the controls described in paragraph (1) as the Comptroller General deems appropriate to—

''(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate; and

''(B) the Committee on Financial Services and the Committee on Appropriations of the House of Representatives.''.

SEC. 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 be—

''(i) appointed by the President of the Bank from among persons—

''(I) with a background in law who have experience in the fields of law and ethics; and

''(II) who are not serving in a position requiring appointment by the President of the United States before being appointed to be Chief Ethics Officer; and

''(ii) approved by the Board.

''(C) DESIGNATED AGENCY ETHICS OFFICIAL.—The Chief Ethics Officer shall serve as the designated agency ethics official for the Bank pursuant to the Ethics in Government Act of 1978 (5 U.S.C. App. 101 et seq.).

''(3) DUTIES.—The Office of Ethics has jurisdiction over all employees of, and ethics matters relating to, the Bank. With respect to employees of the Bank, the Office of Ethics shall—

''(A) recommend administrative actions to establish or enforce standards of official conduct;

''(B) refer to the Office of the Inspector General of the Bank alleged violations of—

''(i) the standards of ethical conduct applicable to employees of the Bank under parts 2635 and 6201 of title 5, Code of Federal Regulations;

''(ii) the standards of ethical conduct established by the Chief Ethics Officer; and

''(iii) any other laws, rules, or regulations governing the performance of official duties or the discharge of official responsibilities that are applicable to employees of the Bank;

''(C) report to appropriate Federal or State authorities substantial evidence of a violation of any law applicable to the performance of official duties that may have been disclosed to the Office of Ethics; and

''(D) render advisory opinions regarding the propriety of any current or proposed conduct of an employee or contractor of the Bank, and issue general guidance on such matters as necessary.''.

SEC. 51005. CHIEF RISK OFFICER.

Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a), as amended by section 91004, is further amended by adding at the end the following:

''(l) CHIEF RISK OFFICER.—

''(1) IN GENERAL.—There shall be a Chief Risk Officer of the Bank, who shall—

''(A) oversee all issues relating to risk within the Bank; and

''(B) report to the President of the Bank.

''(2) APPOINTMENT.—Not later than 180 days after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, the Chief Risk Officer shall be—

''(A) appointed by the President of the Bank from among persons—

''(i) with a demonstrated ability in the general management of, and knowledge of and extensive practical experience in, financial risk evaluation practices in large governmental or business entities; and

''(ii) who are not serving in a position requiring appointment by the President of the United States before being appointed to be Chief Risk Officer; and

''(B) approved by the Board.

''(3) DUTIES.—The duties of the Chief Risk Officer are—

''(A) to be responsible for all matters related to managing and mitigating all risk to which the Bank is exposed, including the programs and operations of the Bank;

''(B) to establish policies and processes for risk oversight, the monitoring of management compliance with risk limits, and the management of risk exposures and risk controls across the Bank;

''(C) to be responsible for the planning and execution of all Bank risk management activities, including policies, reporting, and systems to achieve strategic risk objectives;

''(D) to develop an integrated risk management program that includes identifying, prioritizing, measuring, monitoring, and managing internal control and operating risks and other identified risks;

''(E) to ensure that the process for risk assessment and underwriting for individual transactions considers how each such transaction considers the effect of the transaction on the concentration of exposure in the overall portfolio of the Bank, taking into account fees, collateralization, and historic default rates; and

''(F) to review the adequacy of the use by the Bank of qualitative metrics to assess the risk of default under various scenarios.''.

SEC. 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 of Directors, with the President and First Vice President of the Bank serving as ex officio members.

''(3) DUTIES.—The duties of the Risk Management Committee shall be—

''(A) to oversee, in conjunction with the Office of the Chief Financial Officer of the Bank—

''(i) periodic stress testing on the entire Bank portfolio, reflecting different market, industry, and macroeconomic scenarios, and consistent with common practices of commercial and multilateral development banks; and

''(ii) the monitoring of industry, geographic, and obligor exposure levels; and

''(B) to review all required reports on the default rate of the Bank before submission to Congress under section 8(g).''.

(b) TERMINATION OF AUDIT COMMITTEE.—Not later than 180 days after the date of the enactment of this Act, the Board of Directors of the Export-Import Bank of the United States shall revise the bylaws of the Bank to terminate the Audit Committee established by section 7 of the bylaws.

SEC. 51007. INDEPENDENT AUDIT OF BANK PORTFOLIO.

(a) AUDIT.—The Inspector General of the Export-Import Bank of the United States shall conduct an audit or evaluation of the portfolio risk management procedures of the Bank, including a review of the implementation by the Bank of the duties assigned to the Chief Risk Officer under section 3(l) of the Export-Import Bank Act of 1945, as amended by section 51005.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, and not less frequently than every 3 years thereafter, the Inspector General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a written report containing all findings and determinations made in carrying out subsection (a).

SEC. 51008. PILOT PROGRAM FOR REINSURANCE.

(a) IN GENERAL.—Notwithstanding any provision of the Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.), the Export-Import Bank of the United States (in this section referred to as the ''Bank'') may establish a pilot program under which the Bank may enter into contracts and other arrangements to share risks associated with the provision of guarantees, insurance, or credit, or the participation in the extension of credit, by the Bank under that Act.

(b) LIMITATIONS ON AMOUNT OF RISK-SHARING.—

(1) PER CONTRACT OR OTHER ARRANGEMENT.—The aggregate amount of liability the Bank may transfer through risk-sharing pursuant to a contract or other arrangement entered into under subsection (a) may not exceed $1,000,000,000.

(2) PER YEAR.—The aggregate amount of liability the Bank may transfer through risk-sharing during a fiscal year pursuant to contracts or other arrangements entered into under subsection (a) during that fiscal year may not exceed $10,000,000,000.

(c) ANNUAL REPORTS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter through 2019, the Bank shall submit to Congress a written report that contains a detailed analysis of the use of the pilot program carried out under subsection (a) during the year preceding the submission of the report.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect, impede, or revoke any authority of the Bank.

(e) TERMINATION.—The pilot program carried out under subsection (a) shall terminate on September 30, 2019.

TITLE LII—PROMOTION OF SMALL BUSINESS EXPORTS

SEC. 52001. INCREASE IN SMALL BUSINESS LENDING REQUIREMENTS.

(a) IN GENERAL.—Section 2(b)(1)(E)(v) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)(v)) is amended by striking ''20 percent'' and inserting ''25 percent''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal year 2016 and each fiscal year thereafter.

SEC. 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. 635g) is amended by adding at the end the following:

''(k) REPORT ON PROGRAMS FOR SMALL- AND MEDIUM-SIZED BUSINESSES.—The Bank shall include in its annual report to Congress under subsection (a) a report on the programs of the Bank for United States businesses with less than $250,000,000 in annual sales.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to the report of the Export-Import Bank of the United States submitted to Congress under section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635g) for the first year that begins after the date of the enactment of this Act.

TITLE LIII—MODERNIZATION OF OPERATIONS

SEC. 53001. ELECTRONIC PAYMENTS AND DOCUMENTS.

Section 2(b)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)) is amended by adding at the end the following:

''(M) Not later than 2 years after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, the Bank shall implement policies—

''(i) to accept electronic documents with respect to transactions whenever possible, including copies of bills of lading, certifications, and compliance documents, in such manner so as not to undermine any potential civil or criminal enforcement related to the transactions; and

''(ii) to accept electronic payments in all of its programs.''.

SEC. 53002. REAUTHORIZATION OF INFORMATION TECHNOLOGY UPDATING.

Section 3(j) of the Export-Import Act of 1945 (12 U.S.C. 635a(j)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''2012, 2013, and 2014'' and inserting ''2015 through 2019'';

(2) in paragraph (2)(B), by striking ''(I) the funds'' and inserting ''(i) the funds''; and

(3) in paragraph (3), by striking ''2012, 2013, and 2014'' and inserting ''2015 through 2019''.

TITLE LIV—GENERAL PROVISIONS

SEC. 54001. EXTENSION OF AUTHORITY.

(a) IN GENERAL.—Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking ''2014'' and inserting ''2019''.

(b) DUAL-USE EXPORTS.—Section 1(c) of Public Law 103–428 (12 U.S.C. 635 note) is amended by striking ''September 30, 2014'' and inserting ''the date on which the authority of the Export-Import Bank of the United States expires under section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f)''.

(c) SUB-SAHARAN AFRICA ADVISORY COMMITTEE.—Section 2(b)(9)(B)(iii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(B)(iii)) is amended by striking ''September 30, 2014'' and inserting ''the date on which the authority of the Bank expires under section 7''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of the date of the enactment of this Act or June 30, 2015.

SEC. 54002. CERTAIN UPDATED LOAN TERMS AND AMOUNTS.

(a) LOAN TERMS FOR MEDIUM-TERM FINANCING.—Section 2(a)(2)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(a)(2)(A)) is amended—

(1) in clause (i), by striking ''; and'' and inserting a semicolon; and

(2) by adding at the end the following:

''(iii) with principal amounts of not more than $25,000,000; and''.

(b) COMPETITIVE OPPORTUNITIES RELATING TO INSURANCE.—Section 2(d)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(d)(2)) is amended by striking ''$10,000,000'' and inserting ''$25,000,000''.

(c) EXPORT AMOUNTS FOR SMALL BUSINESS LOANS.—Section 3(g)(3) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(g)(3)) is amended by striking ''$10,000,000'' and inserting ''$25,000,000''.

(d) CONSIDERATION OF ENVIRONMENTAL EFFECTS.—Section 11(a)(1)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–5(a)(1)(A)) is amended by striking ''$10,000,000 or more'' and inserting the following: ''$25,000,000 (or, if less than $25,000,000, the threshold established pursuant to international agreements, including the

Common Approaches for Officially Supported Export Credits and Environmental and Social Due Diligence, as adopted by the Organisation for Economic Co-operation and Development Council on June 28, 2012, and the risk-management framework adopted by financial institutions for determining, assessing, and managing environmental and social risk in projects (commonly referred to as the 'Equator Principles')) or more''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2016 and each fiscal year thereafter.

TITLE LV—OTHER MATTERS

SEC. 55001. PROHIBITION ON DISCRIMINATION BASED ON INDUSTRY.

Section 2 of the Export-Import Bank Act of 1945 (6 U.S.C. 635 et seq.) is amended by adding at the end the following:

''(k) PROHIBITION ON DISCRIMINATION BASED ON INDUSTRY.—

''(1) IN GENERAL.—Except as provided in this Act, the Bank may not—

''(A) deny an application for financing based solely on the industry, sector, or business that the application concerns; or

''(B) promulgate or implement policies that discriminate against an application based solely on the industry, sector, or business that the application concerns.

''(2) APPLICABILITY.—The prohibitions under paragraph (1) apply only to applications for financing by the Bank for projects concerning the exploration, development, production, or export of energy sources and the generation or transmission of electrical power, or combined heat and power, regardless of the energy source involved.''.

SEC. 55002. NEGOTIATIONS TO END EXPORT CREDIT FINANCING.

(a) IN GENERAL.—Section 11 of the Export-Import Bank Reauthorization Act of 2012 (12 U.S.C. 635a–5) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''Secretary of the Treasury (in this section referred to as the 'Secretary')'' and inserting ''President''; and

(B) in paragraph (1)—

(i) by striking ''(OECD)'' and inserting ''(in this section referred to as the 'OECD')''; and

(ii) by striking ''ultimate goal of eliminating'' and inserting ''possible goal of eliminating, before the date that is 10 years after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015,'';

(2) in subsection (b), by striking ''Secretary'' each place it appears and inserting ''President''; and

(3) by adding at the end the following:

''(c) REPORT ON STRATEGY.—Not later than 180 days after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, the President shall submit to Congress a proposal, and a strategy for achieving the proposal, that the United States Government will pursue with other major exporting countries, including OECD members and non-OECD members, to eliminate over a period of not more than 10 years subsidized export-financing programs, tied aid, export credits, and all other forms of government-supported export subsidies.

''(d) NEGOTIATIONS WITH NON-OECD MEMBERS.—The President shall initiate and pursue negotiations with countries that are not OECD members to bring those 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 2019, the President shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the progress of any negotiations described in subsection (d).''.

(b) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) of subsection (a) shall apply with respect to reports required to be submitted under section 11(b) of the Export-Import Bank Reauthorization Act of 2012 (12 U.S.C. 635a–5(b)) after the date of the enactment of this Act.

SEC. 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 used by companies that export information and communications technology services and related goods.

(b) ELEMENTS.—In conducting the study required by subsection (a), the Bank shall examine the following:

(1) The number of jobs in the United States that are supported by the export of information and communications technology services and related goods, and the degree to which access to financing will increase exports of such services and related goods.

(2) The reduction in the financing by the Bank of exports of information and communications technology services from 2003 through 2014.

(3) The activities of foreign export credit agencies to facilitate the export of information and communications technology services and related goods.

(4) Specific proposals for how the Bank could provide additional financing for the exportation of information and communications technology services and related goods through risk-sharing with other export credit agencies and other third parties.

(5) Proposals for new products the Bank could offer to provide financing for exports of information and communications technology services and related goods, including—

(A) the extent to which the Bank is authorized to offer new products;

(B) the extent to which the Bank would need additional authority to offer new products to meet the needs of the information and communications technology industry;

(C) specific proposals for changes in law that would enable the Bank to provide increased financing for exports of information and communications technology services and related goods in compliance with the credit and risk standards of the Bank;

(D) specific proposals that would enable the Bank to provide increased outreach to the information and communications technology industry about the products the Bank offers; and

(E) specific proposals for changes in law that would enable the Bank to provide the financing to build information and communications technology infrastructure, in compliance with the credit and risk standards of the Bank, to allow for market access opportunities for United States information and communications technology companies to provide services on the infrastructure being financed by the Bank.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Bank shall submit to Congress a report that contains the results of the study required by subsection (a).

DIVISION F—ENERGY SECURITY

SEC. 61001. EMERGENCY PREPAREDNESS FOR ENERGY SUPPLY DISRUPTIONS.

(a) FINDING.—Congress finds that recent natural disasters have underscored the importance of having resilient oil and natural gas infrastructure and effective ways for industry and government to communicate to address energy supply disruptions.

(b) AUTHORIZATION FOR ACTIVITIES TO ENHANCE EMERGENCY PREPAREDNESS FOR NATURAL DISASTERS.—The Secretary of Energy shall develop and adopt procedures to—

(1) improve communication and coordination between the Department of Energy's energy response team, Federal partners, and industry;

(2) leverage the Energy Information Administration's subject matter expertise within the Department's energy response team to improve supply chain situation assessments;

(3) establish company liaisons and direct communication with the Department's energy response team to improve situation assessments;

(4) streamline and enhance processes for obtaining temporary regulatory relief to speed up emergency response and recovery;

(5) facilitate and increase engagement among States, the oil and natural gas industry, and the Department in developing State and local energy assurance plans;

(6) establish routine education and training programs for key government emergency response positions with the Department and States; and

(7) involve States and the oil and natural gas industry in comprehensive drill and exercise programs.

(c) COOPERATION.—The activities carried out under subsection (b) shall include collaborative efforts with State and local government officials and the private sector.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a report describing the effectiveness of the activities authorized under this section.

SEC. 61002. 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(c)) is amended—

(1) by inserting ''(1)'' after ''(c)''; and

(2) by adding at the end the following:

''(2) With respect to an order issued under this subsection that may result in a conflict with a requirement of 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.

''(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 noncompliance with, or causes such party to not comply with, any Federal, State, or local 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 environmental law or regulation.

''(4)(A) An order issued under this subsection that may result in a conflict with a requirement of any Federal, State, or local environmental law or regulation shall expire not later than 90 days after it is issued. The Commission may renew or reissue such order pursuant to paragraphs (1) and (2) for subsequent periods, not to exceed 90 days for each period, as the Commission determines necessary to meet the emergency and serve the public interest.

''(B) In renewing or reissuing an order under subparagraph (A), the Commission shall consult with the primary Federal agency with expertise in the environmental interest protected by such law or regulation, and shall include in any such renewed or reissued order such conditions as such Federal agency determines necessary to minimize any adverse environmental impacts to

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 renewed or reissued order if it 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 pursuant to section 313 or any other provision of law, 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 omission or action taken to voluntarily comply with the order, shall remain subject to paragraph (3).''.

(b) TEMPORARY CONNECTION OR CONSTRUCTION BY MUNICIPALITIES.—Section 202(d) of the Federal Power Act (16 U.S.C. 824a(d)) is amended by inserting ''or municipality'' before ''engaged in the transmission or sale of electric energy''.

SEC. 61003. CRITICAL ELECTRIC INFRASTRUCTURE SECURITY.

(a) CRITICAL ELECTRIC INFRASTRUCTURE SECURITY.—Part II 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) DEFINITIONS.—For purposes of this section:

''(1) BULK-POWER SYSTEM; ELECTRIC RELIABILITY ORGANIZATION; REGIONAL ENTITY.—The terms 'bulk-power system', 'Electric Reliability Organization', and 'regional entity' have the meanings given such terms in paragraphs (1), (2), and (7) of section 215(a), respectively.

''(2) CRITICAL ELECTRIC INFRASTRUCTURE.—The term 'critical electric infrastructure' means a system or asset of the bulk-power system, whether physical or virtual, the incapacity or destruction of which would negatively affect national security, economic security, public health or safety, or any combination of such matters.

''(3) CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION.—The term 'critical electric infrastructure information' means information related to critical electric 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 as critical electric infrastructure information by the Commission or the Secretary pursuant to subsection (d). Such term includes information that qualifies as critical energy 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 is not owned or 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.

''(6) GEOMAGNETIC 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)(i) a malicious act 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; and

''(ii) disruption of the operation of such devices or networks, with significant adverse effects on the reliability of critical electric infrastructure or of defense critical electric infrastructure, as a result of such act or event; or

''(B)(i) a direct physical attack on critical electric infrastructure or on defense critical electric infrastructure; and

''(ii) significant adverse effects on 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.

''(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 Secretary to protect or restore the reliability of critical electric infrastructure or of defense critical electric infrastructure during such emergency. As soon as practicable but not later than 180 days 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) NOTIFICATION OF CONGRESS.—Whenever the President issues and provides to the Secretary a written directive or determination under paragraph (1), the President shall promptly notify congressional committees of relevant jurisdiction, including the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, of the contents of, and justification for, such directive or determination.

''(3) CONSULTATION.—Before issuing an order for emergency measures under paragraph (1), the Secretary shall, to the extent practicable in light of the nature of the grid security emergency and the urgency of the need for action, consult with appropriate governmental authorities in Canada and Mexico, entities described in paragraph (4), the Electricity Sub-sector Coordinating Council, the Commission, and other appropriate Federal agencies regarding implementation of such emergency measures.

''(4) APPLICATION.—An order for emergency measures under this subsection may apply to—

''(A) the Electric Reliability Organization;

''(B) a regional entity; or

''(C) any owner, user, or operator of critical electric infrastructure or of defense critical electric infrastructure within the United States.

''(5) EXPIRATION AND REISSUANCE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an order for emergency measures issued under paragraph (1) shall expire no later than 15 days after its issuance.

''(B) EXTENSIONS.—The Secretary may reissue an order for emergency measures issued under paragraph (1) for subsequent periods, not to exceed 15 days for each such period, provided that the President, for each such period, issues and provides to the Secretary a written directive or determination that the grid security emergency identified under paragraph (1) continues to exist or that the emergency measure continues to be required.

''(6) COST RECOVERY.—

''(A) CRITICAL ELECTRIC INFRASTRUCTURE.—If the Commission determines that owners, operators, or users of critical electric infrastructure have incurred substantial costs to comply with an order for emergency measures issued under this subsection and that such costs were prudently incurred and cannot reasonably be recovered through regulated rates or market prices for the electric energy or services sold by such owners, operators, or users, the Commission shall, consistent with the requirements of section 205, after notice and an opportunity for comment, establish a mechanism that permits such owners, operators, or users to recover such costs.

''(B) DEFENSE CRITICAL ELECTRIC INFRASTRUCTURE.—To the extent the owner or operator of defense critical electric infrastructure is required to take emergency measures pursuant to an order issued under this subsection, the owners or operators of a critical defense facility or facilities designated by the Secretary pursuant to subsection (c) that rely upon such infrastructure shall bear the full incremental costs of the measures.

''(7) TEMPORARY ACCESS TO CLASSIFIED INFORMATION.—The Secretary, and other appropriate Federal agencies, shall, to the extent practicable and consistent with their obligations to protect classified information, provide temporary access to classified information related to a grid security emergency for which emergency measures are issued under paragraph (1) to key personnel of any entity subject to such emergency measures to enable optimum communication between the entity and the Secretary and other appropriate Federal agencies regarding the grid security emergency.

''(c) DESIGNATION OF CRITICAL DEFENSE FACILITIES.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with other appropriate Federal agencies and appropriate owners, users, or operators of infrastructure that may be defense critical electric infrastructure, shall identify and designate facilities located in the 48 contiguous States and the District of Columbia that are—

''(1) critical to the defense of the United States; and

''(2) vulnerable to a disruption of the supply of electric energy provided to such facility by an external provider.

The Secretary may, in consultation with appropriate Federal agencies and appropriate owners, users, or operators of defense critical electric infrastructure, periodically revise the list of designated facilities as necessary.

''(d) PROTECTION AND SHARING OF CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION.—

''(1) PROTECTION OF CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION.—Critical electric infrastructure information—

''(A) shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code; and

''(B) shall not be made available by any Federal, State, political subdivision or tribal authority pursuant to any Federal, State, political subdivision or tribal law requiring public disclosure of information or records.

''(2) DESIGNATION AND SHARING OF CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION.—Not later than one year after the date of enactment of this section, the Commission, after consultation with the Secretary, shall promulgate such regulations as necessary to—

''(A) establish criteria and procedures to designate information as critical electric infrastructure information;

''(B) prohibit the unauthorized disclosure of critical electric infrastructure information;

''(C) ensure there are appropriate sanctions in place for Commissioners, officers, employees, or agents of the Commission or the Department of Energy who knowingly and willfully disclose critical electric infrastructure information in a manner that is not authorized under this section; and

''(D) taking into account standards of the Electric Reliability Organization, facilitate voluntary sharing of critical electric infrastructure information with, between, and by—

''(i) Federal, State, political subdivision, and tribal authorities;

''(ii) the Electric Reliability Organization;

''(iii) regional entities;

''(iv) information sharing and analysis centers established pursuant to Presidential Decision Directive 63;

''(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 pursuant to the criteria and procedures established by the Commission under paragraph (2)(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 the prudence and cost of investments, 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 authorities and owners, operators, and users of the bulk-power system outside the United States.

''(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 any other person or entity.

''(7) SUBMISSION OF INFORMATION TO CONGRESS.—Nothing in this section shall permit or authorize the withholding of information from Congress, any committee or subcommittee thereof, or the Comptroller General.

''(8) DISCLOSURE OF NONPROTECTED INFORMATION.—In implementing this section, the Commission and the Secretary shall segregate critical electric infrastructure information or information that reasonably could be expected to lead to the disclosure of the critical electric infrastructure information within documents and electronic communications, wherever feasible, to facilitate disclosure of information that is not designated as critical electric infrastructure information.

''(9) DURATION OF DESIGNATION.—Information may not be designated as critical electric infrastructure information for longer than 5 years, unless specifically re-designated by the Commission or the Secretary, as appropriate.

''(10) REMOVAL OF DESIGNATION.—The Commission or the Secretary, as appropriate, shall remove the designation of critical electric infrastructure information, in whole or in part, from a document or electronic communication if the Commission or the Secretary, as appropriate, determines that the unauthorized disclosure of such information could no longer be used to impair the security or reliability of the bulk-power system or distribution facilities.

''(11) JUDICIAL REVIEW OF DESIGNATIONS.—Notwithstanding section 313(b), with respect to a petition filed by a person to which an order under this section applies, any determination by the Commission or the Secretary concerning the designation of critical electric infrastructure information under this subsection shall be subject to review under chapter 7 of title 5, United States Code, except that such review shall be brought in the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in the District of Columbia. In such a case the court shall examine in camera the contents of documents or electronic communications that are the subject of the determination under review to determine whether such documents or any part thereof were improperly designated or not designated as critical electric infrastructure information.

''(e) SECURITY CLEARANCES.—The Secretary shall facilitate and, to the extent practicable, expedite the acquisition of adequate security clearances by key personnel of any entity subject to the requirements of this section, to enable optimum communication with Federal agencies regarding threats to the security of the critical electric infrastructure. The Secretary, the Commission, and other appropriate Federal agencies shall, to the extent practicable and consistent with their obligations to protect classified and critical electric infrastructure information, share timely actionable information regarding grid security with appropriate key personnel of owners, operators, and users of the critical electric infrastructure.

''(f) CLARIFICATIONS 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 215, such action or omission shall not be considered a violation of such rule, order, regulation, or provision.

''(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 to comply 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.

''(3) SHARING OR RECEIPT OF INFORMATION.—No cause of action shall lie or be maintained in any Federal or State court for the sharing or receipt of information under, and that is conducted in accordance with, subsection (d).

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require dismissal of a cause of action against an entity that, in the course of complying with an order for emergency measures issued under subsection (b)(1) by taking an action or omission for which they would be liable but for paragraph (1) or (2), takes such action or omission in a grossly negligent manner.''.

(b) CONFORMING AMENDMENTS.—

(1) JURISDICTION.—Section 201(b)(2) of the Federal Power Act (16 U.S.C. 824(b)(2)) is amended by inserting ''215A,'' after ''215,'' each place it appears.

(2) PUBLIC UTILITY.—Section 201(e) of the Federal Power Act (16 U.S.C. 824(e)) is amended by inserting ''215A,'' after ''215,''.

(c) ENHANCED GRID SECURITY.—

(1) DEFINITIONS.—In this subsection:

(A) CRITICAL ELECTRIC INFRASTRUCTURE; CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION.—The terms ''critical electric infrastructure'' and ''critical electric infrastructure information'' have the meanings given those terms in section 215A of the Federal Power Act.

(B) SECTOR-SPECIFIC AGENCY.—The term ''Sector-Specific Agency'' has the meaning given that term in the Presidential Policy Directive entitled ''Critical Infrastructure Security and Resilience'', numbered 21, and dated February 12, 2013.

(2) SECTOR-SPECIFIC AGENCY FOR CYBERSECURITY FOR THE ENERGY SECTOR.—

(A) IN GENERAL.—The Department of Energy shall be the lead Sector-Specific Agency for cybersecurity for the energy sector.

(B) DUTIES.—As head of the designated Sector-Specific Agency for cybersecurity, the duties of the Secretary of Energy shall include—

(i) coordinating with the Department of Homeland Security and other relevant Federal departments and agencies;

(ii) collaborating with—

(I) critical electric infrastructure owners and operators; and

(II) as appropriate—

(aa) independent regulatory agencies; and

(bb) State, local, tribal, and territorial entities;

(cc) serving as a day-to-day Federal interface for the dynamic prioritization and coordination of sector-specific activities;

(dd) carrying out incident management responsibilities consistent with applicable law (including regulations) and other appropriate policies or directives;

(ee) providing, supporting, or facilitating technical assistance and consultations for the energy sector to identify vulnerabilities and help mitigate incidents, as appropriate; and

(ff) supporting the reporting requirements of 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, geomagnetic disturbances, 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 100 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 temporarily replace critically damaged large power transformers and substations that are critical electric infrastructure or serve defense and military installations.

(2) INCLUSIONS.—The Strategic Transformer Reserve plan shall include a description of—

(A) the appropriate number and type of spare large power transformers necessary to 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) seismic events;

(B) other critical electric grid equipment for which an inventory of spare equipment, including emergency mobile substations, is necessary to provide or restore 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, including individual 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 reserve 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 necessary 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 transformer—

(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 energization 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 rapidly transition a spare large power transformer from storage to energization;

(I) eligibility criteria for withdrawal of equipment from the Strategic Transformer Reserve;

(J) the process by which owners or operators of critically damaged large power transformers or substations that are critical electric infrastructure or serve defense and military installations may apply for a withdrawal from the Strategic Transformer Reserve;

(K) the process by which equipment withdrawn from the Strategic 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 benefits of including emergency mobile substations in any Strategic Transformer Reserve established under this section; and

(P) other considerations for designing, constructing, stocking, funding, 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)(3) 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 Energy and Natural Resources and the Committee on Foreign Relations of the Senate a report that includes recommended United States energy security valuation methods. In developing the report, the Secretaries may consider the recommendations of 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) weighed 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 LXXI—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.

Section 6(e)(1) of the Securities Act of 1933 (15 U.S.C. 77f(e)(1)) is further amended by adding at the end the following: ''An issuer that was an emerging growth company at the time it submitted a confidential registration statement or, in lieu thereof, a publicly filed registration statement for review under this subsection but ceases to be an emerging growth company thereafter shall continue to be treated as an emerging market growth company for the purposes of this subsection through the earlier of the date on which the issuer consummates its initial public offering pursuant to such registrations 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 of the Jumpstart Our Business Startups Act (Public Law 112–106) is amended by adding at the end the following:

''(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):

''(1) 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 submitted for confidential review) by an issuer prior to an initial public offering may omit financial information for historical periods otherwise required by regulation S–X (17 CFR 210.1–01 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 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.

''(2) RELIANCE BY ISSUERS.—Effective 30 days after the date of enactment of this subsection, an issuer filing a registration statement (or submitting 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 210.1–01 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 LXXII—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 249.310), but only if each item on 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 take all such actions to revise regulation S–K (17 CFR 229.10 et 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 eliminate 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 study under section 72203 is necessary to determine the efficacy of such revisions to regulation S–K.

SEC. 72003. STUDY ON MODERNIZATION AND SIMPLIFICATION OF REGULATION S–K.

(a) STUDY.—The Securities and Exchange Commission shall carry out a study of the requirements contained in regulation S–K (17 CFR 229.10 et seq.). Such study shall—

(1) determine how best to modernize and simplify such requirements in a manner that reduces the costs and burdens on issuers 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 registrants; 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 and Emerging Companies.

(c) REPORT.—Not later than the end of the 360-day period beginning 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 manner that reduces the costs and burdens on companies while still providing all material information; and

(3) specific and detailed recommendations 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 regulation S–K by the Commission under section 202 shall not be construed as satisfying the rulemaking requirements under this section.

TITLE LXXIII—BULLION AND COLLECTIBLE COIN PRODUCTION EFFICIENCY AND COST SAVINGS

SEC. 73001. TECHNICAL CORRECTIONS.

Title 31, United States Code, is amended—

(1) in section 5112—

(A) in subsection (q)—

(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 (t)(6)(B), by striking ''90 percent silver and 10 percent copper'' and inserting ''not less than 90 percent silver''; and

(C) in subsection (v)—

(i) in paragraph (1), by striking ''Subject to'' and all that follows through ''the Secretary shall'' and inserting ''The Secretary shall'';

(ii) in paragraph (2)(A), by striking ''The Secretary'' and inserting ''To the greatest extent possible, the Secretary'';

(iii) in paragraph (5), by inserting after ''may issue'' the following: ''collectible versions of''; and

(iv) by striking paragraph (8); and

(2) in section 5132(a)(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 30TH ANNIVERSARY.

Proof and uncirculated versions of coins issued by the Secretary of the Treasury pursuant to subsection (e) of section 5112 of title 31, United States Code, during calendar year 2016 shall have a smooth edge incused with a designation that notes the 30th anniversary of the first issue of coins under such subsection.

TITLE LXXIV—SBIC ADVISERS RELIEF

SEC. 74001. ADVISERS OF SBICS AND VENTURE CAPITAL FUNDS.

Section 203(l) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(l)) is amended—

(1) by striking ''No investment adviser'' and inserting the following:

''(1) IN GENERAL.—No investment adviser''; and

(2) by adding at the end the following:

''(2) ADVISERS OF SBICS.—For purposes of this subsection, a venture capital fund includes an entity described in subparagraph (A), (B), or (C) of subsection (b)(7) (other than an entity that has elected to be regulated or is regulated as a business development company pursuant to section 54 of the Investment Company Act of 1940).''.

SEC. 74002. ADVISERS OF SBICS AND PRIVATE FUNDS.

Section 203(m) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(m)) is amended by adding at the end the following:

''(3) ADVISERS OF SBICS.—For purposes of this subsection, the assets under management of a private fund that is an entity described in subparagraph (A), (B), or (C) of subsection (b)(7) (other than an entity that has elected to be regulated or is regulated as a business development company pursuant to section 54 of the Investment Company Act of 1940) shall be excluded from the limit set forth in paragraph (1).''.

SEC. 74003. RELATIONSHIP TO STATE LAW.

Section 203A(b)(1) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3a(b)(1)) is amended—

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

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

(3) by adding at the end the following:

''(C) that is not registered under section 203 because that person is exempt from registration as provided in subsection (b)(7) of such section, or is a supervised person of such person.''.

TITLE LXXV—ELIMINATE PRIVACY NOTICE CONFUSION

SEC. 75001. EXCEPTION TO ANNUAL PRIVACY NOTICE REQUIREMENT UNDER THE GRAMM-LEACH-BLILEY ACT.

Section 503 of the Gramm-Leach-Bliley Act (15 U.S.C. 6803) is amended by adding at the end the following:

''(f) EXCEPTION TO ANNUAL NOTICE REQUIREMENT.—A financial institution that—

''(1) provides nonpublic personal information only in accordance with the provisions of subsection (b)(2) or (e) of section 502 or regulations prescribed under section 504(b), and

''(2) has not changed its policies and practices with regard to disclosing nonpublic personal information from the policies and practices that were disclosed in the most recent disclosure sent to consumers in accordance with this section,

shall not be required to provide an annual disclosure under this section until such time as the financial institution fails to comply with any criteria described in paragraph (1) or (2).''.

TITLE LXXVI—REFORMING ACCESS FOR INVESTMENTS IN STARTUP ENTERPRISES

SEC. 76001. EXEMPTED TRANSACTIONS.

(a) EXEMPTED TRANSACTIONS.—Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

''(7) transactions meeting the requirements of subsection (d).'';

(2) by redesignating the second subsection (b) (relating to securities offered and sold in compliance with Rule 506 of Regulation D) as subsection (c); and

(3) by adding at the end the following:

''(d) CERTAIN ACCREDITED INVESTOR TRANSACTIONS.—The transactions referred to in subsection (a)(7) are transactions meeting the following requirements:

''(1) ACCREDITED INVESTOR REQUIREMENT.—Each purchaser is an accredited investor, as that term is defined in section 230.501(a) of title 17, Code of Federal Regulations (or any successor regulation).

''(2) PROHIBITION ON GENERAL SOLICITATION OR ADVERTISING.—Neither the seller, nor any person acting on the seller's behalf, offers or sells securities by any form of general solicitation or general advertising.

''(3) INFORMATION REQUIREMENT.—In the case of a transaction involving the securities of an issuer that is neither subject to section 13 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m; 78o(d)), nor exempt from reporting pursuant to section 240.12g3–2(b) of title 17, Code of Federal Regulations, nor a foreign government (as defined in section 230.405 of title 17, Code of Federal Regulations) eligible to register securities under Schedule B, the seller and a prospective purchaser designated by the seller obtain from the issuer, upon request of the seller, and the seller in all cases makes available to a prospective purchaser, the following information (which shall be reasonably current in relation to the date of resale under this section):

''(A) The exact name of the issuer and the issuer's predecessor (if any).

''(B) The address of the issuer's principal executive offices.

''(C) The exact title and class of the security.

''(D) The par or stated value of the security.

''(E) The number of shares or total amount of the securities outstanding as of the end of the issuer's most recent fiscal year.

''(F) The name and address of the transfer agent, corporate secretary, or other person responsible for transferring shares and stock certificates.

''(G) A statement of the nature of the business of the issuer and the products and services it offers, which shall be presumed reasonably current if the statement is as of 12 months before the transaction date.

''(H) The names of the officers and directors of the issuer.

''(I) The names of any persons registered as a broker, dealer, or agent that shall be paid or given, directly or indirectly, any commission or remuneration for such person's participation in the offer or sale of the securities.

''(J) The issuer's most recent balance sheet and profit and loss statement and similar financial statements, which shall—

''(i) be for such part of the 2 preceding fiscal years as the issuer has been in operation;

''(ii) be prepared in accordance with generally accepted accounting principles or, in the case of a foreign private issuer, be prepared in accordance with generally accepted accounting principles or the International Financial Reporting Standards issued by the International Accounting Standards Board;

''(iii) be presumed reasonably current if—

''(I) with respect to the balance sheet, the balance sheet is as of a date less than 16 months before the transaction date; and

''(II) with respect to the profit and loss statement, such statement is for the 12 months preceding the date of the issuer's balance sheet; 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 issuer 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 or indirectly) remuneration or a commission for their participation in the offer or sale of the securities, including solicitation of purchasers for the seller is subject to an event 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 Securities Exchange 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 with respect to 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 redistribution.

''(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 have been acquired in a transaction not involving any public offering.

''(B) Such transaction shall be deemed not to be a distribution for purposes of section 2(a)(11).

''(C) Securities involved in such 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 EXEMPT OFFERINGS.—Section 18(b)(4) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)) is amended—

(1) by redesignating the second subparagraph (D) and subparagraph (E) as subparagraphs (E) and (F), respectively;

(2) in subparagraph (E), as so redesignated, by striking ''; or'' and inserting a semicolon;

(3) in subparagraph (F), as so redesignated, by striking the period and inserting ''; or''; and

(4) by adding at the end the following new subparagraph:

''(G) section 4(a)(7).''.

TITLE LXXVII—PRESERVATION ENHANCEMENT AND SAVINGS OPPORTUNITY

SEC. 77001. DISTRIBUTIONS AND RESIDUAL RECEIPTS.

Section 222 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4112) is amended by adding at the end the following new subsection:

''(e) DISTRIBUTION AND RESIDUAL RECEIPTS.—

''(1) AUTHORITY.—After the date of the enactment of this subsection, the owner of a property subject to a plan of action or use agreement pursuant to this section shall be entitled to distribute—

''(A) annually, all surplus cash generated by the property, but only if the owner is in material compliance with such use agreement including compliance with prevailing physical condition standards established by the Secretary; and

''(B) notwithstanding any conflicting provision in such use agreement, any funds accumulated in a residual receipts account, but only if the owner is in material compliance with such use agreement and has completed, or set aside sufficient funds for completion of, any capital repairs identified by the most recent third party capital needs assessment.

''(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 20 years; and

''(C) if the owner has an existing multi-year project-based rental assistance contract for less than 20 years, have the option to extend the contract to a 20-year term.''.

SEC. 77002. FUTURE REFINANCINGS.

Section 214 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4104) is amended by adding at the end the following new subsection:

''(c) FUTURE FINANCING.—Neither this section, nor any plan of action or use agreement implementing this section, shall restrict an owner from obtaining a new loan or refinancing an existing loan secured by the project, or from distributing the proceeds of such a loan; except that, in conjunction with such refinancing—

''(1) the owner shall provide for adequate rehabilitation pursuant to a capital needs assessment to ensure long-term sustainability of the property satisfactory to the lender or bond issuance agency;

''(2) any resulting budget-based rent increase shall include debt service on the new financing, commercially reasonable debt service coverage, and replacement reserves as required by the lender; and

''(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 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.

Paragraph (3) may not be construed to limit any rent increases resulting from increased operating costs for a project.''.

SEC. 77003. 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 amendments made by this title not later than the expiration of the 120-day period beginning on the date of the enactment of this Act.

TITLE LXXVIII—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. 1437a(a)(1)) is amended by inserting before the period at the end the following: ''; except that, in the case of any family with a fixed income, as defined by the Secretary, after the initial 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 each such family's income not less than once every 3 years''.

(b) HOUSING CHOICE VOUCHER PROGRAM.—Subparagraph (A) of section 8(o)(5) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(5)(A)) is amended by striking ''not less than annually'' and inserting ''as required by section 3(a)(1) of this Act''.

TITLE LXXIX—HOUSING ASSISTANCE EFFICIENCY

SEC. 79001. AUTHORITY TO ADMINISTER RENTAL ASSISTANCE.

Subsection (g) of section 423 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11383(g)) is amended by inserting ''private nonprofit 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 LXXX—CHILD SUPPORT ASSISTANCE

SEC. 80001. REQUESTS FOR CONSUMER REPORTS BY STATE OR LOCAL CHILD SUPPORT ENFORCEMENT AGENCIES.

Paragraph (4) of section 604(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 (B)—

(A) by striking ''paternity'' and inserting ''parentage''; and

(B) by adding ''and'' at the end;

(3) by striking subparagraph (C); and

(4) by redesignating subparagraph (D) as subparagraph (C).

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 through 2019 that result in a reduction in energy or water costs 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(o) of that Act;

(2) the supportive housing for the elderly program under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q); or

(3) the supportive housing for persons with disabilities program under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)).

(b) REQUIREMENTS.—

(1) PAYMENTS CONTINGENT ON SAVINGS.—

(A) IN GENERAL.—The Secretary shall provide to an entity a payment 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) THIRD-PARTY VERIFICATION.—Savings payments made by the Secretary under this section shall be based on a measurement and verification protocol that includes at least—

(i) establishment of a weather-normalized and occupancy-normalized utility consumption baseline established pre-retrofit;

(ii) annual third-party confirmation of actual utility consumption and cost for utilities;

(iii) annual third-party validation of the tenant utility allowances in effect during the applicable year and vacancy rates for each unit type; and

(iv) 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.

(3) ENTITY ELIGIBILITY.—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) financing or operating properties receiving assistance under a program identified in subsection (a);

(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.

(4) GEOGRAPHICAL DIVERSITY.—Each agreement entered into under this section shall provide for the inclusion of properties with the greatest feasible regional and State variance.

(5) PROPERTIES.—A property may only be included in the demonstration under this section only 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 program. Such restrictions 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.

(c) 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 the Committees on 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).

(d) 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. PRIVATELY INSURED CREDIT UNIONS AUTHORIZED TO BECOME MEMBERS OF A FEDERAL HOME LOAN BANK.

(a) IN GENERAL.—Section 4(a) 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 of the application, the credit union shall be 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) PROTECTION FOR CERTAIN FEDERAL HOME LOAN BANK ADVANCES.—Notwithstanding any State law to the contrary, if a Bank makes an advance under section 10 to a State-chartered credit union that is not federally insured—

''(i) the Bank's interest in any collateral securing such advance has the same priority and is afforded the same standing and rights that the security interest would have had if the advance had been made to a federally insured credit union; and

''(ii) the Bank has the same right to access such collateral that the Bank would have had if the advance had been made to a federally insured credit union.''.

(b) COPIES OF AUDITS OF PRIVATE INSURERS OF CERTAIN DEPOSITORY INSTITUTIONS REQUIRED TO BE PROVIDED TO SUPERVISORY AGENCIES.—Section 43(a)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1831t(a)(2)(A)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii), by striking the period at the end and inserting ''; and''; and

(3) by inserting at the end the following new clause:

''(iii) in the case of depository institutions described in subsection (e)(2)(A) the deposits of which are insured by the private insurer which are members of a Federal home loan bank, to the Federal Housing Finance Agency, not later than 7 days after the audit is completed.''.

SEC. 82002. GAO REPORT.

Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and submit a report to Congress—

(1) on the adequacy of insurance reserves held by a private deposit insurer that insures deposits in an entity described in section 43(e)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1831t(e)(2)(A)); and

(2) for an entity described in paragraph (1) the deposits of which are insured by a private deposit insurer, information on the level of compliance with Federal regulations relating to the disclosure of a lack of Federal deposit insurance.

TITLE LXXXIII—SMALL BANK EXAM CYCLE REFORM

SEC. 83001. SMALLER INSTITUTIONS QUALIFYING FOR 18-MONTH EXAMINATION CYCLE.

Section 10(d) of the Federal Deposit Insurance Act (12 U.S.C. 1820(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) in paragraph (10)—

(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 LXXXIV—SMALL COMPANY SIMPLE REGISTRATION

SEC. 84001. FORWARD INCORPORATION BY REFERENCE FOR FORM S–1.

Not later than 45 days after the date of the enactment of this Act, the Securities and Exchange Commission shall revise Form S–1 so as to permit 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.

TITLE LXXXV—HOLDING COMPANY REGISTRATION THRESHOLD EQUALIZATION

SEC. 85001. REGISTRATION THRESHOLD FOR SAVINGS AND LOAN HOLDING COMPANIES.

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended—

(1) in section 12(g)—

(A) in paragraph (1)(B), by inserting after ''is a bank'' the following: '', a savings and loan holding company (as defined in section 10 of the Home Owners' Loan Act),''; and

(B) in paragraph (4), by inserting after ''case of a bank'' the following: '', a savings and loan holding company (as defined in section 10 of the Home Owners' Loan Act),''; and

(2) in section 15(d), by striking ''case of bank'' and inserting the following: ''case of a bank, a savings and loan holding company (as defined in section 10 of the Home Owners' Loan Act),''.

TITLE LXXXVI—REPEAL OF INDEMNIFICATION REQUIREMENTS

SEC. 86001. REPEAL.

(a) DERIVATIVES CLEARING ORGANIZATIONS.—Section 5b(k)(5) of the Commodity Exchange Act (7 U.S.C. 7a–1(k)(5)) is amended to read as follows:

''(5) CONFIDENTIALITY AGREEMENT.—Before the Commission may share information with any entity described in paragraph (4), the Commission shall receive a written agreement from each entity stating that the entity shall abide by the confidentiality requirements described in section 8 relating to the information on swap transactions that is provided.''.

(b) SWAP DATA REPOSITORIES.—Section 21 of the Commodity Exchange Act (7 U.S.C. 24a(d)) is amended—

(1) in subsection (c)(7)—

(A) in the matter preceding subparagraph (A), by striking ''all'' and inserting ''swap''; and

(B) in subparagraph (E)—

(i) in clause (ii), by striking ''and'' at the end; and

(ii) by adding at the end the following:

''(iv) other foreign authorities; and''; and

(2) by striking subsection (d) and inserting the following:

''(d) CONFIDENTIALITY AGREEMENT.—Before the swap data repository may share information with any entity described in subsection (c)(7), the swap data repository shall receive a written agreement from each entity stating that the entity shall abide by the confidentiality requirements described in section 8 relating to the information on swap transactions that is provided.''.

(c) SECURITY-BASED SWAP DATA REPOSITORIES.—Section 13(n)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(n)(5)) is amended—

(1) in subparagraph (G)—

(A) in the matter preceding clause (i), by striking ''all'' and inserting ''security-based swap''; and

(B) in clause (v)—

(i) in subclause (II), by striking ''; and'' and inserting a semicolon;

(ii) in subclause (III), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(IV) other foreign authorities.''; and

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

''(H) CONFIDENTIALITY AGREEMENT.—Before the security-based swap data repository may share information with any entity described in subparagraph (G), the security-based swap data repository shall receive a written agreement from each entity stating that the entity shall abide by the confidentiality requirements described in section 24 relating to the information on security-based swap transactions that is provided.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if enacted as part of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203).

TITLE LXXXVII—TREATMENT OF DEBT OR EQUITY INSTRUMENTS OF SMALLER INSTITUTIONS

SEC. 87001. DATE FOR DETERMINING CONSOLIDATED ASSETS.

Section 171(b)(4)(C) of the Financial Stability Act of 2010 (12 U.S.C. 5371(b)(4)(C)) is amended by inserting ''or March 31, 2010,'' after ''December 31, 2009,''.

TITLE LXXXVIII—STATE LICENSING EFFICIENCY

SECTION 88001. SHORT TITLE.

This title may be cited as the ''State Licensing Efficiency Act of 2015''.

SEC. 88002. BACKGROUND CHECKS.

Section 1511(a) of the S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5110(a)) is amended—

(1) by inserting ''and other financial service providers'' after ''State-licensed loan originators''; and

(2) by inserting ''or other financial service providers'' before the period at the end.

TITLE LXXXIX—HELPING EXPAND LENDING PRACTICES IN RURAL COMMUNITIES

SEC. 89001. 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. 89002. DESIGNATION OF RURAL AREA.

(a) APPLICATION.—Not later than 90 days after the date of the 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 an 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 1002 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 counties 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 3(r) of the Federal Deposit Insurance Act (12 U.S.C. 1813(r)).

(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 60 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 fewer than 90 days.

(2) LIMITATION ON ADDITIONAL APPLICATIONS.—Nothing in this section shall be construed 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) in section 129C(b)(2)(E)(iv)(I), by striking ''predominantly''; and

(2) in section 129D(c)(1), by striking ''predominantly''.

And 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:

BILL SHUSTER,
JOHN J. DUNCAN, Jr.,
SAM GRAVES,
CANDICE S. MILLER,
ERIC A. ''RICK'' CRAWFORD,
LOU BARLETTA,
BLAKE FARENTHOLD,
BOB GIBBS,
JEFF DENHAM,
REID J. RIBBLE,
SCOTT PERRY,
ROB WOODALL,
JOHN KATKO,
BRIAN BABIN,
CRESENT HARDY,
GARRET GRAVES,
PETER A. DEFAZIO,
ELEANOR HOLMES NORTON,
JERROLD NADLER,
CORRINE BROWN,
EDDIE BERNICE JOHNSON,
ELIJAH E. CUMMINGS,
RICK LARSEN,
MICHAEL E. CAPUANO,
GRACE F. NAPOLITANO,
DANIEL LIPINSKI,
STEVE COHEN,
ALBIO SIRES,

As additional conferees from the Committee on Armed Services, for consideration of sec. 1111 of the House amendment, and modifications committed to conference:

MAC THORNBERRY,
LORETTA SANCHEZ,

As additional conferees from the Committee on Energy and Commerce, for consideration of secs. 1109, 1201, 1202, 3003, Division B, secs. 31101, 31201, and Division F of the House amendment and secs. 11005, 11006, 11013, 21003, 21004, subtitles B and D of title XXXIV, secs. 51101 and 51201 of the Senate amendment, and modifications committed to conference:

FRED UPTON,
MARKWAYNE MULLIN,
FRANK PALLONE, Jr.,

As additional conferees from the Committee on Financial Services, for consideration of sec. 32202 and Division G of the House amendment and secs. 52203 and 52205 of the Senate amendment, and modifications committed to conference:

MAXINE WATERS,

As additional conferees from the Committee on the Judiciary, for consideration of secs. 1313, 24406, and 43001 of the House amendment and secs. 32502 and 35437 of the Senate amendment, and modifications committed to conference:

BOB GOODLATTE,
TOM MARINO,
ZOE LOFGREN,

As additional conferees from the Committee on Natural Resources, for consideration of secs. 1114–16, 1120, 1301, 1302, 1304, 1305, 1307, 1308, 1310–13, 1316, 1317, 10001, and 10002 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,

As additional conferees from the Committee on Oversight and Government Reform, for consideration of secs. 5106, 5223, 5504, 5505, 61003, and 61004 of the House amendment and secs. 12004, 21019, 31203, 32401, 32508, 32606, 35203, 35311, and 35312 of the Senate 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. 3008, 3015, 4003, and title VI of the House amendment and secs. 11001, 12001, 12002, 12004, 12102, 21009, 21017, subtitle B of title XXXI, secs. 35105 and 72003 of the Senate amendment, and modifications committed to conference:

LAMAR SMITH,
BARBARA COMSTOCK,
DONNA F. EDWARDS,

As additional conferees from the Committee on Ways and Means, for consideration of secs. 31101, 31201, and 31203 of the House amendment, and secs. 51101, 51201, 51203, 52101, 52103–05, 52108, 62001, and 74001 of the Senate amendment, and modifications committed to conference:

KEVIN BRADY,
DAVID G. REICHERT,
SANDER LEVIN,

Managers on the Part of the House.

JAMES M. INHOFE,
JOHN THUNE,
ORRIN G. HATCH,
LISA MURKOWSKI,
DEB FISCHER,
JOHN BARRASSO,
JOHN CORNYN,
BARBARA BOXER,
BILL NELSON,
RICHARD J. DURBIN,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment 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 transit programs, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House amendment struck out that matter proposed to be inserted by the Senate amendment and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the House bill, the Senate amendment, and the House amendment. The differences between the House bill, the Senate amendment, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

Joint Explanatory Statement of the Committee of the Conference

H.R. 22, Fixing America's Surface Transportation Act (FAST Act) authorizes federal surface transportation programs through fiscal year (FY) 2020. The FAST Act improves our Nation's infrastructure, reforms federal surface transportation programs, refocuses those programs on addressing national priorities, and encourages innovation to make the surface transportation system safer and more efficient.

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, establishes new programs to promote the efficient movement of freight and support large-scale projects of national or regional significance, and makes other policy changes and reforms.

Refocuses on National Priorities

The FAST Act focuses on the importance of goods movement to the U.S. economy by establishing a new formula program for highway freight projects, and emphasizes the need to address large-scale projects of national or regional importance by establishing a new competitive grant program, the Nationally Significant Freight and Highway Projects (NSFHP) program. Both programs provide limited eligibility for intermodal and freight rail projects. The Act also modifies the National Highway Freight Network created by the Moving Ahead for Progress in the 21st Century Act (MAP–21), and requires the redesignation of the Network every five years to reflect changes in freight flows, including emerging freight corridors and critical commerce corridors.

The NSFHP program will facilitate the construction of infrastructure projects that are difficult to complete solely using existing federal, state, local, and private funds. Among other purposes, projects supported by this program will reduce the impact of congestion, generate national and regional economic benefits, and facilitate the efficient movement of freight. This program emphasizes the importance of addressing transportation impediments, which significantly slow interstate commerce. Across the country there are significant bottlenecks that could benefit from this program, which would provide substantial grant funding for infrastructure projects.

To address deficient bridges, the FAST Act continues the set-aside for off-system bridges, and expands funding available for on-system bridges located off the National Highway System.

Increases Flexibility

The FAST Act converts the Surface Transportation Program (STP) to a block grant program, maximizing the flexibility of STP for states and local governments. It also increases the amount of STP funding that is distributed to local governments from 50 percent to 55 percent over the life of the bill. The Act provides states and local governments with increased flexibility by rolling the Transportation Alternatives Program into STP, and allowing 50 percent of certain transportation alternatives funding suballocated to local areas to be used on any STP-eligible project.

The FAST Act expands eligibility for the Transportation Infrastructure Finance and Innovation Act (TIFIA) program by allowing states to use National Highway Performance Program, STP block grant, and NSFHP funds to pay the subsidy and administrative costs associated with providing TIFIA credit assistance.

Streamlines Reviews, Reduces Bureaucracy, & Increases Transparency

The FAST Act streamlines the environmental review and permitting process to accelerate project approvals. The Act includes important reforms to align environmental reviews for historic properties. In addition, it establishes a new pilot program to allow up to five states to substitute their own environmental laws and regulations for the National Environmental Policy Act (NEPA) if the state's laws and regulations are at least as stringent as NEPA. The Act also requires an assessment of previous efforts to accelerate the environmental review process, as well as recommendations on additional means of accelerating the project delivery process in a responsible manner.

The FAST Act increases the transparency of the Federal-aid Highway Program by requiring Federal Highway Administration (FHWA) to provide project-level information to Congress and the public. This information permits monitoring of projects for cost overruns and assists Congress in understanding how states are using their Federal-aid Highway funds.

Promotes Innovative Technologies

The FAST Act provides for the deployment of transportation technologies and congestion management tools that support an efficient and safe surface transportation system. It encourages the installation of vehicle-to-infrastructure equipment to reduce congestion and improve safety.

Focus on Highway Safety

The FAST Act increases the focus on roadway safety infrastructure and on the safety needs of pedestrians. In addition, there is an increase in funding to improve the safety of railway-highway grade crossings.

Additional Provisions

The FAST Act removes a requirement which would have required states to collect superfluous data on unpaved and gravel roads. It also bans the use of funding for automated traffic enforcement systems.

Additional Explanatory Language

The conferees intend that a wide range of freight projects be eligible under the new formula and competitive grant programs, including projects that eliminate freight bottlenecks, use new technologies to improve the efficiency of freight movement, and modify highways to provide additional freight capacity, including by physically separating passenger vehicles from commercial trucks.

The conference report expands the flexibility for the use of Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds for rural states and for the use of CMAQ funds for port-related freight operations and vehicle-infrastructure communications equipment.

The conferees intend that none of the amendments made by section 1308 affect the authority of the U.S. Department of Justice

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, conferees intend that additional monies 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 ensure that any funding that flows into the Highway Trust Fund can immediately be used to fund necessary surface transportation investments.

TITLE II—INNOVATIVE PROJECT FINANCE

Title II of the FAST Act makes additional modifications to improve access to the TIFIA program and expand leveraging opportunities. Specifically, it updates the TIFIA program to enable it to be better utilized by rural areas and more accessible for small projects. This is accomplished by using the leveraging ability of TIFIA to support state infrastructure banks and allowing the U.S. Department of Transportation (USDOT) to set-aside TIFIA funding in order to replace the fees typically collected from TIFIA borrowers to pay for independent financial analysis and outside counsel for rural projects.

The conference report also directs USDOT to establish a streamlined 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 reforms 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, innovative transportation 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 with respect to the oversight of, and responsibilities for, the safe operation 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 Act requires the Secretary 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 investments by public transportation agencies. 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 purchasing costs 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 program of 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 in coordination with the U.S. Department of Treasury to advance the Build America Investment Initiative (Initiative). This Initiative is intended to increase infrastructure investment and economic 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 and Innovative Finance Bureau and the Expedited Project Delivery for Capital Investment Grants Pilot Program established in section 3005(b) for public transportation infrastructure projects.

Section 3005(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 seek to expedite projects that have a federal interest of less than 25 percent. The conferees intend state and local governments, as well as private investors to complete their due diligence for a project prior to their agreement to commit to the project. This pilot program maintains the Secretary's discretion to determine 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 will be operated by existing public transportation providers. The conferees do not intend for public-private partnerships to be a means to privatization, rather the pilot program is intended to ensure that the FTA has all of the tools necessary to allow public transportation infrastructure projects to more effectively leverage public dollars and encourage private investment through an innovative expedited project delivery method.

The conferees expect that all projects receiving funding through this expedited process enter into revenue service. Therefore, the conference report includes a provision specifying that an applicant must repay all federal funds awarded for the project 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 deliver an annual report on expedited project delivery for capital grants. As with full funding grant agreements under section 5309, this pilot program requires each recipient to conduct a before and after study report, 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 to ensure that all transportation providers receiving federal assistance coordinate the provision of service 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 Access and Mobility'' to provide grants for innovative projects that improve the coordination of transportation services and non-emergency medical transportation, including the deployment of technology. In section 3006(c), the conferees direct the members of the Interagency Transportation Coordinating Council on Access and Mobility (Council) to undertake 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) for member federal agencies.

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 where they are produced, provided 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 subsequently requires the Secretary to disclose any waiver denial and subsequent written certification on the website of the USDOT.

The conference report includes a definition 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 directives, require more frequent oversight, impose more frequent reporting requirements, require that formula grant funds be spent to correct safety deficiencies before funds are spent on other projects, 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 multistate fixed guideway public transportation system operates.

Section 3017 amends FTA's Buses and Bus Facilities grant program to reflect a number of changes. This section allows recipients in a state to pool formula funds to accommodate larger scale procurements. Subsection (b) reinstitutes a competitive grant bus program to address the capital investment needs of public transportation systems across the country. This competitive grant program includes a 10 percent rural set-aside and a limitation that not more than 10 percent of all grant amounts be awarded to a single grantee. States may also submit a statewide application for bus needs to allow 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 financed 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 project eligibility for rehabilitating or improving existing public transportation facilities to accommodate low or no emission vehicles to account for such things as retrofitting to include charging stations.

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 purchasing costs attributable to the relatively small size of the procurement. The conferees intend to address current purchasing power issues for smaller public transportation providers in a variety of ways. First, the conference report includes a provision allowing multiple states and providers to purchase capital assets through cooperative procurements. 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 will enable providers purchasing similar capital assets to pool their procurement requests, which will increase the size of the request and result in the procurement receiving 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.

In addition, the conference report creates a pilot program to allow up to three geographically diverse nonprofits to host cooperative procurement contracts. These are intended to be separate from the state cooperative purchasing contracts and provide another opportunity for public transportation systems of all sizes to enhance their purchasing options.

Section 3019 of the conference report reduces the barriers for transit agencies to develop and enter into leasing arrangements for public transportation equipment or facilities by removing existing regulatory requirements that have impeded the authority of transit agencies seeking to reduce long-term capital costs. The conference report ensures that the terms of a lease agreement are negotiated by the grantee to best suit their short- and long-term needs.

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 reallocating unspent National Priority Safety Program 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 study the feasibility of establishing an impairment standard for drivers under the influence of marijuana and provide recommendations on how to implement such a standard. Finally, the Act requires NHTSA to take additional actions to improve awareness of the dangers of drug impaired driving.

Improves Safety

The FAST Act reforms the Impaired Driving Countermeasures, Distracted Driving, and State Graduated Driver License incentive grants to reduce unreasonable barriers to state eligibility, while strengthening incentives for states to adopt laws and regulations to improve highway safety. It encourages states to increase driver awareness of commercial motor vehicles. Finally, the Act creates a state grant to enhance safety for bicyclists, pedestrians, and other non-motorized users.

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 eligible for funding 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 statutes and regulations with regard to maintenance of effort requirements. The conference report provides additional flexibility to allow states to certify compliance with maintenance of 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 several reforms 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 drugs and alcohol by commercial motor vehicle drivers.

Reduces Regulatory Burdens

The FAST Act reforms the regulatory process by requiring FMCSA to use the best available science and data on various segments of the trucking industry when developing rulemakings and by establishing a process under which the public or the motor carrier industry can petition FMCSA to revise or repeal regulations if they are no longer current, consistent, and uniformly enforced. The Act also consolidates nine existing FMCSA grant programs into four and streamlines program requirements to reduce administrative costs and regulatory burdens on states.

Provides Opportunities for Veterans

The FAST Act awards grant priority to programs that train veterans for careers in the trucking industry and reduces regulatory barriers faced by veterans seeking employment as commercial truck and bus drivers. It also establishes a pilot program for younger veterans and reserve members that received training during their service in the military to drive certain commercial motor vehicles in interstate commerce.

Reform of Compliance, Safety, Accountability Program

The FAST Act requires a thorough review and reform of the current enforcement prioritization program to ensure that FMCSA's Compliance, Safety, Accountability analysis is the most reliable possible for the public and for enforcement purposes. Following reviews by the GAO, the U.S. Department of Transportation Inspector General and various law enforcement organizations, the Act requires that FMCSA *analysis* of enforcement data be temporarily removed from public websites on the day after enactment, until the agency has completed reforms required by this Act. Enforcement and inspection data reported by states and enforcement agencies will remain available for public view.

Additional Explanatory Language

Section 5101 requires that states grant maximum reciprocity for inspections conducted using a nationally accepted system that allows ready identification of previously inspected commercial motor vehicles. The conferees believe that decals used to meet this requirement should adhere to design and functional requirements as specified by the Secretary. Section 5101 also provides additional flexibility for states to exercise the ''Right of Entry'' requirement provided by the Motor Carrier Safety Assistance Program to ensure that alternate methods for gaining access to motor carriers can be used to satisfy inspection or enforcement requirements.

The FMCSA has informed the conferees and the conferees agree that nothing in section 5402 authorizes the use of hair testing as an alternative to urine tests until the U.S. Department of Health and Human Services establishes federal standards for hair testing.

The conferees intend section 5501 to be carried out to identify delays experienced by commercial motor vehicle drivers, including during the loading and unloading of goods at shipper and receiver facilities. The conferees do not intend this provision to measure productivity at ports.

Section 5515 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 Georgia-based driver had driven 12 hours overnight 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 safety.

Conferees expect that the implementation of section 5516 will provide the maximum

flexibility possible to re-route longer combination vehicles in the affected state to divided highways, highway facilities designed for freight transportation, or along routes that will enhance overall highway safety.

In implementing section 32934 of MAP–21, FMCSA determined that the language in subsection (b), which ensures that federal transportation funds to a state would ''not be terminated, limited, or otherwise interfered with,'' only applied with respect to the exemptions enumerated in subsection (a) and not with respect to any further exemption or other minimum standard 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 reviewed this section and informed the conferees that it will be implemented in the manner described above.

TITLE VI—INNOVATION

Title VI of the FAST Act reauthorizes the programs for the research activities of the USDOT through FY 2020 and includes several provisions to promote innovation and the use and deployment of transportation technologies to address various surface transportation needs.

Invests in Innovation

The FAST Act provides dedicated Highway Trust Fund authorizations to carry out research and development, technology deployment, training and education, intelligent transportation systems activities, grants to University Transportation Centers, and to administer the Bureau of Transportation Statistics (BTS).

Emphasizes Technology

The FAST Act ensures that these programs areimplemented and Intelligent Transportation Systems (ITS) are deployed in a technology neutral manner.The Act promotes technology neutral policies that accelerate vehicle and transportation safety research, development and deployment by promoting innovation and competitive market-based outcomes, while using federal funds efficiently and leveraging private sector investment across the automotive, transportation and technology sectors.

Promotes Safety

The FAST Act encourages FHWA and other federal agencies, states, local governments, and stakeholders to examine additional ways that they can safely and expediently drive the adoption, deployment, and delivery of innovative technology and techniques that would enhance the safety and efficiency of the Nation's roadways.

Establishes a Competitive Deployment Program

The FAST Act establishes a competitive advanced transportation and congestion management technologies deployment grant program to promote the use of innovative transportation solutions. The deployment of these technologies will provide Congress and USDOT with valuable real life data and feedback to inform future decision making.

Updates Federal Regulations

The use of transportation technologies by state and local partners is growing, and the FAST Act makes several changes to ensure that federal regulations promote innovation, not stand in its way.

Additional Explanatory Language

The conference report provides for the collection of statistics on port capacity and throughput for the 25 largest ports to be reported annually by the BTS.

The conference report focuses on research for user based alternative revenue mechanisms that preserve a user fee structure to maintain the long-term solvency of the Highway Trust Fund. It is essential that the federal government properly invest in our infrastructure by looking to alternative revenue sources.

The conferees believe that federal, state, and local agencies must be prepared for the future growth and adoption of innovative technologies such as autonomous vehicles and that the ITS program should support research initiatives that are engaged in the research, development, testing, and validation of autonomous vehicle technologies.

Subtitle C of Title V of the Water Resources Reform and Development Act of 2014 (128 Stat. 1332–1345) established the ''Water Infrastructure Finance and Innovation Act'' (WIFIA), a program designed to assist a wide array of water resources infrastructure projects intended to attract private capital, along with state and local public capital, alongside federal investment.Section 1445 of the conference report modifies the WIFIA program to ensure both public and private capital have an equal opportunity to participate, thereby ensuring financing is adequately leveraged. Some have expressed concerns that modifying the prohibition on the use of tax exempt debt financing may inadvertently disadvantage private capital being used in financing projects.The conferees would request that as the Environmental Protection Agency and the US Army Corps of Engineers continue to implement the WIFIA program, the agencies include specifications that will ensure private capital has an equal opportunity to engage in the financing of these projects.

TITLE VII—HAZARDOUS MATERIAL TRANSPORTATION

Title VII of the FAST Act strengthens and advances the safe and efficient movement of hazardous materials through a number of reforms and safety improvements. It also authorizes hazardous materials safety and grant programs for fiscal years 2016 through 2020.

Enhances Emergency Preparedness and Response

The FAST Act reforms an underutilized grant program to get more resources to states and Indian tribes for emergency response, while also granting states more power to decide how to spend their planning and training grants to improve emergency response. It helps better leverage training funding for hazardous materials employees and those enforcing hazardous material regulations.

Streamlines Processes and Creates Certainty and Transparency for Industry

The FAST Act accelerates the administrative process and reduces inefficiencies to create certainty for the hazardous materials industry with special permits and approvals. The Act requires a full review of third-party classification labs to ensure the labs can perform such examinations in a manner that meets the hazardous materials regulations. Furthermore, it allows the Pipelines and Hazardous Materials Safety Administration (PHMSA) to respond more effectively during national emergencies. Finally, it requires PHMSA to withdraw a rulemaking on ''wetlines'' consistent with a GAO study recommending that PHMSA collect more data before proceeding further.

Enhances Information Available to First Responders

The FAST Act requires Class I railroads to generate accurate, real-time, electronic train composition information for first responders through agreements with fusion centers and to provide information about 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 Act requires the USDOT to establish security and confidentiality protections for the release of any information intended for fusion centers, SERCs, or other authorized persons. It also requires a GAO study on the quality of emergency response information carried by train crews.

Improves Tank Car Safety Requirements

The FAST Act enhances safety by requiring new tank cars to be equipped with ''thermal blankets,'' mandating all legacy DOT–111 tank cars in flammable liquids service are upgraded to new retrofit standards regardless of the product shipped, and setting minimum requirements for the protection of certain valves. Further, it requires reporting on the industry-wide progress and capacity to modify DOT–111 tank cars. Finally, the Act requires a derailment test and an independent evaluation to investigate braking technology requirements for the movement of trains carrying certain hazardous materials, and it requires the Secretary to determine, fully incorporating the results of the testing and evaluation, whether recent electronically-controlled pneumatic braking system requirements are justified.

TITLE VIII—MULTIMODAL FREIGHT TRANSPORTATION

Title VIII of the FAST Act focuses attention on the importance of multimodal freight transportation as a foundation for the United States to compete in the global economy. The Act 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 encourages each state to establish a freight advisory committee comprised of freight stakeholders to provide input on freight projects and funding needs. Further, states will be required to develop a fiscally-constrained freight plan, either independently or incorporated into the broader transportation planning process.

Additional Explanatory Language

The conferees intend for states to solicit input from a broad range of freight stakeholders in adding mileage to the National Multimodal Freight Network, including critical rural freight corridors. The conferees intend for states to take a strong lead in designating facilities for inclusion in the final National Multimodal Freight Network.

The conferees emphasize 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 develop best practices for improving the performance of the Network, including critical commerce corridors and critical urban and rural access to critical freight corridors.

TITLE IX—NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE FINANCE BUREAU

Title IX of the FAST Act establishes the National Surface Transportation and Innovative Finance Bureau (Bureau) within USDOT. The Bureau will serves as a one-stop-shop for states and local governments to receive federal financing or funding assistance, as well as technical assistance, in order to move forward with complex surface transportation projects. The Act directs the Bureau to administer the application process for various credit assistance programs and the NSFHP program; promote innovative financing best practices; reduce uncertainty

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 or eliminate different offices within USDOT. These targeted improvements are based on previous congressionally initiated reforms, oversight, and USDOT led pilot projects 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 NSFHP 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 reauthorizes expenditure authority for the Dingell-Johnson Sport Fish Restoration Act through FY 2020 and reforms 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 Service's administrative expenses.

Additional Explanatory Language

The conferees 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 conferees 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 conferees direct the USFWS to prioritize the use of administrative funds by regional offices to improve grant administration timeliness and responsiveness to state fish and wildlife agencies.

TITLE XI—RAIL

Title XI of the FAST Act reforms Amtrak to improve its business operations and planning; improves rail infrastructure; strengthens freight and passenger rail safety; accelerates project delivery; and leverages innovative rail financing, including potential private sector capital, by reforming an underutilized loan program.

Authorizations

The FAST Act authorizes fiscally-responsible levels for Amtrak, under a new structure that provides separate funding authorizations for the Northeast Corridor and the National Network. It also authorizes three grant programs to help improve the Nation's rail infrastructure to meet the future needs of freight and passenger movement.

Amtrak Reforms

The FAST Act makes significant reforms to the way Amtrak structures its financial reporting and planning functions. This Act aligns these critical functions along Amtrak's core operating business lines. All of Amtrak's financial, business, and asset activities are required to be organized in a way that supports the corporation's major business lines. These provisions will allow Northeast Corridor net operating revenues to be re-invested into the Corridor's substantial capital investment needs, while ensuring Amtrak has the tools and resources needed to efficiently operate its National Network. The Act also creates a State-Supported Route Committee to encourage a more collaborative relationship between states, Amtrak, and USDOT regarding state-supported routes for which states provide financial resources. Finally, the Act encourages non-federal participation in certain elements of Amtrak's system by creating station development opportunities for the private sector; exploring the potential for new revenue streams through right-of-way development; and facilitating the use of local products on Amtrak routes.

Intercity Passenger Rail Policy

The FAST Act includes provisions to improve the Nation's rail infrastructure and its intercity passenger rail service, while ensuring sound use of taxpayer investments in passenger rail projects. The subtitle authorizes a new Consolidated Rail Infrastructure and Safety Improvements grant program to support a broad array of rail projects and activities, using cost-benefit analysis principles for project selection, and repeals duplicative grant programs. It authorizes a Federal-State Partnership for State of Good Repair grant program designed to improve critical rail assets with a backlog of deferred maintenance, such as Northeast Corridor infrastructure. It also authorizes a Restoration and Enhancement Grant program to assist with, on a competitive basis, the initiation or restoration of routes formerly operated by Amtrak, including the rail service discontinued in the wake of Hurricane Katrina. This program is paired with funding for a Gulf Coast Working Group to study the return of this service.

The Act also includes provisions to enhance collaborative capital planning efforts amongst all Northeast Corridor users. The Act creates competitive opportunities for intercity passenger rail routes and strengthens requirements for large capital projects funded with federal dollars. All grant programs are subject to the grant conditions contained in section 24405 of title 49, United States Code.

Rail Safety

The safe movement of goods and people by rail remains the top rail policy priority of both the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. The Federal Railroad Administration (FRA) recently reported that fiscal year 2014 was one of the safest years on record, and the agency noted that, since fiscal year 2005, total train accidents have declined by 46 percent, total derailments have declined by 47 percent, and total highway-rail grade crossing incidents have declined by 24 percent. The FAST Act aims to further increase safety.

The FAST Act includes several provisions to improve the safety of highway-rail grade crossings, including grade crossing safety action plans, a private grade crossing study, and an evaluation on the use of locomotive horns at grade crossings. Additionally, the Act includes requirements to strengthen the safety of passenger rail, including locomotive recording devices, speed limit action plans, and locomotive alerters. It also includes a post-accident assessment for the Amtrak accident on May 12, 2015, in Philadelphia, Pennsylvania.

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, or authorize the FRA to provide, any copy of any bridge inspection report prepared in accordance with section 417 of the Rail Safety Improvement Act of 2008 to any state, political subdivision of a state, or other unauthorized persons.

Project Delivery

Moving projects through the federal review process can be challenging given the number of agencies and entities involved. Subtitle E of this title, the Train, Railroad, and Infrastructure Network Act, 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 categorical exclusions used in transportation projects and to propose new and existing exclusions for rail. With respect to historic sites, it preserves existing requirements for important historic sites, such as historic stations, while ensuring expedited delivery of critical improvements to rail infrastructure. It ensures that improvements to certain bridges and tunnels over which common-carrier service has been discontinued or railbanked, but not those bridges and tunnels abandoned from the interstate rail network, are not considered a use of a historic site. This will create an improved and more equitable way for the USDOT to manage federal permitting and reviews for all surface transportation programs, regardless of mode.

Financing

Innovative financing programs are a method to advance major infrastructure. The Railroad Rehabilitation Improvement and Financing (RRIF) program is authorized to provide loans and loan guarantees to railroad projects, ranging from short-line railroad equipment to passenger rail facilities. While this program provides attractive low-interest, 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 projects. 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 making it easier to develop partnerships that combine RRIF loans with other types of financing, including private financing. It also requires 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 cohort. The intent of this provision is for the Secretary to pay back such credit risk premium, with interest, as soon as feasible but not later than three months after the date of enactment. Finally, subtitle F includes language that modifies general authority to provide direct loans under RRIF to include at least one of the eligible applicants in a joint venture.

H.R. 22, FIXING AMERICA'S SURFACE TRANSPORTATION ACT (FAST ACT)

H.R. 22 EAH	H.R. 22 EAS	Titles	Conference Agreement
		DIVISION A—SURFACE TRANSPORTATION	
1	1 2	Short title; table of contents	Senate recedes with modifications.
2	3	Definitions	Senate recedes.
3	4	Effective date	Senate recedes.
4	.....	References	Senate recedes.
		TITLE I—FEDERAL-AID HIGHWAYS *Subtitle A—Authorizations and Programs*	
1101	11001	Authorization of appropriations	Senate recedes with modifications.
1102	11002	Obligation ceiling	Senate recedes with modifications.
1103	.....	Definitions	Senate recedes.
1104	11003	Apportionment	Senate recedes with modifications.
1105	.....	National highway performance program	Senate recedes.
1106	11004 11014	Surface transportation block grant program	Senate recedes with modifications.
1107	35401	Railway-highway grade crossings	Senate recedes.
1108	11011 11012	Highway safety improvement program	Senate recedes with modifications.
1109	11013	Congestion mitigation and air quality improvement program	House recedes with modifications.
1110	43001	National highway freight policy	Senate recedes with modifications.
1111	44001 44002	Nationally significant freight and highway projects	Senate recedes with modifications.
1112	.....	Territorial and Puerto Rico highway program	Senate recedes.
1113	12101	Federal lands and tribal transportation program	Senate recedes with modifications.
1114	11024	Tribal transportation program amendment	House recedes.
1115	11027	Federal lands transportation program	Senate recedes with modifications.
1116	.....	Tribal transportation self-governance program	Senate recedes.
1117	11020	Emergency relief for federally owned roads	House recedes.
1118	11007	Highway use tax evasion projects	Senate recedes with modifications.
1119	11008	Bundling of bridge projects	Senate recedes.
1120	.....	Tribal High Priority Projects program	House recedes.
1121	11010	Construction of ferry boats and ferry terminal facilities	House recedes.
		Subtitle B—Planning and Performance Management	
1201	11005	Metropolitan transportation planning	House recedes with modifications.
1202	11006	Statewide and nonmetropolitan transportation planning	House recedes with modifications.
		Subtitle C—Acceleration of Project Delivery	
1301	11116	Satisfaction of requirements for certain historic sites	Senate recedes.
1302	.....	Treatment of improvements to rail and transit under preservation requirements	Senate recedes.
1303	.....	Clarification of transportation environmental authorities	Senate recedes.
1304	11117	Bridge exemption from consideration under certain provisions	House recedes.
1305	11103 11104 11105 11106	Efficient environmental reviews for project decisionmaking	Senate recedes with modifications.
1306	11107	Improving transparency in environmental reviews	Senate recedes with modifications.
1307	11108 31106	Integration of planning and environmental review	House recedes with modifications.
1308	11109	Development of programmatic mitigation plans	Senate recedes with modifications.
1309	.....	Delegation of authorities	Senate recedes with modifications.
1310	11101	Categorical exclusion for projects of limited Federal assistance	Senate recedes.
1311	11113 31105	Application of categorical exclusions for multimodal projects	Senate recedes.
1312	11112	Surface transportation project delivery program	Senate recedes with modifications.
1313	.....	Program for eliminating duplication of environmental reviews	Senate recedes with modifications.
1314	12202	Assessment of progress on accelerating project delivery	Senate recedes.
1315	.....	Improving State and Federal agency engagement in environmental reviews	Senate recedes with modifications.
1316	31103 11110	Accelerated decisionmaking in environmental reviews	Senate recedes.
1317	31104	Aligning Federal environmental reviews	Senate recedes with modifications.
.....	31101	Delegation of authority	Senate recedes.
.....	31102	Infrastructure Permitting Improvement Center	Senate recedes.
		Subtitle D—Miscellaneous	
1401	11017 11018 11019	Tolling; HOV facilities; Interstate reconstruction and rehabilitation	Senate recedes with modifications.
1402	.....	Prohibition on the use of funds for automated traffic enforcement	Senate recedes.
1403	11205 34104	Repeat offender criteria	House recedes with modifications.
1404	12204	Highway Trust Fund transparency and accountability	Senate recedes with modifications.
1405	11204	High priority corridors on National Highway System	Senate recedes.
1406	11009	Flexibility for projects	Senate recedes.
1407	11009	Productive and timely expenditure of funds	Senate recedes.
1408	11015	Consolidation of programs	Senate recedes.
1409	11028	Federal share payable	Senate recedes with modifications.
1410	.....	Elimination or modification of certain reporting requirements	Senate recedes.
1411	14001	Technical corrections	Senate recedes with modifications.
1412	12208 14001	Safety for users	Senate recedes.
1413	12208	Design standards	Senate recedes.
1414	.....	Reserve fund	Senate recedes with modifications.
1415	.....	Adjustments	Senate recedes with modifications.
1416	11022	National electric vehicle charging, hydrogen, propane, and natural gas fueling corridors	Senate recedes with modifications.
1417	.....	Ferries	House recedes.
1418	15005	Study on performance of bridges	House recedes.
1419	11207	Relinquishment of park-and-ride lot facilities	Senate recedes.
1420	.....	Pilot program	Senate recedes with modifications.
1421	.....	Innovative project delivery examples	Senate recedes.
1422	15004	Administrative provisions to encourage pollinator habitat and forage on transportation rights-of-way	Senate recedes.
1423	.....	Milk products	Senate recedes.
1424	11203	Interstate weight limits for emergency vehicles	House recedes.
1425	11203	Vehicle weight limitations—Interstate System	Senate recedes with modifications.
1426	.....	New national goal, performance measure, and performance target	House recedes.
1427	11115	Service club, charitable association, or religious service signs	Senate recedes.
1428	.....	Work zone and guard rail safety training	Senate recedes.
1429	.....	Motorcyclist advisory council	Senate recedes with modification.
1431	.....	Highway work zones	Senate recedes with modifications.
1432	.....	Study on State procurement of culvert and storm sewer materials	House recedes.
1433	.....	Use of durable, resilient, and sustainable materials and practices	Senate recedes.
1434	.....	Strategy to address structurally deficient bridges	House recedes.
1435	.....	Sense of Congress	Senate recedes.
1436	.....	Identification of roadside highway safety hardware devices	Senate recedes.

H.R. 22, FIXING AMERICA'S SURFACE TRANSPORTATION ACT (FAST ACT)—Continued

H.R. 22 EAH	H.R. 22 EAS	Titles	Conference Agreement
1437	.....	Use of modeling and simulation technology	Senate recedes.
1438	.....	National Advisory Committee on Travel and Tourism Infrastructure	Senate recedes.
1439	.....	Regulation of motor carriers of property	Senate recedes.
1440	.....	Emergency exemptions	Senate recedes with modifications.
1441	.....	Program to assist veterans to acquire commercial driver's licenses	Senate recedes with modifications.
1442	.....	Operation of certain specialized vehicles on certain highways in the State of Arkansas	Senate recedes.
1444	.....	Exemptions from requirements for certain welding trucks used in pipeline industry	Senate recedes.
1443	.....	Projects for public safety relating to idling trains	Senate recedes with modifications.
1445	.....	Waiver	Senate recedes.
1446	.....	Federal authority.	House recedes.
.....	11016	State flexibility for National Highway System modifications	House recedes.
.....	11021	Bridges requiring closure or load restrictions	Senate recedes.
.....	11023	Asset management	House recedes with modifications.
.....	11025	Nationally significant Federal lands and Tribal projects program	House recedes with modifications.
.....	11026	Federal lands programmatic activities	House recedes.
.....	11029	Obligation and release of funds	Senate recedes.
.....	11102	Programmatic agreement template	House recedes.
.....	11110	Adopting of Departmental environmental documents	Senate recedes.
.....	11111	Technical assistance for States	House recedes.
.....	11114	Modernization of the environmental review process	House recedes.
.....	11118	Elimination of barriers to improve at-risk bridges	House recedes.
.....	11119	At-risk project preagreement authority	House recedes.
.....	11201	Credits for untaxed transportation fuels	Senate recedes.
.....	11202	Justification reports for access points on the Interstate System	House recedes.
.....	11206	Vehicle-to-infrastructure equipment	House recedes with modifications.
.....	11208	Transfer and sale of toll credits	Senate recedes.
.....	11209	Regional infrastructure accelerator demonstration program	House recedes.
.....	11210	Sonoran Corridor Interstate development	Senate recedes.
.....	12102	Performance management data support program	House recedes.
.....	12201	Every Day Counts initiative	Senate recedes.
.....	12203	Grant program for achievement in transportation for performance and innovation	Senate recedes.
.....	12205	Report on highway trust fund administrative expenditures	House recedes.
.....	12206	Availability of reports	House recedes.
.....	12207	Performance period adjustment	House recedes.
.....	15001	Appalachian regional development highway system	House recedes.
.....	15002	Appalachian regional development program	House recedes.
.....	15003	Water infrastructure finance and innovation	House recedes.
		TITLE II—INNOVATIVE PROJECT FINANCE	
2001	13001	Transportation Infrastructure Finance and Innovation Act of 1998 amendments	House recedes with modifications.
2002	13001	State infrastructure bank program	House recedes with modifications.
2003	.....	Availability payment concession model	Senate recedes.
2004	.....	Streamlined application process	House recedes with modifications.
		TITLE III—PUBLIC TRANSPORTATION	
3001	21001	Short title	Senate recedes.
3002	21002	Definitions	Senate recedes with modifications.
3003	21003 21004	Metropolitan and statewide transportation planning	House recedes with modifications.
3004	21005	Urbanized area formula grants	Senate recedes with modifications.
3005	21006	Fixed guideway capital investment grants	House recedes with modifications.
3006	.....	Formula grants for enhanced mobility of seniors and individuals with disabilities	Senate recedes.
3007	21008	Formula grants for rural areas	House recedes with modifications.
3008	21009	Research, development, demonstration, and deployment program	House recedes with modifications.
3009	21012	Human resources and training	House recedes with modifications.
3010	21020	Bicycle facilities	House recedes with modifications.
3011	21013	General provisions	Senate recedes with modifications.
3012	21015	Public transportation safety program	Senate recedes with modifications.
3013	.....	Apportionments	Senate recedes with modifications.
3014	21016	State of good repair grants	Senate recedes with modifications.
3015	21017	Authorizations	House recedes with modifications.
3016	21018	Bus and bus facility grants	Senate recedes with modifications.
3017	.....	Obligation ceiling	Senate recedes with modifications.
3018	21011	Innovative procurement	Senate recedes with modifications.
3019	.....	Review of public transportation safety standards	Senate recedes.
3020	.....	Study on evidentiary protection for public transportation safety program information	Senate recedes with modifications.
3021	21007	Mobility of seniors and individuals with disabilities	Senate recedes with modifications.
3022	.....	Improved transit safety measures	Senate recedes.
3023	.....	Paratransit system under FTA approved coordinated plan	Senate recedes with modifications.
3024	.....	Report on potential of Internet of Things	Senate recedes.
3025	.....	Report on parking safety	Senate recedes with modifications.
3026	.....	Appointment of directors of the Washington Metropolitan Area Transit Authority	Senate recedes.
3027	.....	Effectiveness of public transportation changes and funding	Senate recedes.
3028	.....	Increase support for Growing States	House recedes.
.....	21010	Private sector participation	House recedes.
.....	21014	Project management oversight	House recedes with modifications.
.....	21019	Salary of Federal Transit Administrator	House recedes with modifications.
.....	21020	Technical and conforming amendments	House recedes with modifications.
.....	31108	Authorization of grants for positive train control	House recedes with modifications.
		TITLE IV—HIGHWAY TRAFFIC SAFETY	
4001	34101	Authorization of appropriations	House recedes with modifications.
4002	34102	Highway safety programs	Senate recedes with modifications.
4003	.....	Highway safety research and development	Senate recedes with modifications.
4004	.....	High-visibility enforcement program	Senate recedes with modifications.
4005	34102 34103 34132 34134	National priority safety programs	Senate recedes with modifications.
4006	34122	Stop motorcycle checkpoint funding.	House recedes.
4007	.....	Marijuana-impaired driving	Senate recedes.
.....	34106	Increasing public awareness of the dangers of drug-impaired driving	House recedes.
4008	.....	National priority safety program grant eligibility	Senate recedes.
4009	.....	Data collection.	Senate recedes with modifications
4010	34141	Technical corrections	Senate recedes.
.....	34105	Study on the national roadside survey of alcohol and drug use by drivers	House recedes.
.....	34121 34131	Short title	Senate recedes.
.....	34133	Barriers to Data Collection Report	House recedes with modifications.
		TITLE V—MOTOR CARRIER SAFETY *Subtitle A—Motor Carrier Safety Grant Consolidation*	
5101	32502	Grants to States	Senate recedes with modifications.
5102	32504	Performance and registration information systems management	Senate recedes.
5103	32505	Authorization of appropriations	Senate recedes with modifications.
5104	32506	Commercial driver's license program implementation	Senate recedes.

H.R. 22, FIXING AMERICA'S SURFACE TRANSPORTATION ACT (FAST ACT)—Continued

H.R. 22 EAH	H.R. 22 EAS	Titles	Conference Agreement
5105	32507	Extension of Federal motor carrier safety programs for fiscal year 2016	Senate recedes with modifications.
5106	32508	Motor carrier safety assistance program allocation	Senate recedes with modifications.
5107	32509	Maintenance of effort calculation	Senate recedes.
.....	32501	Definitions	Senate recedes.
		Subtitle B—Federal Motor Carrier Safety Administration Reform	
		Part I—Regulatory Reform	
5201	32603	Notice of cancellation of insurance	Senate recedes.
5202	32305	Regulations	Senate recedes with modifications.
5203	32303	Guidance	Senate recedes with modifications.
5204	32304	Petitions	Senate recedes with modifications.
.....	32201	Petitions for regulatory relief	House recedes with modifications.
.....	32202	Inspector standards	House recedes.
		Part II—Compliance, Safety, Accountability Reform	
5221	32001	Correlation study	Senate recedes with modifications.
5222	32002	Beyond compliance	Senate recedes with modifications.
5223	32003	Data certification	Senate recedes with modifications.
5224	.....	Interim hiring standard	House recedes.
.....	32004	Data improvement	House recedes.
.....	32005	Accident report information	House recedes with modifications.
		Subtitle C—Commercial Motor Vehicle Safety	
5301	32301	Update on statutory requirements	House recedes with modifications.
5302	32601	Windshield technology	House recedes.
5303	32302	Prioritizing statutory rulemakings	Senate recedes with modifications.
5304	.....	Safety reporting system	Senate recedes.
5305	32503	New entrant safety review program	Senate recedes.
5306	32201	Ready mixed concrete trucks	House recedes.
.....	32006	Post-accident report review	House recedes with modifications
.....	32007	Recognizing excellence in safety	Senate recedes.
.....	32008	High risk carrier reviews	House recedes.
		Subtitle D—Commercial Motor Vehicle Drivers	
5401	.....	Opportunities for veterans	Senate recedes with modification.
5402	32611	Drug-free commercial drivers	Senate recedes.
5403	.....	Certified medical examiners	House recedes.
5404	32403	Commercial driver access	House recedes with modifications.
5405	.....	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	.....	Report on motor carrier financial responsibility	Senate recedes with modifications.
5504	32401	Emergency route working group	Senate recedes.
5505	32606	Household goods consumer protection working group	Senate recedes with modifications.
5506	32203	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	32602	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 with modifications.
5516	.....	Transportation of construction materials and equipment.	Senate recedes.
5517	.....	Commercial delivery of light- and medium-duty trailers	Senate recedes.
5518	32610	GAO Review of school bus safety	Senate recedes.
.....	32402	Additional State Authority	House recedes with modifications.
.....	32604	Access to National Driver Register	House recedes.
.....	32605	Study on Commercial Motor Vehicle Driver Commuting	House recedes with modifications.
.....	32607	Interstate Van Operations	1Senate recedes.
.....	32608	Report on Design and Implementation of Wireless Roadside Inspection Systems	House recedes with modifications.
.....	32609	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.
6007	.....	Intelligent transportation system national architecture and standards	Senate recedes.
6008	.....	Communication systems deployment report	Senate recedes.
6009	.....	Infrastructure development	Senate recedes with modifications.
6010	31207	Departmental research programs	Senate recedes.
6011	31207	Research and Innovative Technology Administration	Senate recedes.
6012	31208	Office of Intermodalism	Senate recedes.
6013	.....	University transportation centers	Senate recedes.
6014	31206	Bureau of Transportation Statistics independence	House recedes.
6015	12004	Surface transportation system funding alternatives	Senate recedes.
6016	12003	Future interstate study	Senate recedes with modifications.
6017	.....	Highway efficiency	Senate recedes with modifications.
6018	.....	Motorcycle safety	House recedes.
6019	.....	Hazardous materials research and development	Senate recedes.
6020	.....	Web-based training for emergency responders	Senate recedes.
6021	.....	Transportation technology policy working group	Senate recedes with modifications.
6022	.....	Collaboration and support	Senate recedes.
6023	.....	Prize competitions	House recedes.
6024	.....	GAO report	Senate recedes.
6025	.....	Intelligent transportation system purposes	Senate recedes.
6026	12001	Infrastructure integrity	No agreement.
6027	31203	Consolidated research prospectus and strategic plan	House recedes with modifications.
6028	.....	Traffic congestion.	Senate recedes with modifications
6029	.....	Rail safety.	House recedes
6030	.....	Study and report on reducing the amount of vehicles owned by certain Federal departments and increasing the use of commercial ride-sharing by those departments.	House recedes.
.....	12001	Research, technology, and education	Senate recedes.
.....	31201	Findings	House recedes with modifications.
.....	31202	Modal research plans	House recedes with modifications.
.....	31204	Research Ombudsman	Senate recedes.
.....	31205	Smart cities transportation planning study	House recedes with modifications.
.....	31301	Short title	Senate recedes.

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H.R. 22 EAH	H.R. 22 EAS	Titles	Conference Agreement
.....	31302	Findings	Senate recedes.
.....	31303	Port performance freight statistics program	House recedes with modifications.
		TITLE VII—HAZARDOUS MATERIALS TRANSPORTATION	
7001	.....	Short title: Hazardous Materials Safety and Improvement Act of 2015	Senate recedes.
		Subtitle A—Authorizations	
7002	33105	Authorization of appropriations	Senate recedes with modifications.
		Subtitle B—Hazardous Material Safety and Improvement	
7003	33104	National emergency and disaster response	Senate recedes.
7009	.....	Motor carrier safety permits	Senate recedes.
7008	.....	Improving the effectiveness of planning and training grants	Senate recedes with modifications.
7006	.....	Improving publication of special permits and approvals	Senate recedes with modifications.
7004	33102	Enhanced reporting	Senate recedes.
7005	.....	Wetlines	Senate recedes.
7007	.....	GAO study on acceptance of classification examinations	Senate recedes with modifications.
7018	33101	Hazardous materials endorsement exemption	Senate recedes.
		Subtitle C—Safe Transportation of Class 3 Flammable Liquids By Rail	
.....	.....	Community Safety Grants	Senate recedes with modifications
7012	35431	Real-time emergency response information	House recedes with modifications.
.....	35408	Emergency response	House recedes with modifications.
7015	.....	Phase-out of all tank cars used to transport Class 3 flammable liquids	Senate recedes with modifications.
7010	35432	Thermal blankets	Senate recedes.
7017	.....	Minimum requirements for top fittings protection for class DOT–117R tank cars	Senate recedes.
7011	35433	Rulemaking oil spill response plans	Senate recedes with modifications.
.....	35438	Modification reporting	House recedes with modifications.
.....	35439	Report on crude oil characteristics research study	House recedes with modifications.
7019	35434	Hazardous materials by rail liability study	House recedes with modifications.
7013	35435	Study and testing of electronically controlled pneumatic brakes	Senate recedes with modifications.
7014	.....	Study on the efficacy and implementation of the European Train Control System	House recedes.
.....	33103	Hazardous material information	Senate recedes.
		TITLE VIII—MULTIMODAL FREIGHT TRANSPORTATION	
8001	41001 41002 41003 42001 42002 42003 42004	Mulitmodal freight transportation	Senate recedes with modifications.
.....	42005	Savings provision	House recedes with modifications.
		TITLE IX—NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE FINANCE BUREAU	
9001	.....	National Surface Transportation and Innovative Finance Bureau	Senate recedes with modifications.
9002	.....	Council on Credit and Finance	Senate recedes with modifications.
		TITLE X—SPORT FISH RESTORATION AND RECREATIONAL BOATING SAFETY	
10001	15006	Allocations	Senate recedes with modifications.
10002	.....	Recreational boating safety	Senate recedes with modifications.
		TITLE XI—RAIL	
1*	35001 35501 35601	Short Titles and table of contents	Senate recedes with modifications.
		Subtitle A—Authorizations	
101	35101	Authorization of grants to Amtrak	Senate recedes with modifications.
102	35104	Authorization of appropriations for Amtrak Office of Inspector General	House recedes with modifications.
104	35002	Definitions	Senate recedes with modifications.
501			
502			
103	.....	National infrastructure investments	House recedes.
.....	35103	Authorization of appropriations for National Transportation Safety Board rail investigations	Senate recedes.
.....	35102	National Infrastructure Investments	Senate recedes.
.....	35105	National cooperative rail research programs	Senate recedes.
		Subtitle B—Amtrak Reforms	
201	35201	Accounts	Senate recedes with modifications.
201	35201	Amtrak Grant Process	House recedes with modifications.
202	35202	5-year business line and assets plans	House recedes with modifications.
203	35203	State-supported route committee	House recedes with modifications.
.....	35213	Amtrak board of directors	House recedes with modifications.
204	35204	Route and Service Planning Decisions	Senate recedes with modifications.
206	35207	Food and beverage reform	Senate recedes.
201	35206	Rolling stock purchases	House recedes with modifications.
.....	35208	Local products and promotional events	House recedes.
210	35212	Amtrak pilot program for passengers transporting domesticated cats and dogs	Senate recedes with modifications.
207	35209	Right-of-way leveraging	Senate recedes with modifications.
208	35210	Station Development	House recedes with modifications.
211	35214	Amtrak boarding procedures	Senate recedes with modifications.
209	35211	Amtrak debt	House recedes.
202	35202	Elimination of duplicative reporting	Senate recedes.
		Subtitle C—Intercity Passenger Rail Policy	
.....	35421	Consolidated rail infrastructure and safety improvements	House recedes with modifications.
301	35302	Federal-state partnership for state of good repair	Senate recedes with modifications.
.....	35301	Restoration and Enhancement Grants	House recedes with modifications.
306	35305	Gulf coast rail service working group	House recedes with modifications.
201	35308	Northeast Corridor Commission	House recedes with modifications.
205	35205	Competition	House recedes with modifications.
.....	35311	Performance-based proposals	House recedes with modifications.
304	35303	Large capital project requirements	Senate recedes with modifications.
305	35304	Small business participation study	Senate recedes with modifications.
.....	35307	Shared-use study	House recedes with modifications.
.....	35309	Northeast Corridor through-ticketing and procurement efficiencies	House recedes with modifications.
.....	35310	Data and analysis	House recedes with modifications.

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H.R. 22 EAH	H.R. 22 EAS	Titles	Conference Agreement
.....	35312	Amtrak Inspector General	House recedes with modifications.
307	36313	Miscellaneous Provisions	Senate recedes with modifications.
.....	35414	Technical and conforming amendments	House recedes with modifications.
302	.....	RRIF Improvements	House recedes.
303	.....	NEC Fast Forward	House recedes.
.....	35306	Integrated passenger rail study	Senate recedes.
		Subtitle D—Rail Safety	
503	35401	Highway-rail grade crossing safety	House recedes with modifications.
.....	35409	Private highway-rail grade crossings	House recedes with modifications.
504	35415	GAO study on use of locomotive horns at highway-rail grade crossings	House recedes with modifications.
.....	35444	Positive Train Control at grade crossings effectiveness study	House recedes with modifications.
.....	35416	Bridge inspection reports	House recedes with modifications.
.....	35402	Speed limit action plans	House recedes with modifications.
.....	35404	Alerters	House recedes.
.....	35405	Signal protection	House recedes with modifications.
.....	35407	Commuter rail track inspections	House recedes with modifications.
.....	35413	Post-accident assessment	House recedes.
.....	35436	Recording devices	House recedes with modifications.
.....	35411	Railroad police officers	House recedes with modifications.
.....	35410	Repair and replacement of damaged track	House recedes with modifications.
7016	.....	Track safety: Vertical Track Deflection	Senate recedes with modifications.
.....	35437	Rail passengers liability	House recedes with modifications.
.....	35403	Signage	Senate recedes.
.....	35406	Technology implementation plans	Senate recedes.
.....	35412	Operation Deep Dive	Senate recedes.
		Senate Part IV—Positive Train Control	
.....	35441	Coordination of Spectrum	Senate recedes.
.....	35442	Updated plans	Senate recedes.
.....	35443	Early adoption and interoperability	Senate recedes.
		Subtitle E—Project Delivery	
.....	35501	Short title: Train, Railroad and Infrastructure Network (TRAIN) Act	House recedes.
1302	35502	Treatment of improvements to rail under preservation requirements	Senate recedes.
401	35503	Efficient environmental reviews	House recedes with modifications.
402	35505	Railroad rights-of-way	House recedes with modifications.
.....	35507	Protections for existing agreements and NEPA	House recedes.
402	35502	Preservation of public lands	Senate recedes.
.....	35504	Advance acquisition	Senate recedes.
.....	35506	Savings clause	Senate recedes.
		Subtitle F—Finance	
.....	35601	Short Title, References	House recedes with modifications.
.....	35602	Definitions	House recedes with modifications.
.....	35603	Eligible applicants	House recedes with modifications.
.....	35604	Eligible purposes	House recedes with modifications.
.....	35605	Program administration	House recedes with modifications.
.....	35606	Loan terms and repayment	House recedes with modifications.
.....	35607	Credit risk premiums	House recedes with modifications.
.....	35608	Master credit agreements	House recedes with modifications.
.....	35609	Priorities and conditions	House recedes with modifications.
.....	35610	Savings provision	House recedes with modifications.
303	.....	Reporting on leveraging RRIF	Senate recedes with modifications.

* House section numbers for Title XI correspond to H.R. 749, Passenger Rail Reform and Investment Act (EH).

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 the agency's efficacy.

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. The 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 addressing regulatory parity between electric and natural gas 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 longevity of cars on the road and will prompt 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

come forward with original information about possible motor vehicle safety violations by allowing the Secretary of Transportation to pay awards from a portion of recovered sanctions.

Entrepreneurship and experimentation within the manufacturing sector are also essential components to the automotive industry's development. To promote sustained growth and ingenuity within the low-volume manufacturing industry, the Safety Title includes a section that creates a framework for low-volume manufacturers to produce replica vehicles. One section directs the manufacturer of the engine installed within replica vehicles to provide instructions to the EPA Administrator and the vehicle manufacturer explaining how to install the engine and maintain its functionality such that it complies with certain environmental laws and regulations. While the instructions must be submitted to the Administrator, nothing in the legislative language contemplates an approval process by the EPA Administrator. Further, this provision explicitly preserves state registration and licensing authorities over the use of such vehicles.

DIVISION C—FINANCE

Tax Complexity Analysis

Section 4022(b) of the Internal Revenue Service Restructuring and Reform Act of 1998 (the 'IRS Reform Act') requires the staff of the Joint Committee on Taxation (in consultation with the Internal Revenue Service and the Treasury Department) to provide a tax complexity analysis. The complexity analysis is required for all legislation reported by the Senate Committee on Finance, 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. 51101 of the Senate amendment, sec. 31101 of the House amendment, sec. 31101 of the conference agreement, and secs. 9503, 9504, and 9508 of the Code)[1]

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. Dedication of excise tax revenues to the Highway Trust Fund and expenditures from the Highway Trust Fund are governed by the Code.[2] The Code authorizes expenditures (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.[3] 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 those 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 appropriates to 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.[4] Section 9601 provides that amounts appropriated to a trust fund pursuant to sections 9501 through 9511, are to be transferred at least monthly from the General Fund of the Treasury to such 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.

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 DRIVE Act.[5]

Effective date.—The provision is effective on August 1, 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 and Reform Act of 2015.[6]

Effective date.—The provision is effective November 21, 2015.

CONFERENCE AGREEMENT

The conference agreement provides for expenditure authority through September 30, 2020.[7] The Code provisions governing the purposes for which monies in the Highway Trust Fund may be spent are updated to include the conference agreement bill, the FAST Act.

Extension of Highway-Related Taxes (sec. 51102 of the Senate amendment, sec. 31102 of the House amendment, sec. 31102 of the conference agreement, and secs. 4041, 4051, 4071, 4081, 4221, 4481, 4483, and 6412 of the Code)

Present Law Highway Trust Fund Excise Taxes In general

Six separate excise taxes are imposed to finance the Federal Highway Trust Fund program. Three of these taxes are imposed on highway motor fuels. The remaining three are a retail sales tax on heavy highway vehicles, a manufacturers' excise tax on heavy vehicle tires, and an annual use tax on heavy vehicles. A substantial majority of the revenues produced by the Highway Trust Fund excise taxes are derived from the taxes on motor fuels. The annual use tax on heavy vehicles expires October 1, 2017. Except for 4.3 cents per gallon of the Highway Trust Fund fuels tax rates, the remaining taxes are scheduled to expire after October 1, 2016. The 4.3-cents-per-gallon portion of the fuels tax rates is permanent.[8] The six taxes are summarized below.

Highway motor fuels taxes

The Highway Trust Fund motor fuels tax rates are as follows:[9]

Gasoline	18.3 cents per gallon.
Diesel fuel and kerosene	24.3 cents per gallon.
Alternative fuels	18.3 or 24.3 cents per gallon generally.[10]

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, trucks having a gross vehicle weight in excess of 33,000 pounds and trailers having such a weight in excess of 26,000 pounds);[11]

An excise tax imposed on highway tires with a rated load capacity exceeding 3,500 pounds, generally at a rate of 0.945 cents per 10 pounds of excess;[12] and

An annual use tax imposed on highway vehicles having a taxable gross weight of 55,000 pounds or more.[13] (The maximum rate for this tax is $550 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]

SENATE AMENDMENT

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.

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[1] Except where otherwise stated, all section references are to the Internal Revenue Code of 1986, as amended (the ''Code''). All references to the House amendment refer to the House Amendment to the Senate Amendment to H.R. 22 (the ''DRIVE Act''), the Surface Transportation Reauthorization and Reform Act of 2015, as passed by the House of Representatives on November 5, 2015.

[2] Sec. 9503. The Highway Trust Fund statutory provisions were placed in the Internal Revenue Code in 1982.

[3] Sec. 9503(e)(1).

[4] Sec. 9503(b)(1).

[5] The provision also updates the Code provisions governing the Leaking Underground Storage Tank Trust Fund, and the Sport Fish Restoration and Boating Trust Fund.

[6] The provision also updates the Code provisions governing the Leaking Underground Storage Tank Trust Fund, and the Sport Fish Restoration and Boating Trust Fund.

[7] Cross-references to the reauthorization bill in the Code provisions governing the Sport Fish Restoration and Boating Trust Fund are also updated to include the conference agreement bill. In addition the date references in the Code provisions governing the Leaking Underground Storage Tank Trust Fund, and the Sport Fish Restoration and Boating Trust Fund are also updated.

[8] This portion of the tax rates was enacted as a deficit reduction measure in 1993. Receipts from it were retained in the General Fund until 1997 legislation provided for their transfer to the Highway Trust Fund.

[9] Secs. 4081(a)(2)(A)(i), 4081(a)(2)(A)(iii), 4041(a)(2), 4041(a)(3), and 4041(m). Some of these fuels also are subject to an additional 0.1-cent-per-gallon excise tax to fund the Leaking Underground Storage Tank Trust Fund (secs. 4041(d) and 4081(a)(2)(B)).

[10] See secs. 4041(a)(2), 4041(a)(3), and 4041(m).

[11] Sec. 4051.

[12] Sec. 4071.

[13] Sec. 4481.

[14] Sec. 4482(c)(4) and (d).

HOUSE AMENDMENT

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 October 1, 2016.

CONFERENCE AGREEMENT

The conference agreement generally extends present-law taxes through September 30, 2022. The heavy vehicle use tax is extended through September 30, 2023.

Effective date.—The provision is effective October 1, 2016.

Additional Transfers to the Highway Trust Fund (sec. 31201 of the House amendment, sec. 51201 of the Senate amendment, sec. 31201 of the conference agreement, and sec. 9503 of the Code)

PRESENT LAW

Public Law No. 110–318, ''an Act to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance'' transferred, out of money in the Treasury not otherwise appropriated, $8,017,000,000 to the Highway Trust Fund effective September 15, 2008. Public Law No. 111–46, ''an Act to restore sums to the Highway Trust Fund and for other purposes,'' transferred, out of money in the Treasury not otherwise appropriated, $7 billion to the Highway Trust Fund effective August 7, 2009. The Hiring Incentives to Restore Employment Act transferred, out of money in the Treasury not otherwise appropriated, $14,700,000,000 to the Highway Trust Fund and $4,800,000,000 to the Mass Transit Account in the Highway Trust Fund.[15] The HIRE Act provisions generally were effective as of March 18, 2010. Moving Ahead for Progress in the 21st Century (''MAP–21'')[16] provided that, out of money in the Treasury not otherwise appropriated, the following transfers were to be made from the General Fund to the Highway Trust Fund:

	FY 2013	FY 2014
Highway Account	$6.2 billion	$10.4 billion
Mass Transit Account		$2.2 billion

MAP–21 also transferred $2.4 billion from the Leaking Underground Storage Tank Trust Fund to the Highway Account in the Highway Trust Fund. The Highway and Transportation Funding Act of 2014 transferred $7.765 billion from the General Fund to the Highway Account of 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.[17] Signed into law on July 30, 2015, the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 transferred $6.068 billion from the General Fund to the Highway Account of the Highway Trust Fund and $2 billion from the General Fund to the Mass Transit Account of the Highway Trust Fund.

SENATE AMENDMENT

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 $11,214,000,000 to the Mass Transit account.

Effective date.—The provision is effective on the date of enactment.

HOUSE AMENDMENT

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.

Effective date.—The provision is effective on the date of enactment.

CONFERENCE AGREEMENT

The conference agreement 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.

Effective date.—The provision is effective on the date of enactment.

Transfer to Highway Trust Fund of Certain Motor Vehicle Safety Penalties (sec. 51202 of the Senate amendment, sec. 31202 of the House amendment, sec. 31202 of the conference agreement, and section 9503 of the Code)

PRESENT LAW

Present law imposes certain civil penalties related to violations of motor vehicle safety.

SENATE AMENDMENT

The provision deposits the civil penalties related to motor vehicle safety in the Highway Trust Fund instead of in the Treasury's General Fund.

Effective date.—The provision is effective for amounts collected after the 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 Senate amendment.

Appropriation From Leaking Underground Storage Tank Trust Fund (sec. 51203 of the Senate amendment, sec. 31203 of the House amendment, sec. 31203 of the conference agreement, and secs. 9503 and 9508 of the Code)

PRESENT LAW

Fuels of a type subject to other trust fund excise taxes generally are subject to an add-on excise tax of 0.1-cent-per-gallon to fund the Leaking Underground Storage Tank (''LUST'') Trust Fund.[18] For example, the LUST excise tax applies to gasoline, diesel fuel, kerosene, and most alternative fuels subject to highway and aviation fuels excise taxes, and to fuels subject to the inland waterways fuel excise tax. This excise tax is imposed on both uses and parties subject to the other taxes, and to situations (other than export) in which the fuel otherwise is tax-exempt. For example, off-highway business use of gasoline and off-highway use of diesel fuel and kerosene generally are exempt from highway motor fuels excise tax. Similarly, States and local governments and certain other parties are exempt from such tax. Nonetheless, all such uses and parties are subject to the 0.1-cent-per-gallon LUST excise tax.

Liquefied natural gas, compressed natural gas, and liquefied petroleum gas are exempt from the LUST tax. Additionally, methanol and ethanol fuels produced from coal (including peat) are taxed at a reduced rate of 0.05 cents per gallon.

SENATE AMENDMENT

The provision transfers $100 million on the date of enactment, $100 million on October 1, 2016 and an additional $100 million on October 1, 2017, from the LUST Trust Fund to the Highway Account of the Highway Trust Fund.

Effective date.—The provision is effective on the 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 Senate amendment.

Effective date.—The provision is effective on the date of enactment.

TITLE XXXII—OFFSETS

A. Revocation or denial of passport in case of certain unpaid taxes (sec. 52101 of the Senate amendment, sec. 32102 of the House amendment, sec. 32101 of the conference agreement and secs. 6320 and 6331 and new secs. 7345 and 6103(k)(11) of the Internal Revenue Code)

PRESENT LAW

The administration of passports is the responsibility of the Department of State.[19] The Secretary of State may refuse to issue or renew a passport if the applicant 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 applicant is required under the 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 $500 fine.[20]

Returns and return information are confidential and may not be disclosed by the IRS, other Federal employees, State employees, and certain other individuals having access to such information except as provided in the Code.[21] There are a number of exceptions to the general rule of nondisclosure that authorize disclosure in specifically identified circumstances, including disclosure of information about Federal tax debts for purposes of reviewing an application for a Federal loan[22] and for purposes of enhancing the integrity of the Medicare program.[23]

SENATE AMENDMENT

Under the Senate Amendment, the Secretary of State is required to deny a passport (or renewal of a passport) to a seriously delinquent taxpayer 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 provides an incorrect or invalid social security number. With respect to an incorrect or invalid number, the inclusion of an erroneous number is a basis for rejection of the application only if the erroneous number was provided willfully, intentionally, recklessly or negligently. Exceptions to these rules are permitted for emergency or humanitarian circumstances, including the issuance of a passport for short-term use to return to the United States by the delinquent taxpayer.

The provision authorizes limited sharing of information between the Secretary of State and Secretary of the Treasury. If the Commissioner of Internal Revenue certifies to the Secretary of the Treasury the identity of

[15] The Hiring Incentives to Restore Employment Act (the ''HIRE'' Act), Pub. L. No. 111–147, sec. 442.

[16] Moving Ahead for Progress in the 21st Century Act (''MAP–21''), Pub. L. No. 112–141, sec. 40201(a)(2), and sec. 40251.

[17] Highway and Transportation Funding Act of 2014, Pub. L. No. 113–159, sec. 2002.

[18] Secs. 4041, 4042, and 4081.

[19] ''Passport Act of 1926,'' 22 U.S.C. sec. 211a et seq.

[20] Sec. 6039E.

[21] Sec. 6103.

[22] Sec. 6103(l)(3).

[23] Sec. 6103(l)(22).

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 Secretary of 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 any penalties, for which a notice of lien or a notice of levy has been filed. This amount is to be adjusted for inflation annually, using calendar year 2014 as a base year, and a cost-of-living adjustment. Even if a tax debt otherwise meets the statutory threshold, it may not be considered seriously delinquent if (1) the debt is being paid in a timely manner pursuant to an installment agreement or offer-in-compromise, or (2) collection action with respect to the debt is suspended because a collection due process hearing or innocent spouse relief has been requested or is pending.

Effective date.—The provision is effective on January 1, 2015.

HOUSE AMENDMENT

The House amendment is the same as the Senate amendment.

CONFERENCE AGREEMENT

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 procedures has been initiated to inform the Secretary of State that the taxpayer is seriously delinquent. As explained below, these measures include clarification of the definition of a seriously delinquent tax debt, notification requirements, standards under which the Commissioner may reverse the certification of serious delinquency, and limits on authority to delegate the certification process. A limited right to seek injunctive relief by a taxpayer who is wrongly certified as seriously delinquent is also provided.

The provision clarifies the definition of ''seriously delinquent tax debt'' to permit revocation of a passport only after the IRS has followed its examination and collection procedures under current law and 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 taxpayer of potential collection activity under sections 6320 or 6331. Second, the provision requires that the Commissioner provide contemporaneous notice to the taxpayer(s) when the Commissioner sends a certification of serious delinquency 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 contemporaneous 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 because the 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, (1) the IRS receives full payment of the seriously delinquent tax debt, (2) the taxpayer enters into an installment agreement under section 6159, (3) the IRS accepts an offer in compromise under section 7122, or (4) a spouse files for relief from joint liability, the Commissioner must notify the Secretary that the taxpayer is not seriously delinquent. In each instance, the ''decertification'' is limited to the taxpayer who is the subject of one of the above actions. In the case of a claim for innocent spouse relief, the decertification is only with respect to the spouse claiming relief, not both. The Commissioner must generally decertify within 30 days of the event that requires decertification. The Commissioner must provide the notice of decertification to the Secretary of the Treasury, who must in turn promptly notify the Secretary of State of the decertification. The Secretary of State must delete the certification from the records regarding that taxpayer.

The provision as amended limits the Commissioner's authority to delegate duties under this section. As amended, the authority to certify or decertify a seriously delinquent tax debt is delegable only to the Deputy Commissioner for Services and Enforcement, or to a Division Commissioner (the head of an IRS operating division).

Finally, the amendments to the provision permit limited judicial review of the certification or a failure to reverse a certification.

EFFECTIVE DATE.—The provision as amended is effective upon date of enactment.

B. Reform of rules related to qualified tax collection contracts, and special compliance personnel program (secs. 52102 and 52103 of the Senate amendment, secs. 32106 and 32107 of the House amendment, secs. 32102 and 32103 of the conference agreement, and sec. 6306 of the Code)

PRESENT LAW

Code section 6306 permits the IRS to use private debt collection companies to locate and contact taxpayers owing outstanding tax liabilities of any type[24] and to arrange payment of those taxes by the taxpayers. There must be an assessment pursuant to section 6201 in order for there to be an outstanding tax liability. An assessment is the formal recording of the taxpayer's tax liability that fixes the amount payable. An assessment must be made before the IRS is permitted to commence enforcement actions to collect the amount payable. In general, an assessment is made at the conclusion of all examination and appeals processes within the IRS.[25]

Several steps are involved in the deployment of private debt collection companies. First, the private debt collection company contacts the taxpayer by letter.[26] 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.[27] 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 further processing and action by the IRS. The Code specifies several procedural conditions under which the provision would operate. First, provisions 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 also made statutorily applicable to the private sector debt collection companies. In addition, taxpayer protections that are statutorily applicable to employees of the IRS are made statutorily 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 receive prior approval from the IRS.

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 tax collection contract.

The Code provides that up to 25 percent of the amount collected may be used for IRS collection enforcement activities. The law also requires the Treasury Department to provide a biennial report to the Committee on Finance and the Committee on Ways and Means. The report is to include, among other items, a cost benefit analysis, the impact of the debt collection contracts on collection enforcement staff levels in the IRS, and an evaluation of contractor performance. The Omnibus Appropriations Act of 2009 (the ''Act''), which made appropriations for the fiscal year ending September 30, 2009, included a provision stating that none of the funds made available in the Act could be used to fund or administer section 6306.[28] Around the same time, the IRS announced that the IRS would not renew its contracts with private debt collection agencies.[29]

SENATE AMENDMENT

Qualified tax collection contracts

The provision requires the Secretary to enter into qualified tax collection contracts for the collection of inactive tax receivables. Inactive tax receivables are defined as any tax receivable (1) removed from the active inventory for lack of resources or inability to locate the taxpayer, (2) for which more than 1/3 of the applicable limitations period has lapsed and no IRS employee has been assigned to collect the receivable; or (3) for which, a receivable has been assigned for collection but more than 365 days have passed without interaction with the taxpayer or a third party for purposes of furthering the collection. Tax receivables are defined as any outstanding assessment that the IRS includes in potentially collectible inventory.

The provision designates certain tax receivables as not eligible for collection under qualified tax collection contracts, specifically a contract that: (1) is subject to a pending or active offer-in-compromise or installment agreement; (2) is classified as an innocent spouse case; (3) involves a taxpayer identified by the Secretary as being (a) deceased, (b) under the age of 18, (c) in a designated combat zone, or (d) a victim of identity theft; (4) is currently under examination, litigation, criminal investigation, or levy; or (5) is currently subject to a proper exercise of a right of appeal. The provision grants authority to the Secretary to prescribe procedures for taxpayers in presidentially declared disaster areas to request

[24] This provision generally applies to any type of tax imposed under the Internal Revenue Code.

[25] An amount of tax reported as due on the taxpayer's tax return is considered to be self-assessed. If the IRS determines that the assessment or collection of tax will be jeopardized by delay, it has the authority to assess the amount immediately (sec. 6861), subject to several procedural safeguards.

[26] The provision requires that the IRS disclose confidential taxpayer information to the private debt collection company. Section 6103(n) permits disclosure of returns and return information for ''the providing of other services . . . for purposes of tax administration.''

[27] The private debt collection company is not permitted to accept payment directly. Payments are required to be processed by IRS employees.

[28] Pub. L. No. 111–8, March 11, 2009.

[29] IR–2009–19, March 5, 2009.

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(g) 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 are permitted only in situations 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 collected by and installment agreements resulting from the collection efforts of each contractor and the collection costs incurred by the IRS; (3) the impact of such contacts on the total number and amount of unpaid assessments, and on the number and amount of assessments 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 report in a form similar to that required under section 6103(p)(5).

The second report is required biannually and is required to include: (i) an independent evaluation of contactor performance; and (ii) 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 6306 of the Code be instead used to fund a newly created special compliance personnel program. The provision also requires the Secretary to establish an account for the hiring, training, and employment of special compliance personnel. No other source of funding for the program is permitted, and funds deposited in the special account are restricted to use for the program, including reimbursement of the IRS and other agencies for the cost of administering the qualified debt collection program and all costs associated with 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 to serve either as revenue officers performing field collection functions or as persons operating the automated collection system.

The provision requires the Secretary to prepare annually a report for the House Committee on Ways and Means and the Senate Committee on Finance, to be submitted no later than March of each year. In the report, the Secretary is to describe for the preceding fiscal year accounting of all funds received in the account, administrative and program costs, number of special compliance personnel hired and employed as well as actual revenue collected by such personnel. Similar information for the current and following fiscal year, using both actual and estimated amounts, is required.

Effective date.—The provision relating to qualified tax collection contracts applies to tax receivables identified by the Secretary after the date of enactment. The requirement to give priority to certain private collection contractors and debt collection centers applies to contracts and agreements entered into within three months after the date of enactment, and 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 and retained 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, while protecting taxpayer 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 Return Due Date for Certain Employee Benefit Plans (sec. 52105(b)(3) of the Senate amendment, sec. 32104 of the conference agreement and secs. 6058 and 6059 of the Code)

PRESENT LAW

An employer that maintains a pension, annuity, 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.[30] The plan administrator of a defined benefit plan subject to the minimum funding requirements[31] is required to file an annual actuarial report.[32] These filing requirements are met by filing an Annual Return/Report of Employee Benefit Plan, Form 5500, and providing the information as required on the form and related instructions.[33] Similarly, the Employee Retirement Income Security Act of 1974 (''ERISA'') requires the administrator of certain pension and welfare benefit plans to file annual reports disclosing certain information to the Department of Labor (''DOL'') and, with respect to some defined benefit plans, to the Pension Benefit Guaranty Corporation (''PBGC'').[34] Plan administrators also comply with these ERISA filing requirements by filing Form 5500.

Forms 5500 are filed with DOL, and information from Forms 5500 is shared with the IRS and PBGC.[35] Form 5500 is due by the last day of the seventh month following the close of the plan year.[36] DOL and IRS rules allow the due date to be automatically extended by 2½ months if a request for extension is filed.[37] Thus, in the case of a plan that uses the calendar year as the plan year, the extended due date for Form 5500 is October 15.

Under the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015, in the case of returns for taxable years beginning after December 31, 2015, the Secretary of the Treasury is directed to modify appropriate regulations to provide that the maximum extension for the returns of employee benefit plans filing Form 5500 is an automatic 3½-month period ending on November 15 for calendar-year plans.[38]

SENATE AMENDMENT

Under the provision, in the case of returns for any taxable period beginning after December 31, 2015, the Secretary of the Treasury or the Secretary's delegate is directed to modify appropriate regulations to provide that the maximum extension for the returns of employee benefit plans filing Form 5500 is an automatic 3½-month period beginning on the due date for filing the return, without regard to any extensions.[39]

Effective date.—The provision in the Senate amendment is effective on the date of enactment.

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 3½-month extension of the due date for filing Form 5500. Thus, the extended due date for Form 5500 is

[30] Sec. 6058.

[31] Sec. 412. Most governmental plans (defined in section 414(d)) and church plans (defined in section 414(e)) are exempt from the minimum funding requirements.

[32] Sec. 6059.

[33] Treas. Reg. secs. 301.6058–1(a) and 301.6059–1. Form 5500 consists of a main form and various schedules, some of which require additional information to be included. The schedules that must be filed and the additional information that must be included with Form 5500 depend on the type and size of plan. A simplified annual reporting form, Annual Return/Report of Small Employee Benefit Plan, Form 5500–SF, is available to certain plans (covering fewer than 100 employees) that are subject to reporting requirements under ERISA and the Code. References herein to Form 5500 include Form 5500–SF.

[34] ERISA secs. 103, 104, and 4065. Most governmental plans and church plans are exempt from 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 reporting, and the burden of compliance by plan administrators and employers. Under ERISA section 4065, the PBGC is required to work with the IRS and DOL to combine the annual report to PBGC with reports required to be made to those agencies.

[35] Form 5500 filings are also publicly released in accordance with sec. 6104(b) and Treas. Reg. sec. 301.6104(b)–1 and ERISA secs. 104(a)(1) and 106(a).

[36] Under ERISA section 104(a)(1), the annual report is due within 210 days after the close of the plan year or within such time as provided by regulations to reduce duplicative filings. DOL and IRS regulations provide for filing at the time required by the forms and instructions issued by the agencies. 29 C.F.R. sec. 2520.104a–5(a)(2) and Treas. Reg. secs. 301.6058–1(a)(4) and 301.6059–1(a).

[37] Treas. Reg. sec. 1.6081–11(a). Instructions for Form 5500 also provide for an automatic extension of time to file the Form 5500 until the due date of the Federal income tax return of the employer maintaining the plan if (1) the plan year and the employer's tax year are the same; (2) the employer has been granted an extension of time to file its federal income tax return to a date later than the normal due date for filing the Form 5500; and (3) a copy of the application for extension of time to file the Federal income tax return is maintained with the records of the Form 5500 filer. An extension granted by using this automatic extension procedure cannot be extended beyond a total of 9½ months beyond the close of the plan year.

[38] Section 2006(b)(3) of Pub. L. No. 114–41 (July 31, 2015).

[39] The provision in the Senate amendment is similar to section 2006(b)(3) of Pub. L. No. 114–41, which was enacted after the Senate amendment was passed by the Senate.

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(a) 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), on, 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 52205 of the Senate amendment to H.R. 22 modifies Section 1327(f) 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 7 of the Federal Reserve Act (12 U.S.C. 289) to execute a liquidation of the Federal Reserve surplus account and a remittance of funds to the U.S. Treasury. Section 32202 also dissolves the existence of the surplus account on a go-forward basis. Finally, Section 32202 ensures future net earnings of the Federal Reserve, in excess of dividend paid, are remitted to the U.S. Treasury.

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 retains the Federal Reserve surplus account, but caps it at $10,000,000,000. Any amounts which exceed the cap are remitted to the U.S. Treasury.

Section 32203—Dividends of the Federal Reserve Bank

SENATE AMENDMENT

Section 52203 of the Senate amendment to H.R. 22 modified Section 7(a)(1)(A) of the Federal Reserve Act (12 U.S.C. 289(a)(1)(A)) 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.

CONFERENCE SUBSTITUTE

The House recedes from its position and concurs in the Senate position with certain modifications. Specifically, the conference substitute retains the 6 percent dividend in current law for Federal Reserve System member banks with consolidated assets of $10,000,000,000 or less, indexed to inflation. For member banks with consolidated assets greater than that amount, the conference substitute replaces the 1.5 percent interest rate with the smaller of: the rate equal to the high yield of the 10-year Treasury note auctioned at the last auction held prior to the payment of a dividend, and 6 percent. Finally, the conference substitute delays the effective date of the modification to January 1, 2016.

Section 32204—Strategic Petroleum Reserve Drawdown and Sale

Drawdown and Sale. Subsection (a) would direct the Department of Energy to draw down and sell 66 million barrels of crude oil from the Strategic Petroleum Reserve (SPR).

Emergency Protection. Subsection (b) would provide that Secretary shall not draw down and sell crude oil under this section in quantities that would limit the authority to sell petroleum products under section 161(h) of the Energy Policy and Conservation Act. This subsection conditions the 66 million barrels of oil authorized to be sold in a) upon the maintenance of a 530 million barrel floor generally in the Reserve. Forthcoming drawdowns previously authorized by the Bipartisan Budget Act of 2015 would take precedence.

Increase; Limitation. Subsection (c) would authorize the increase of drawdown and sales under subsection (b) in order to maximize the financial return to the United States taxpayers, but limits the drawdown and sales under this section to a maximum of $6,200,000,000 of revenue to the Treasury.

Sec. 32205—Repeal

Section 32205 would repeal Section 201 of the Bipartisan Budget Act of 2015. Section 201 of the Bipartisan Budget Act of 2015 required the U.S. Department of Agriculture to renegotiate the Standard Reinsurance Agreement by December 31, 2016, and would have placed a cap on the overall rate of return such that the target rate of return did not exceed 8.9 percent of the retained premium.

Sec. 32301—Interest Overpayments

Section 32301 strikes the requirement that the Office of National Resources Revenue (ONRR) pay interest on overpayments. ONRR, which is part of the Department of the Interior, believes that some lessees overpay deliberately in order to engage in ''banking with ONRR'' and that the ONRR interest rate is in some cases greater than that offered by other interest earning mechanisms. This provision is part of the President's FY 2016 budget. Offset estimate: $300 million.

Section 32401—Budgetary Effects

HOUSE AMENDMENT

The House amendment to the Senate amendment to H.R. 22 contains no provisions compared to the Senate position.

SENATE AMENDMENT

Section 80001 of the Senate amendment to H.R. 22 provides the budgetary effects to be entered into the PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139) shall be determined by the submission printed for the Congressional Record by the Chairman of the Senate Budget Committee.

CONFERENCE SUBSTITUTE

The conference substituteprovides that the budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139).

DIVISION D—MISCELLANEOUS

TITLE XLI—FEDERAL PERMITTING IMPROVEMENTS

Title XLI of the conference report seeks to make more efficient the process for federal approval for major infrastructure projects. It creates a council composed of the relevant permitting agencies to establish best practices and model timelines for review, designate individuals within agencies with primary responsibility for coordinating reviews and agency decisions, and shorten the time in which challenges can be made to final decisions.

The Senate recedes with an amendment.

TITLE XLII—ADDITIONAL PROVISIONS

Title XLII directs the GAO to study the payments made to vendors of kerosene that is used in noncommercial aviation and submit the results of that study in a report to Congress.

TITLE XLIII—REQUIREMENTS REGARDING RULE MAKINGS

The House amendment includes a provision requiring that for any publication in the Federal Register pertaining to a rule required pursuant to this Act, the agency making the rule shall include the information that the rule is based upon, including data and studies, and indicate how the public can access that information online.

The Senate amendment contains no similar provision.

The Senate recedes.

TITLE XLIV—PAYMENTS TO CERTIFIED STATES AND INDIAN TRIBES

In the Moving Ahead for Progress in the 21st Century Act (MAP–21), payments based upon Abandoned Mine Land (AML) funds set forth in the Surface Mining Control and Reclamation Act of 1977 due to certified states were capped at $15,000,000.00 annually, regardless of the amounts actually due to those certified states. The amounts due the certified states in excess of the $15,000,000.00 were used as offsets for different purposes. In certain instances, the $15,000,000.00 payments were insufficient to meet the amounts certified states were owed by the Federal government. This provision requires payment of those excess funds owed by the Federal government to those certified states, but not paid.

DIVISION E—EXPORT-IMPORT BANK OF THE UNITED STATES

Division E reauthorizes and reforms the Export-Import Bank of the United States. There was no disagreement between the Senate amendment and the House amendment.

DIVISION F—ENERGY SECURITY

Sec. 61001—Emergency Preparedness for Energy Supply Disruptions

Section 61001 would include the finding that recent natural disasters have underscored the importance of having resilient oil and natural gas infrastructure and effective

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 to enhance communication and coordination between the Department of Energy (DOE), Federal partners, State and local government, and the private sector to improve emergency response and recovery.

Sec. 61002—Resolving Environmental and Grid Reliability Conflicts

Section 61002 would resolve conflicts between orders issued pursuant to the Federal Power Act and compliance with environmental laws and regulations. Administration of section 202(c) has led owners of electric generating units (EGUs) to conclude that they can be forced to choose between complying with an emergency order from DOE under that section or violating an obligation imposed by environmental laws or regulations. Left unresolved, therefore, the current statutory structure presents the potential for conflicting legal mandates that could threaten the reliability of the grid.

To ensure that EGUs and other facilities critical to electric reliability are available for service as needed and to remove the potential for conflict between obligations imposed by law, section 61002 would amend section 202(c) of the FPA to clarify that when a party is under an emergency directive to operate pursuant to section 202(c), it would not be deemed in violation of environmental laws or regulations or subject to civil or criminal liability, or citizen enforcement actions, as a result of actions taken that are necessary to comply with a DOE-issued emergency order. The section further provides that after an initial order, not to exceed 90 days duration, DOE may renew or reissue an order for subsequent 90-day periods as it determines necessary. However, in renewing or reissuing any such order, DOE must consult with the primary federal agency with expertise in the environmental interest protected by a potentially conflicting 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 addressing the emergency necessitating 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 take emergency measures to protect the bulk power system or defense critical electric infrastructure located in the contiguous 48 States and the District of Columbia, including ordering critical electric infrastructure owners and operators to take appropriate actions, with such measures to expire no later than fifteen days from issuance. The new section 215A 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 designated Critical Electric Infrastructure Information from certain Federal and State disclosure laws for a period up to 5 years; (2) requiring FERC to facilitate voluntary information sharing between Federal, State, local and tribal authorities, the Electric Reliability Organization, regional entities, and owners, operators and users of the bulk-power system in the U.S.; and (3) establishing sanctions for the unauthorized disclosure of shared information.

Section 61003 would also codify DOE as the Sector-Specific Agency for cyber security for the energy sector and specify DOE's duties with regard to that role.

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 the storage, in strategically-located facilities, of spare large power transformers and emergency mobile substations in sufficient numbers to temporarily replace critically damaged large power transformers and substations. Strategically-located spare large power transformers and emergency mobile substations would diminish the vulnerability of the United States to multiple risks facing electric grid reliability, including physical attack, cyber-attack, electromagnetic pulse, geomagnetic disturbances, severe weather, and seismic events.

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 valuation methods 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 consumers and the economy; energy supply, diversity and resiliency; 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 the House on a bipartisan basis in the 114th 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 by the Jumpstart Our Business Startups Act (JOBS Act). Specifically, this title reduces the number of days an EGC must have a confidential registration statement on file with the Securities and Exchange Commission (SEC) before it may conduct a ''road show'' from 21 days to 15 days. Title LXXI also clarifies that an issuer that was an EGC at the time it filed a confidential registration statement but is no longer an EGC will continue to be treated as an EGC through the date of its IPO. Finally, Title LXXI requires the SEC to revise its general instructions on Form S–1 regarding the financial information an issuer must disclose prior to its IPO. The House passed legislation identical to the provisions contained in Title LXXI by voice vote on July 14, 2015.

Title LXXII—Disclosure Modernization and Simplification

Title LXXII directs the SEC to simplify its disclosure regime for issuers and investors by permitting issuers to submit a summary page on Form 10–K with cross-references to the content of the report. This title also directs the SEC to revise Regulation S–K to scale disclosure rules for EGCs and smaller issuers, and to eliminate duplicative, outdated, or unnecessary Regulation S–K disclosure requirements for all issuers. Finally, Title LXXII directs the SEC to further study Reg. S–K and engage in rulemaking to implement additional reforms to simplify and modernize Regulation S–K disclosure rules within 360 days of enactment of this title. The House passed legislation identical to the provisions contained in Title LXXII by voice vote on October 6, 2015.

Title LXXIII—Bullion and Collectible Coin Production Efficiency and Cost Savings

Title LXXIII eliminates a requirement for special packaging of gold investment-grade coins made by the United States Mint, allows the Mint to purchase blanks for silver coins made of standard coinage silver instead of a custom silver alloy, and removes the requirement for an already-completed study leading to the Mint issuing investment-grade coins of palladium. This title also allows for the collector version of the 30th anniversary American Eagle Siler Bullion Coin to be edge-lettered to denote such anniversary. The House passed legislation identical to the provisions contained in Title LXXIII by voice vote on June 24, 2015.

Title LXXIV—SBIC Advisers Relief

Title LXXIV amends the Investment Advisers Act of 1940 to reduce unnecessary regulatory costs and eliminate duplicative regulation of advisers to Small Business Investment Companies (SBICs). This title preempts state registration requirements of advisers solely advising SBIC funds, allows advisers to venture capital funds to continue to be ''exempt reporting advisers'' if they also advise an SBIC fund, and prevents the inclusion of the assets of an SBIC fund in the SEC registration calculation of assets under management for those advisers that advise private funds in addition to SBIC funds. The House passed legislation identical to the provisions contained in Title LXXIV by voice vote on July 14, 2015.

Title LXXV—Eliminate Privacy Notice Confusion

Title LXXV amends the Gramm-Leach-Bliley Act to reduce confusion among consumers that can occur when they receive annual privacy notices by clarifying that annual privacy notices are only required when disclosure policies change after the relationship begins, and to the extent an institution shares sensitive personal information with third parties for marketing purposes. The House passed legislation identical to the provisions contained in Title LXXV by voice vote on April 13, 2015.

Title LXXVI—Reforming Access for Investments in Startup Enterprises

Title LXXVI amends Section 4 of the Securities Act of 1933 to facilitate the sale of company-issued securities by employees of private companies. Under current law, a holder of securities issued in a private placement may resell the securities on a public market after a holding period. However, there is not a legal framework providing for the private resale of such securities. Accordingly, this title establishes a legal framework for such transactions. The House passed legislation identical to the provisions contained in Title LXXVI by a vote of 404–0 on October 6, 2015.

Title LXXVII—Preservation Enhancement and Savings Opportunity

Title LXXVII amends the Low Income Housing Preservation and Resident Homeownership Act of 1990 (LIHPRHA) to permit property owners (including nonprofits) of multifamily developments subsidized by the Department of Housing and Urban Development (HUD) to access income derived from such developments provided that the owners

adhere to HUD's affordability and compliance standards. This title also provides for certain reforms under LIHPRHA 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 LXXVII by voice vote on July 14, 2015.

Title LXXVIII—Tenant Income Verification Relief

Title LXXVIII permits HUD to allow public and assisted housing administrators to verify income once every three years—instead of annually—for low-income tenants that have fixed incomes, such as incomes derived from social security payments. The House passed legislation identical to the provisions contained in Title LXXVIII by voice vote on March 24, 2015.

Title LXXVIX—Housing Assistance Efficiency

Title LXXVIX 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 during each fiscal year, any housing assistance provided from the Emergency Solutions Grants Program that is unused or returned, or that becomes available after the minimum allocation requirements under the Act. The House passed legislation identical to the provisions contained in Title LXXVIX by voice vote on July 14, 2015.

Title LXXX—Child Support Assistance

Title LXXX amends the Fair Credit Reporting Act to eliminate the requirement that state and local child support agencies and courts notify an obligor ten days before retrieving a consumer report for purposes of determining the appropriate level of child support payments, or enforcing a child support order, award, agreement, or judgment. The House passed legislation identical to the provisions contained in Title LXXX by voice vote on October 6, 2015.

Title LXXXI—Private Investment in Housing

Title LXXXI 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 residential units in 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 LXXXI by voice vote on July 14, 2015.

Title LXXXII—Capital Access for Small Community Financial Institutions

Title LXXXII 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 certification from its state supervisor stating that it is eligible to apply for Federal deposit insurance. Additionally, the private insurer of the credit union must provide a copy of the credit union's annual audit report to the National Credit Union Administration (NCUA) and the Federal Housing Finance Agency. Further, a state supervisor must provide to the NCUA, upon request, the results of any examination and reports concerning a private insurer of credit unions licensed in that state. The House passed legislation identical to the provisions contained in Title LXXXII 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 cycles from $500 million to $1 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 Form S–1. The House passed legislation 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 raise the threshold for 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 non-accredited 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 consists of the above-described fifteen titles, as adopted by the House without further modification, and five additional titles providing for 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 data can be shared with foreign authorities. The title would still require the regulatory agencies requesting the information to agree to certain confidentiality 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—Treatment of Debt or Equity Instruments of Smaller Institutions

Title LXXXVII amends the Financial Stability Act of 2010 to adjust the date on which consolidated assets are determined for purposes of exempting certain instruments of smaller institutions from capital deductions. The purpose of this title is to provide regulatory relief from the requirements of Section 171 of the Dodd-Frank Wall Street Reform and Consumer Protection Act to certain bank holding companies with less than $15 billion in assets. The title permits bank holding companies to continue counting hybrid capital instruments issued before May 19, 2010, 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 LXXXIII—State Licensing Efficiency

Title LXXXIII amends the Secure and Fair Mortgage Licensing Act of 2008 (SAFE Act) by directing the Attorney General to provide appropriate state officials responsible for regulating financial service providers with access to criminal history information to the extent that criminal history background checks are required under state law for the licensing of such parties. In 2006, the states, under the auspices of the Conference of State Bank Supervisors (CSBS), developed the 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.'' Congress codified the NMLS in 2008 through the SAFE Act. Title LXXXIII is intended to authorize the NMLS to process criminal background checks for non-depository licensees beyond mortgage loan originators. The House passed legislation identical to the provisions contained in Title LXXXIII by voice vote on October 28, 2015.

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 petition process for interested parties to apply for an area not designated by the Bureau as rural for purposes of federal consumer financial law to be so designated. Under this title, the Bureau is required to publish applications in the Federal Register within 60 days and make them available for public comment for no fewer than 90 days. When evaluating the application, the Bureau would be required to take into consideration:

Criteria used by the U.S. Census Bureau when classifying geographical areas as rural or urban;

Criteria used by the Office of Management and Budget when designating counties as metropolitan or micropolitan or neither;

Criteria used by the Department of Agriculture when determining property eligibility for rural development programs;

The Department of Agriculture rural-urban commuting area codes;

A written opinion of the State banking regulator; and

Population density.

Title LXXXIX further requires the Bureau to grant or deny any application within 90 days following the expiration of the comment period. The grant or denial must be published in the Federal Register, along with an explanation of what factors the Bureau relied upon in making the decision.

Title LXXXIX contains a rule of construction providing that the Bureau is not required to consider, in connection with the above-described evaluation, any previous designation of the area as non-rural by certain other Federal agencies. Title LXXXIX also includes a sunset provision providing that the designation review process established under such title shall cease to have force or effect after the end of the two-year period beginning on the date of the title's enactment. In addition, Title LXXXIX amends the Truth in Lending Act to provide the Bureau with authority to treat a balloon loan as a ''qualified mortgage'' if such loan was extended by any creditor operating in rural or underserved areas, even if the creditor

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 to consider 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 proposition 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,
CANDICE S. MILLER,
ERIC A. ''RICK'' CRAWFORD,
LOU BARLETTA,
BLAKE FARENTHOLD,
BOB GIBBS,
JEFF DENHAM,
REID J. RIBBLE,
SCOTT PERRY,
ROB WOODALL,
JOHN KATKO,
BRIAN BABIN,
CRESENT HARDY,
GARRET GRAVES,
PETER A. DEFAZIO,
ELEANOR HOLMES NORTON,
JERROLD NADLER,
CORRINE BROWN,
EDDIE BERNICE JOHNSON,
ELIJAH E. CUMMINGS,
RICK LARSEN,
MICHAEL E. CAPUANO,
GRACE F. NAPOLITANO,
DANIEL LIPINSKI,
STEVE COHEN,
ALBIO SIRES,

As additional conferees from the Committee on Armed Services, for consideration of sec. 1111 of the House amendment, and modifications committed to conference:

MAC THORNBERRY,
LORETTA SANCHEZ,

As additional conferees from the Committee on Energy and Commerce, for consideration of secs. 1109, 1201, 1202, 3003, Division B, secs. 31101, 31201, and Division F of the House amendment and secs. 11005, 11006, 11013, 21003, 21004, subtitles B and D of title XXXIV, secs. 51101 and 51201 of the Senate amendment, and modifications committed to conference:

FRED UPTON,
MARKWAYNE MULLIN,
FRANK PALLONE, Jr.,

As additional conferees from the Committee on Financial Services, for consideration of sec. 32202 and Division G of the House amendment and secs. 52203 and 52205 of the Senate amendment, and modifications committed to conference:

MAXINE WATERS,

As additional conferees from the Committee on the Judiciary, for consideration of secs. 1313, 24406, and 43001 of the House amendment and secs. 32502 and 35437 of the Senate amendment, and modifications committed to conference:

BOB GOODLATTE,
TOM MARINO,
ZOE LOFGREN,

As additional conferees from the Committee on Natural Resources, for consideration of secs. 1114–16, 1120, 1301, 1302, 1304, 1305, 1307, 1308, 1310–13, 1316, 1317, 10001, and 10002 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,

As additional conferees from the Committee on Oversight and Government Reform, for consideration of secs. 5106, 5223, 5504, 5505, 61003, and 61004 of the House amendment and secs. 12004, 21019, 31203, 32401, 32508, 32606, 35203, 35311, and 35312 of the Senate 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. 3008, 3015, 4003, and title VI of the House amendment and secs. 11001, 12001, 12002, 12004, 12102, 21009, 21017, subtitle B of title XXXI, secs. 35105 and 72003 of the Senate amendment, and modifications committed to conference:

LAMAR SMITH,
BARBARA COMSTOCK,
DONNA F. EDWARDS,

As additional conferees from the Committee on Ways and Means, for consideration of secs. 31101, 31201, and 31203 of the House amendment and secs. 51101, 51201, 51203, 52101, 52103–05, 52108, 62001, and 74001 of the Senate amendment, and modifications committed to conference:

KEVIN BRADY,
DAVID G. REICHERT,
SANDER LEVIN,
Managers on the Part of the House.

JAMES M. INHOFE,
JOHN THUNE,
ORRIN G. HATCH,
LISA MURKOWSKI,
DEB FISCHER,
JOHN BARRASSO,
JOHN CORNYN,
BARBARA BOXER,
BILL NELSON,
RICHARD J. DURBIN,
Managers on the Part of the Senate.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE ENVIRONMENTAL PROTECTION AGENCY

Mr. WHITFIELD. Mr. Speaker, pursuant to House Resolution 539, I call up the joint resolution (S.J. Res. 23) providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Environmental Protection Agency relating to ''Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units'', and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 539, the joint resolution is considered read.

The text of the joint resolution is as follows:

S.J. RES. 23

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Environmental Protection Agency relating to ''Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units'' (published at 80 Fed. Reg. 64510 (October 23, 2015)), and such rule shall have no force or effect.

The SPEAKER pro tempore. The joint resolution shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce.

The gentleman from Kentucky (Mr. WHITFIELD) and the gentleman from New Jersey (Mr. PALLONE) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on S.J. Res. 23.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. WHITFIELD. Mr. Speaker, I yield myself such time as I may consume.

Today, we will debate resolutions of disapproval under the Congressional Review Act for the two EPA rules regulating greenhouse gas emissions from new and existing electric generating units.

I might say that it is appropriate that we are debating these resolutions today. As we know, the President and other leaders are meeting in France as we speak. They are speaking in generalities; they are not being detailed in their plans. Yet, in America, we are becoming aware more each day of exactly the impact the EPA's regulations are having on the American people.

I remind everyone that Congress was not a part of any of this. The White House did not talk to us about any of this. The clean energy plan comes from the White House and is being implemented by the EPA.

Mr. Speaker, I yield 2½ minutes to the gentleman from Oklahoma (Mr. MULLIN).

Mr. MULLIN. I thank the chairman.

Mr. Speaker, I rise today to encourage Members to support these resolutions.

In 1996, Congress passed and the President signed into law an important tool for ensuring our three branches of government stay true to the vision of our Founding Fathers that was set over 200 years ago. Today, we are here to use

this tool to rein in a President who has forgotten that the legislative branch makes the laws and that the executive branch enforces them.

The final rules regarding emissions from new and existing power plants are a clear executive overreach. In issuing these rules, the EPA has acted outside the authority it was granted by Congress in the Clean Air Act.

Electricity generation has always been the responsibility of States, but with these rules the President is threatening communities, businesses, and families by attempting to put the Federal Government in charge. These rules are unworkable, and they put the reliability of our electric grid at risk.

I ask my colleagues to seriously consider the consequences of allowing such clear executive overreach to stand, and I urge them to support this resolution of disapproval.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong opposition to this resolution, and I oppose the other resolution that we will also consider this afternoon.

Once again, Republicans are attempting to stop any action by this administration to reduce carbon emissions, and, once again, the opponents of the EPA's regulations have no constructive alternative to offer that would improve the environmental performance of the electricity sector.

In fact, this week, the House of Representatives will not only consider these two unnecessary, ill-conceived resolutions, but it will also consider an energy bill that is dedicated to rolling back gains that have been made in energy efficiency, grid modernization, and renewable energy.

Mr. Speaker, governments and many of the world's largest private sector companies are gathered in Paris this week. They are putting forward innovative ideas, and they are making commitments to forge a different energy path—one that will prevent us from further overheating the Earth and causing major disruptions to people's lives, their property, and the global economy.

We know that climate change is harming us today through droughts, fires, floods, and storms, and we know that it will endanger our children's future if we don't act now.

Some of the opposition to these resolutions is based on the assertion that they will not solve the world's carbon emissions problems or ensure that we will avoid increased warming and catastrophic climate change, but that is not true. Reducing carbon pollution from the power sector through the implementation of performance standards for new power plants and improving the overall environmental performance of our grid will reduce carbon emissions here in the United States.

By making a commitment to this effort and demonstrating that reducing pollution is consistent with maintaining a reliable, resilient electricity supply, the United States exercises its leadership, giving assurance to other nations to follow our example.

This resolution and its companion will block the EPA and this administration from taking prudent steps to reduce carbon pollution from one of the highest emitting sectors, the power sector.

That is not all. The Congressional Review Act stipulates that the passage of a resolution to block a final rule also bars the Agency from issuing any rules that are substantially similar. So these resolutions prevent any future administration from developing similar rules to control carbon emissions from power plants.

The irony is that this sector already is poised to make many of the changes that are contained within these EPA rules. These changes are being driven by a combination of factors, only one of which is Federal regulation. State policies, changes in the relative price of natural gas and coal, smart grid technologies, consumer demand, and the further expansion of wind and solar generation all are factors that are reshaping the grid and redefining relationships within the electricity sector.

Instead of trying to hold back these forces, we should be helping States, local governments, consumers, grid operators, utilities, and displaced workers to make this transition easier.

Every significant effort to improve air quality through the Clean Air Act regulations has met the same tired, old arguments from the GOP—that it will cost too much, that it will jeopardize the reliability of our electricity system, that we don't have the technology to meet these new standards. Every time these dire predictions by my Republican colleagues are put forward, they have failed to materialize.

We have already had delayed action on climate change, Mr. Speaker, for too long. The EPA's rules to set greenhouse gas emissions standards for new and reconstructed generating units is an essential first step toward a more sustainable energy future. This rule sends a strong signal to the market in favor of technologies that provide improved environmental performance.

These EPA rules—this one and the one that will be mentioned later today—should move forward, and this joint resolution should be defeated. I urge a ''no'' vote on the resolution.

I reserve the balance of my time.

Mr. WHITFIELD. Mr. Speaker, I yield myself such time as I may consume.

We are taking this action today to protect the American people. The American people do not expect unelected bureaucrats, acting at the discretion and the direction of the President of the United States, to unilaterally adopt regulations that are questionably illegal.

We have 23 States that are filing lawsuits on the new coal plant rules, and we have 27 States that have already filed lawsuits on the existing electric generating rules. I might add that, in the last 5 years, this administration has spent a total of $77 billion on climate change.

People ask why we have not taken action. This administration has been so extreme, so aggressive—and view this as the number one priority facing mankind—that we don't have enough money to act. Also, there are 61 separate Federal programs under the Obama administration that address climate change.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Indiana (Mrs. BROOKS).

□ 1445

Mrs. BROOKS of Indiana. Mr. Speaker, back in October I had the opportunity to attend the Indiana Industrial Energy Consumers annual conference in Indianapolis. There I heard from stakeholders across the energy supply chain about the serious economic and reliability issues emanating from the EPA Clean Power Plan.

For instance, John Hughes with the Electricity Consumers Resource Council presented findings showing that Indiana alone stands to lose 12,500 jobs because of these rules. This comes on top of the previous Obama administration regulations that have severely restricted my State's economic competitiveness and has dramatically increased electricity bills for Hoosiers.

In fact, Indiana's electric rates have gone from the fifth lowest in the Nation in 2003 to the twenty-sixth lowest in 2014. When these rules take effect, electricity rates in my State will continue to climb to the tune of up to 20 percent each year.

As a result, Hoosier manufacturers, who drive more than 30 percent of our economy, will be forced to shutter assembly lines and lay off employees simply to pay their utility bills.

Congress needs to think about the very real consequences of this, even if the EPA and the Obama administration are not thinking about this. The EPA Clean Power Plan means lost jobs, lost economic growth, and higher utility costs for both individuals and businesses.

That is why I strongly support both of the bills before us, which put an end to the executive overreach, protect the American ratepayer, and allow us to truly pursue an all-of-the-above energy strategy that will transform our economy and lay that strong foundation for our energy future.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. JUDY CHU).

Ms. JUDY CHU of California. Mr. Speaker, this week something historic is happening. Leaders from 195 countries are meeting in Paris to discuss a global solution to a global problem: climate change.

There is no denying it anymore. Climate change is real. Human activity is contributing to it. Without action, the results will be catastrophic.

Yet, while the nations of the world gather in agreement and concern, what are the House Republicans doing? They are rejecting science and reversing what progress we have made.

These disapproval resolutions effectively gut EPA's Clean Power Plan and carbon pollution standards for power plants. By attacking the EPA, Republicans are opening the smokestacks to release more of the dangerous emissions we know contribute to global warming. This is reckless.

Not only do these resolutions ignore the warnings of the scientific community by reversing progress, they also block the EPA from issuing any standards in the future that are substantially similar. Republicans must accept that our country is evolving.

In fact, many States are already running on an increasing amount of renewable energy, reducing energy waste, and decreasing carbon pollution. My own State of California has set a goal of 50 percent renewable energy by 2030, and others are developing their own plans to meet pollution reduction targets.

Each new goal towards a cleaner environment only encourages the investments and innovations that will help get us there. That is a benefit to our economy and our world, which is why two-thirds of Americans support a climate change pact.

It is time we listen to our constituents, to the vast majority of scientists and experts, and to the tens of thousands of world leaders, experts, and advocates who are seeking a path toward a sustainable future for our children and grandchildren.

I oppose these resolutions and these reckless attacks on our environment.

Mr. WHITFIELD. Mr. Speaker, I yield myself such time as I may consume.

I might say that no one on our side of the aisle has denied climate change. I think we still live in a country where we all can express our views and we simply disagree with the President on the urgency of the issue. The President has even told the world that climate change is a more pressing issue to mankind than terrorism.

When we talk to people in the developing world, when we talk to people in Europe and around the globe, representatives come here and they stress to us that they are more concerned about clean water, a job, electricity, health, hygiene, issues like that, than they are about climate change.

Even in the polls here in America, only about 5 percent of the American people view climate change as one of the most pressing issues facing mankind. So that is why we have over 180 separate groups around the country that support these joint resolutions to turn back what President Obama is doing in an extreme and unprecedented way.

I would also just like to read that the Partnership for a Better Energy Future, which is a 181-member coalition, including national as well as State and local organizations in 36 States, writes of EPA's rule for new plants, which is precisely what we are discussing today: The EPA set a regulation so strict that the only technology that meets the requirement for a coal-fired power plant, carbon capture and sequestration is not commercially available.

There is no technology available to meet the stringent emissions standard set by EPA. Yet, China, India, and every other country in the world can build a new coal plant if they decide to do so.

We are not mandating that a plant be built, but we are recognizing the increased need for electricity in America and that it must be affordable and it must be abundant. For us to compete in the global marketplace, we simply want that option, and that is what this is about.

I yield 2 minutes to the distinguished gentleman from Georgia (Mr. CARTER).

Mr. CARTER of Georgia. Mr. Speaker, I rise today in support of S.J. Res. 23, which disapproves of the EPA's carbon standard rules for power plants.

Our country is blessed with an abundance of energy sources. Reliable, affordable, and secured energy is critical to our national security, and a diverse energy portfolio adds to our strength.

While new technologies have allowed us to tap into sustainable sources of energy, we lack the infrastructure to use that energy nationwide. Clean coal, natural gas, and nuclear produce the bulk of America's energy for a reason. They are affordable, reliable, and the most available.

The carbon capture and storage technologies mandated by this rule are not commercially viable. Make no mistake. The EPA is seeking to ban the construction of any new fossil fuel power plants and severely limit the production of the others. With its companion rule on greenhouse gases, the EPA will simultaneously force the closure of many existing power plants.

Until alternative sources of energy are affordable and available from coast to coast, we must ensure that Americans can continue to affordably light and heat their homes. Under this rule, we will be unable to achieve this.

I urge my colleagues to protect families and the economy by supporting this bill.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

I just have to say, I listened to my colleague from Kentucky (Mr. WHITFIELD), who I respect a great deal. I think he is suggesting that somehow the Republicans on our committee or maybe the leadership in the House do want to address climate change.

Every time that I have tried in the committee to bring up the issue of climate change, nothing has happened. We haven't had a hearing. We haven't had a bill. We haven't had any initiative since I have been on the committee, let alone served as the ranking member, in the last year—any initiative—that would address the issue of climate change.

So when my colleague from Kentucky says, ''Well, we are not denying that this exists. We just don't think it is a priority,'' well, it is not only not a priority. It is not something we have addressed at all in any way anytime the Democrats or myself have tried to raise this issue.

To suggest that it shouldn't be a priority—and maybe that is not what he is saying, but it sounded that way—well, I come from a district where we had Hurricane Sandy that devastated our district. We have droughts in California—we were just discussing it with my California colleagues who will be speaking soon—and all kinds of weather extremes that are causing all kinds of problems—loss of jobs, destruction around the country that has to be made up for later by FEMA and other Federal agencies that come in and spend billions of dollars to try to correct these problems. To suggest that this is not a priority I think is wrong. To suggest that somehow maybe the Republicans are dealing with it is simply not the case.

Again, I know you don't particularly like the President's power plan, but at least he is trying to do something. I don't see the GOP addressing this at all.

I yield 2 minutes to the gentleman from California (Mr. TED LIEU).

Mr. TED LIEU of California. Mr. Speaker, I am Congressman TED LIEU from California. I rise in opposition to the Republican resolution opposing the Clean Power Plan.

This is just another example of the Republican majority denying the urgency and severity of carbon pollution. At a time when the entire world is meeting in Paris to address carbon pollution, you now have the Republican majority doing exactly the opposite.

Now, America is an exceptional country, the best in the world. One reason we got here is because we believe in science. We believe in facts.

So if 9 out of 10 doctors said that your child is showing the symptoms of diabetes, would you ignore that and keep feeding your child doughnuts? No. You would go seek treatment.

So listen to 9 out of 10 scientists that are saying carbon pollution is real and it is going to kill us as a species if we don't do anything about it.

If you don't want to listen to those scientists, listen to some of the most conservative companies and organizations in America. Listen to ExxonMobil today. They say carbon pollution is real, it is being caused by humankind, and they support putting a price on carbon emissions.

Listen to the U.S. military. I served in Active Duty, and I am still in the Reserves. I am very proud of our military. They take the world as it is, not as they think it should be, not as they hope it will be, but as it is. They rely on facts and science.

They are telling us carbon pollution is a national security threat and it is

going to flood our bases, it is going to cause more extreme weather events, and it is going to make it much worse for humanity if we don't do something about it.

At the end of the day, America is going to lead and the history books are going to say we led the way in saving humanity and dealing with carbon pollution or there will be no history books.

Mr. WHITFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. DUNCAN).

Mr. DUNCAN of South Carolina. Mr. Speaker, I wish President Obama took the threat of radical Islamic jihadists as seriously as he takes the pseudo science behind the manmade climate change threat.

Folks, these EPA rules affect jobs and they affect the amount of money in the pockets of moms and dads all across this great country. Now, transportation fuel costs are down for moms and dads, but the power to heat and cool their homes, the power to run the engines of the economy—the cost of that power has gone up because of the EPA regulations and rule writing that we have seen.

What does that mean? Well, wholesale electricity prices in South Carolina will spike as high as 13.9 percent. Households will pay as much as $84.19 more a year. Industrial customers will pay as much as $40,200 more a year just in South Carolina. It will cause 11,700 manufacturing jobs to be impacted.

Since 2012, 27 coal mining companies with core operations in West Virginia have filed for bankruptcy protection. But you know what? The TPP trade deal will allow West Virginia coal and Wyoming coal to be shipped to China to be burned. Now, where is the hypocrisy in that?

Let me tell you this: We rely on 24/7, always on, baseload power to run the engines of our society to heat and cool our homes. We can't do that with intermittent solar and wind. You can do that with nuclear, hydro, and fossil-fuel-fired power plants.

Think about the morality of 24/7 baseload power. That means the incubators in the hospitals are there to provide the incubation for the preemie children. That means that you can keep food from spoiling. That means you can heat your homes with some sort of source that doesn't cause pollution inside your home like it does, say, in Latin America or Africa, where they are burning wood or coal.

We have the ability through nuclear, hydro, and through fossil-fuel-fired power plants to provide that 24/7 baseload power. You can't do it with regulations that continue to kill the industry. You can't do it with intermittent energy sources like wind and solar. These regulations and these rules, written because of those regulations, are killing job creation in this country.

□ 1500

The SPEAKER pro tempore (Mr. HULTGREN). Without objection, the gentleman from New York (Mr. TONKO) will control the time on behalf of the gentleman from New Jersey (Mr. PALLONE).

There was no objection.

Mr. TONKO. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Mrs. CAPPS). She serves as a member of the Subcommittee on Environment and the Economy. She is an outspoken voice for defending the environment and calling for our sound stewardship of the environment.

Mrs. CAPPS. Mr. Speaker, I rise in unwavering opposition to these resolutions which deny the real effects of climate change and express opposition to our Nation's effort to address it.

These resolutions are particularly embarrassing because they come at a time when the rest of the world is coming together in Paris to identify solutions to climate change. There is overwhelming consensus around the globe that climate change is one of the most critical issues facing our world, not just for the environment, but for human health and for our local economies.

Our climate is changing. Our actions are emitting the greenhouse gasses that are contributing to this problem. Climate change is threatening public health, people's livelihoods, and the very environment that we live in.

While we should be determining a course forward to protect our constituents and safeguard our planet for generations to come, we are instead sending a signal to the rest of the world of willful negligence and disregard. Instead of arguing about whether the climate is changing, which it is, or if we are responsible, which we are, it is high time that we work together to determine solutions.

The new source carbon pollution standards and the Clean Power Plan will not solve all of the problems associated with greenhouse gasses, but it is a necessary step in the right direction. In addition to enacting meaningful change to curb emissions from the power sector, which is the largest source of greenhouse gas emissions in this country, these regulations also send a signal to people across America and across the world that we are working to address this broader issue.

Curbing carbon emissions from new and existing power plants in the country signifies that we are serious about working toward a cleaner, healthier future.

In addition to providing for a healthier environment for current and future generations, these regulations are important for both our public health and our business community alike. EPA's carbon regulations will lead to billions of dollars of public health benefits, potentially averting thousands of premature deaths and tens of thousands of asthma attacks in children.

The private sector has also stressed the need to take action because they understand the long-term costs and benefits. Businesses understand the economic consequences of inaction, that they are severe, and that we need to prepare for climate change today. They know the regulations are projected to create over 300,000 new clean energy jobs.

On the central coast of California, my congressional district, we have seen firsthand how important the jobs associated with the clean energy technologies are. Renewable energy projects in my district have created hundreds of new jobs, and provide enough energy for over 100,000 homes.

Instead, here we are today, debating and voting on resolutions of disapproval that deny these facts and show again the willingness of the majority to bury its head in the sand when faced with the need for action on climate change.

Just a few months ago, we all sat in this Chamber together as the Pope spoke of our world's most pressing challenges. In that speech, he reminded us that it is our moral obligation to respond to climate change. I couldn't agree more. We must band together to enact meaningful and lasting change for our people and our planet. I urge my colleagues to oppose these resolutions.

Mr. WHITFIELD. Mr. Speaker, I yield myself such time as I may consume.

One of the great things about having a debate in this body is that we all get to express our different views, and the world benefits when different views can be expressed.

One of the reasons that we brought these resolutions to the House floor today is because of the climate change conference in France going on today. We want the world to know that there is disagreement with the President on this issue, not about the fact that the climate is changing, but about the priority that is being placed on it.

Why should this President penalize America and put us in jeopardy compared to other countries of the world and require us to do more than other countries of the world are doing just so that he can go to France and claim to be the world leader on climate change?

According to the Energy Information Administration, energy-related CO_2 emissions in America will remain below 2005 levels through 2040. Our CO_2 emissions today are roughly the same as they were 20 years ago. America does not have to take a backseat to anyone on addressing climate change. That is the point that we want the world to understand. We are doing a lot. We would like to help other countries do more, but why should we be penalized?

At this time, I yield 1½ minutes to the distinguished gentleman from Georgia (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, you have heard the facts from the gentleman from Kentucky just now. What we are dealing with here on the other side is an ideology.

Today I rise in support of the two resolutions that work to keep electricity affordable and reliable for Americans. S.J. Res. 23 and S.J. Res. 24 are a response to harmful regulations established by the EPA under the President's Clean Power Plan. The EPA's regulations implement the first-ever caps on carbon emissions, which will result in higher energy costs for American families, businesses, and consumers. Some experts have said that the Clean Power Plan could be the most expensive regulation ever imposed on Americans.

Congress must protect Americans from legacy-driven agendas that trample the rights of our citizens, hurt our economy, and hinder job growth. These two resolutions work to provide protection for existing and future American power plants and safeguard Americans from higher energy costs.

The Senate has already passed this legislation. As the people's House, it is imperative that we vote to protect Americans from these destructive regulations.

I will continue to fight against the EPA's power grab. That is why I strongly support these two pieces of legislation.

Mr. TONKO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have great respect for our colleague from Kentucky. However, when he talks about being in disagreement with the President of the United States, I should point out also that he is in disagreement with 97 percent of the scientist community that professes that we need to do something tremendously strong in response to climate change.

In regard to our role in this whole arena, putting ourselves at a competitive disadvantage, one of the responsibilities that befalls the leading nation like the United States is that, in fact, we must be that inspiration that inspires the international community. We have been able to bring some 150 countries to the fold to speak to their efforts of climate change, and we have inspired efforts from major nations like that of China, Brazil, and Mexico so as to begin that process.

When I met in my office with representatives from the EU—I think there were 13 nations represented—they all wanted to know where the giant was on this issue. The world is looking to the United States for its leadership, and that is a role that we should not take lightly, and it is one that we should move forward with in bold fashion.

With that being said, I now yield 3 minutes to the gentleman from California (Mr. MCNERNEY), who has been an outstanding voice on the Subcommittee on Environment and the Economy.

Mr. MCNERNEY. Mr. Speaker, I rise to oppose S.J. Res. 23 and S.J. Res. 24.

Frankly, this effort to deny climate change reminds me of the 50-plus votes we have taken to try to eliminate the Affordable Care Act.

As a global leader, we must reduce carbon emissions. To simply ignore our responsibility is misguided and will harm generations to come. We can't solve climate change by ourselves, but we must lead and be part of a larger effort.

I know that fossil fuels—and in particular, liquid fuels—will be needed in the years ahead, but we can still move toward a more efficient and sustainable energy system.

For example, I have actually had coal plants in my region shut down, shift to biomass, and become very successful while also benefiting the climate. I would also note that California is again leading the world in efforts to promote cleaner energy with a 50 percent renewable energy goal by 2050.

I represent part of the Central Valley, which has some of the worst air quality in the Nation. While this comes from a variety of sources, it impacts everyone. In an area that is already hurt economically, dirty air affects school- and workdays and disproportionately hurts children and other adults. This makes me more determined than ever to develop green energy.

This vote will again show that most or all House Republicans deny the obvious: climate change is taking place as a result of human activity. I expect that many of my Republican colleagues know and believe that climate change is real and is a long-term threat, and yet we are voting on these two resolutions today.

Lastly, one argument we hear is that the Clean Power Plan is administrative overreach and that it was never authorized by Congress. But this is exactly what the Clean Air Act does. The Supreme Court has ruled that carbon emissions can be regulated by the Clean Air Act.

I urge my colleagues to support our future, reject efforts that increase pollution, and oppose this measure.

Mr. WHITFIELD. Mr. Speaker, may I inquire how much time is remaining on both sides.

The SPEAKER pro tempore. The gentleman from Kentucky has 16½ minutes remaining. The gentleman from New York has 14½ minutes remaining.

Mr. WHITFIELD. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. RATCLIFFE).

Mr. RATCLIFFE. I thank the gentleman from Kentucky for his leadership on this important issue.

Mr. Speaker, every day Washington hits the American people with more regulations that hurt families, but very few will hurt these families more than President Obama's so-called Clean Power Plan because, according to the U.S. Energy Information Agency, the average electricity cost for a Texas household each year is $1,800, which is already 26 percent higher than the national average. To put this in perspective, almost half of all Texans spend more than 15 percent of their annual household budget on energy costs alone.

To stand up for middle-income families, we have an obligation to fight for policies that will keep energy costs down. Unfortunately, the administration's new regulations do exactly the opposite, which is why I introduced resolutions to combat these regulations immediately after they were announced and garnered the support of cosponsors from 15 different States. Americans across every corner of this country are impacted by this administration's overregulatory zeal, and we have got to do everything we can to stop it.

The facts are clear. These regulations will shut down vital power plants across the country, costing thousands of hardworking Americans their jobs, and in the process driving up electricity costs for every American. To that point, the Electric Reliability Council of Texas anticipates that these regulations will increase retail power prices in Texas by up to 16 percent; and when family budgets are already stretched so thin, they simply can't afford this increase. In developing these regulations, the Obama administration once again has ignored everyday Americans and instead doubled down on its extreme ideological agenda.

Making matters worse, the EPA itself admits that these regulations come at a cost of anywhere between $5.1 billion and $8.4 billion in year 2030 alone.

What are the benefits of these regulations, you may ask? In exchange for crushing American families, losing American jobs at a cost of billions and billions of dollars, what profound effect will these regulations have on our environment?

Well, the scientific experts estimate that these regulations would only reduce the global temperature by one one-hundredth of a degree Fahrenheit and reduce sea levels by a mere two-tenths of 1 millimeter. Mr. Speaker, we simply can't let the Obama administration force Americans to sacrifice so much when even the most optimistic of calculations predict that the return would be negligible at best.

I urge my colleagues to support both pieces of legislation which are so critical to stopping these regulations dead in their tracks.

□ 1515

Mr. TONKO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is much talk of the impact the President has on this issue and that it is a one-person force driving this country in a given direction, but a memo has been brought to my attention from Cassandra Carmichael, Executive Director of the National Religious Partnership for the Environment, and the faith-based community, which incorporates several faiths, who have written very strongly about their belief that we need to move forward with climate change action.

They are disappointed in the lack of foresight and leadership reflected in these two resolutions. They make it abundantly clear that their communities are on the front lines of issues like health care, disaster relief, refugee resettlement, and development work. These are all issues that are somewhat connected in the external measurements of the fight on climate change.

They also talk about their beliefs that the Clean Power Plan is a solution that they have been advocating for over the course of many years, and that they believe that we can do this by assignment to the individual States, not imposing heavy economic pressure on some of our poorest neighborhoods, and that there is a way to be sound stewards of the environment and at the same time grow our economy.

I believe that it is a very powerful statement that should motivate all of us to think twice about our actions here, that we should move forward in a progressive fashion. They indicate God's creation is sacred and that we are called on to be responsible stewards of the gifts of creation while protecting our vulnerable neighbors. It doesn't get stronger than that.

So with that, I just think it needs to be brought into the discussion that it is not a one-person operation, a one-person show that is drawing us down this certain route of response to climate change but, rather, a large universe of support there that speaks to the wisdom of sound stewardship.

Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. JOHNSON), who is a passionate voice on behalf of the environment and economic recovery.

Mr. JOHNSON of Georgia. I thank the gentleman for yielding the time.

Mr. Speaker, I rise today to oppose S.J. Res. 23 and 24, which constitute the latest salvo by my friends on the other side of the aisle attacking our Nation's commitment to cut carbon pollution and slow climate change.

Now, I do realize that some of us really don't care whether or not mankind's actions contribute to climate change. Some of us really don't care.

Some of us don't care to consider that 95 percent of scientists recognize that it is man's activities that are contributing to the astronomical rate of climate change that is occurring that has the potential to render our planet uninhabitable by human beings. You can laugh, you can smile, you can joke, but 95 percent of the scientists agree that if we continue along the same path that we are continuing along, it is the demise of humankind itself that is the end result.

Now, some say you can adapt. Well, what we should be adapting to is the reality of the fact that we can change this. We can make things better for our children. That is why 195 progressive-thinking leaders of 195 countries represented in Paris today—right now, as we speak—are working on this very profound issue that affects humankind.

And what are we here in Congress doing? We are trying to scuttle the plans that have been made by this country to try to reduce carbon pollution. We are trying to scuttle it. We are using the argument that it is too costly to the big businesses that are already making billions.

Don't you know that, regardless of the cost to the big businesses, they are going to transfer those costs on down to you and me? Well, I think the health of our babies, the health of our elderly, and our own health is something that most Americans are willing to pay for.

We have got to have leadership in this Congress. We can't allow ourselves to put our heads in the sand and let climate change just rape and pillage the world. 195 world leaders say that we can't do that. That is what they are working on now, today, and we should be supporting that effort.

Unfortunately, we are going in the wrong direction here in this particular body by trying to kill it. I don't know whether or not that is because President Obama represents this country. He has been the most mistreated President during my lifetime, certainly. I don't know whether or not it is the hatred for him that causes people to deny science. But whatever it is, let's get off of it. Let's do the right thing, and let's oppose these two resolutions.

Mr. WHITFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I might say that this is really not a debate about science today. I have said repeatedly and most people have said, yes, we agree the climate is changing, but this is a debate about the solution and about the policies being advanced by this administration. That is why for both rules you have a total of 50 States and a multitude of other entities that have filed lawsuits—because we believe it is illegal. In fact, on the existing rule, which we will discuss in the next hour, EPA changed 30 years of its legal opinions, saying that they could not regulate under 111(d) the way they intend to do it now.

So I have the greatest respect for every Member of this body, and certainly those on the Energy and Power Subcommittee and the Energy and Commerce Committee, but I think it is important that we be able to have the debate. And that is what we are doing: showing how we disagree with the President's policies and his solutions.

I yield 2 minutes to the distinguished gentleman from Texas (Mr. HURD), who has been involved on this issue.

Mr. HURD of Texas. Mr. Speaker, I rise in support of the two disapproval resolutions that the House will consider today.

Mr. Speaker, many of our bellies are still full from Thanksgiving and now we are thinking about what we are going to buy our loved ones and family for Christmas. Let me tell you what families in Texas do not want for Christmas, and that is higher energy bills. But that is what we are going to get if EPA's proposed rules for new and existing power plants go into effect.

Many families in Texas are already living paycheck to paycheck. They are looking for ways to put a little extra aside so they can have a nice Christmas. But the EPA's rule for power plants will do more than just raise their electricity rates. Higher rates increase the cost of many other products and services that families need to buy.

During this weak economic recovery, families struggling to pay bills or still looking for good-paying jobs simply can't afford for their cost of living to go up. Folks in my district have had enough of this kind of executive overreach by the White House. They have had enough of the excessive red tape that just seems to keep on coming from Federal bureaucracies like the EPA. They know it destroys jobs and economic growth; and in this case, it also puts our national security at risk. This new red tape by the EPA will hamper American energy security, and American energy security is a critical component of American national security.

The EPA's plan is an unnecessary attempt to eliminate reliable and affordable energy. Let's help make sure our families, our veterans, and our senior citizens don't face higher energy bills. I encourage my colleagues to support S.J. Res. 23 and 24.

Mr. TONKO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when it comes to the policies, I believe that the many, many hearings on the many issues, in a way, provide for a doable, workable plan. But opposition to a policy or just saying ''no'' isn't public policy. It isn't a strong response. It isn't a substantive response. To just disagree with what is being offered here without having viable solutions, without addressing carbon emissions, without speaking to the nuances of greening up our power supplies and growing energy independence, we are failing to respond in an effective manner.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Massachusetts (Ms. TSONGAS), a very strong voice and progressive voice for the environment, who is strong in her beliefs about climate change.

Ms. TSONGAS. I thank my colleague for yielding.

Mr. Speaker, I rise in strong opposition to the misguided resolutions before the House that seek to block the Clean Power Plan and undermine United States global leadership on climate change.

Climate change is no longer an academic question for scientists to ponder. It is a very real crisis that, if left untouched, will cause irreparable harm to current and future generations.

Should the resolutions we are considering today become law, our country would be prevented from taking necessary steps to safeguard our future.

The Clean Power Plan calls for a 32 percent reduction in carbon dioxide

emissions below 2005 levels by 2030 and sets individual goals for each State in order to meet this national standard. It is a reasonable, commonsense approach that gives States the flexibility to reduce carbon pollution with strategies that work best in their State while bolstering clean energy investments and economic development.

Efforts to block the Clean Power Plan not only ignore overwhelming scientific consensus—we only have to turn on the radio today to hear it time after time, moment after moment—but they ignore the global consensus that we must take action to address climate change.

Right now, leaders from over 190 countries are gathered in Paris to outline long-term strategies to reduce greenhouse gas emissions and stave off the worst impacts of climate change. While at the summit, President Obama personally met with other heads of state, including the leaders of China and India, to reaffirm their commitment to reducing carbon emissions.

America must be at the forefront and lead by example. We must embrace modern policies that cut emissions, increase the use of renewable energy, reduce our dependence on foreign oil, and encourage the development of innovative green technologies. If we are successful, the economic, security, and environmental benefits to our Nation will be widespread, long-lasting, and significant.

I urge my colleagues to reject these harmful resolutions. The cost of inaction on the critical generational challenge is simply unacceptable and the price of delay too high.

Mr. WHITFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it raises the question once again. As I said, we have been very successful in America under the Clean Air Act. Our CO_2 emissions are as low as they were 20 years ago, and they are projected to be below 2005 levels through 2040. We are making great progress.

So why is the President committing America to being a country that cannot build a new coal-powered plant? We are not saying you should build one, but the President said he is for an all-of-the-above energy policy; yet he is prohibiting, through regulation, the building of a new coal-powered plant because the technology is not available to meet the emissions standards.

You don't think the Chinese would agree to not build a coal plant, do you? They are providing money for Pakistan to build coal plants. They are providing money for India to build coal plants. And even in Europe, with the natural gas prices from Russia so high, they are building new coal plants as they close down some gas plants.

So that is the kind of policy that we are discussing here today.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from North Dakota (Mr. CRAMER), who has been focused on this issue for his entire congressional career.

Mr. CRAMER. Mr. Speaker, I thank the chairman for yielding the time and for his leadership.

I might add that, prior to being in Congress, I was focused on the issue for nearly 10 years as a regulator of the energy industry in North Dakota. I served nearly 10 years on the North Dakota Public Service Commission, where I regulated not only the siting of coal plants, the reclamation of coal mines, but the cost of electricity to consumers.

□ 1530

I have to address some of the comments made by the gentleman from Georgia. I am sure they were sincere. I am sure they were well-intentioned.

But to stand here, Mr. Speaker, and lecture us that we are somehow motivated by hatred for the President of the United States is so beneath the dignity of this Chamber, and I am embarrassed for him.

Let me tell you that Barack Obama has the right to his opinion, and he is entitled to have it be different than mine. He perfectly has the right to be wrong even, if he wants to be.

But he doesn't have the right to break the law because he couldn't get a law changed when he had a Democratic House and a Democratic Senate. And that is what we are here to talk about, the violation of the law, as the chairman has pointed to earlier.

I don't even want to deal with the merits of climate change or global warming. I want to deal with the solution.

We have heard today that Republicans don't have a solution. Well, let me tell you about my little rectangular spot in the middle of the North American continent, North Dakota, best known now, of course, for producing a whole bunch of oil.

But long before we produced oil, we produced coal, 30 million tons a year, as a matter of fact. Seventy-nine percent of our electricity is generated by coal. We generate coal-generated electricity for many States in our region.

But we also are one of the seven States that meet all ambient air quality standards as prescribed by the EPA. We have a grade A, perfect, year after year after year for our air by the American Lung Association. The counties that have the greatest concentration of coal-fired power plants get an A grade.

Our utilities have been investing hundreds of millions of dollars over the years in clean coal technologies and scrubbers and everything that we can do to make our environment cleaner.

We live there. We love it. No bureaucrat in Washington, D.C., is going to love the air that we breathe in North Dakota more than those of us who live in North Dakota.

We also enjoy, like other coal-producing States, some of the lowest-priced electricity in the country.

I also would like to point out that, long before it was cool, we were siting wind farms. I sited over 1,000 megawatts of wind farms when I was on the Commission. Now there are nearly 2,000 megawatts of installed wind in North Dakota.

We don't even have a mandate. We don't need to be lectured to by people who don't know a thing about where we live, a thing about our economy. We will do the right thing because it is the right thing. We will do the right thing because it is good for our families.

And, by the way, the rule that we are disapproving, the two rules we are disapproving, disproportionately hurt the poor and the middle income. Do you think it is the poor people that can afford to buy an Energy Star refrigerator at the end of the month? Is it the poor people that can afford to wrap their house in new insulation? Of course not.

We need to pass these resolutions and reject these rules.

Mr. TONKO. Mr. Speaker, I yield myself the balance of my time.

The whole effort to make certain that we move forward with carbon emission reduction and the claims that we have dropped since 2005 levels—well, there was a drop in 2008 and 2009 because of the recession, a wind-down of activity, of less use of electricity. But then, again, we had climbed in 2012 and 2013, the last measurements on record.

So we need to be real about this effort. We know that if we do nothing we will see drops by 2040 of only 9 percent, when efforts here to make certain that we can reduce that carbon emission by 80 percent by 2050 are a strong contrast, and the goals here are laudable and noble.

I would also make mention that we have it within our power to provide for issues that, with technology, enable us to respond to these goals. We need to do that. I think we need to set the standards in a way that pronounce our stewardship as very noble for the environment.

Mr. Speaker, I again encourage us to reject these resolutions. I think they set us back. It would nullify opportunities to policy standards that would require stronger response.

We would allow for build-out that provides for additional construction, additional pollution that would accompany that opportunity that would be dangerous to our environment.

It would nullify our efforts to address carbon pollution, so that this is a dangerous thing, and I think it is why the President has indicated that, should they come to his desk, he would veto these measures, and why we are having this debate today while we should be championing the cause in a bipartisan, bicameral way to show the world that we care significantly about carbon emission reduction and that we want to stand as a world leader. That is where we should place ourselves and posit ourselves in that noble dimension.

Mr. Speaker, I yield back the balance of my time.

Mr. WHITFIELD. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to thank Mr. TONKO, who does a great job on our committee, and I certainly respect his views.

I wanted to just touch previously on and reiterate why we are here today. The Senate has already passed both of these resolutions by a vote of 52–46 of disapproval of the President's clean energy plan and his regulation relating to new coal-fired plants.

We wanted this on the floor today because we want to send a message to the climate change conference in Paris that in America there is serious disagreement with the extreme policies of this President.

I would like to just point out briefly one of the reasons why we are so upset with this particular resolution about the emission standards for new coal-fired plants if one is going to be built.

EPA went to great detail of setting an emission standard, and they based that standard on four plants. And guess what? None of the three plants in America are even in operation.

In fact, the one in Texas, it looks like it is not going to be built at all. The one in California, DOE has suspended funding for it. The one in Mississippi has already experienced a $4.2 billion cost overrun. And it is close to an oil field for enhanced oil recovery to make it work, but it is not in operation.

The only plant that is operating, on which EPA set this emission standard, is a very small project in Canada that would not have been built without the Canadian Government funding. And it looks like it will never achieve a technical readiness level that would show it is available for commercial demonstration.

So here you have EPA taking this drastic step based on emissions of plants that really are not even in operation.

Why should America be the only country where you cannot build a new coal plant because EPA has set an emission standard that commercially and technically is not feasible?

That is what we are talking about here, just the policy, just the disagreement on the solution. I would urge our Members to support this resolution, and let's send a message to the White House and to those conferees in Paris.

I yield back the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, this week, world leaders are meeting in Paris to address the serious threat of climate change. Across the globe and here at home, there is broad recognition of the need to act decisively to curb the climate crisis that threatens our communities. And yet today we are considering legislation that would allow continued carbon pollution, jeopardizing public health and the environment.

The President's Clean Power Plan limits carbon pollution from new and existing power plants for the first time ever. It is a flexible, meaningful plan that will help states transition to clean energy sources and greater efficiency. It was developed with extensive stakeholder outreach. And it will create jobs, reduce the toxic pollution that is a leading contributor to climate change, and protect public health.

The resolutions on the Floor today would stop this common sense plan and prohibit any similar measure. And Congressional Republicans are not offering any plan to replace it. They continue to deny the problem of climate change, even in the face of overwhelming scientific evidence and the damaging storms, increased flooding, and drought that are already impacting our communities. They are ignoring the warnings from our Department of Defense, who call climate change a threat multiplier throughout the world.

We have the opportunity to lead, to expand opportunities in 21st century energy, and to protect our environment for future generations. The world is watching. We must reject these shameful, regressive resolutions and act to prevent climate change.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the rule, the previous question is ordered on the joint resolution.

The question is on the third reading of the joint resolution.

The joint resolution was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TONKO. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE ENVIRONMENTAL PROTECTION AGENCY

Mr. WHITFIELD. Mr. Speaker, pursuant to House Resolution 539, I call up the joint resolution (S.J. Res. 24) providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Environmental Protection Agency relating to ''Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units'' and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 539, the joint resolution is considered read.

The text of the joint resolution is as follows:

S.J. RES. 24

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Environmental Protection Agency relating to ''Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units'' (published at 80 Fed. Reg. 64662 (October 23, 2015)), and such rule shall have no force or effect.

The SPEAKER pro tempore. The joint resolution shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce.

The gentleman from Kentucky (Mr. WHITFIELD) and the gentleman from New York (Mr. TONKO) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on S.J. Res. 24.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. WHITFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, even more sweeping than EPA's new source performance standard for power plant greenhouse gas emissions is the rule governing existing sources. And that is what S.J. Res. 24 is about, and the impact that this rule is going to have on every existing coal plant in America and the impact that it could have on the electricity rates and the impediments that it could establish for future economic growth in America.

I yield 3 minutes to the distinguished gentleman from Texas (Mr. OLSON), who is vice chair of the Energy and Power Subcommittee.

Mr. OLSON. I thank the chair and my good friend from Kentucky for the time to speak on this important resolution.

Mr. Speaker, today is a sad day for America when our administration harms our country without a valid reason, and yet that is exactly what President Obama's EPA has done with their clean power rules.

Without input from Congress and with only small, limited public meetings, EPA rammed through new rules to limit CO_2. These rules destroy new coal power in America.

In my home State of Texas, our grid is regulated by ERCOT, 90 percent. They say they lose 4,000 megawatts of power, at a minimum, with the early retirements of coal plants because of the Clean Power Plan. Energy costs for customers may be up by 60 percent by 2030 due to the CPP.

EPA's actions violate the words and the intent of the Clean Air Act, and that is why a majority of States have sued in Federal court to stop its implementation.

EPA's actions have Texans scratching their heads and saying, ''What the heck?'' Why is EPA's CPP tougher on newer coal plants than older ones?

□ 1545

Newer is always cleaner than upgraded, retrofitted older plants. What the heck?

This is all done in the name of climate change. Climate change has happened since God created our Earth. Over 66 million years ago my home State of Texas was under water. Texas, as an ocean, is huge climate change unlikely due to human campfires set at that time.

In September 2014, a high ranking former Obama administration member, the under secretary for science at the Department of Education, Dr. Steven Koonin, wrote this in The Wall Street Journal: ''The climate has always changed and always will.''

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WHITFIELD. Mr. Speaker, I yield the gentleman from Texas an additional 30 seconds.

Mr. OLSON. Mr. Speaker, I will quote from Dr. Koonin: ''There isn't a useful consensus at the level of detail relevant to assess human influence on climate change.''

Yet, here we are, fighting for American jobs and commonsense regulations while world leaders are in Paris making promises they can't keep. Enough of the Band-Aids from EPA.

Mr. Speaker, I urge my colleagues to vote for S.J. Res. 24 and S.J. Res. 23 and for American jobs.

Mr. TONKO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is unfortunate that we are considering two resolutions today that are designed to prevent the Environmental Protection Agency from moving forward with critical regulations to reduce carbon emissions from existing and new power plants.

That previous resolution that was just aired in the House and now this resolution should be called exactly what they are, that being an attack on EPA's Clean Air Act authority. These resolutions would block this administration or any future administration from taking meaningful action to curb carbon emissions from our power plants.

We have ample evidence from more than four decades' worth of clean air regulation that shows that a strong economy and strong environmental and public health protections do indeed go hand in hand. So let's stop promoting this false notion that we cannot improve the air we breathe while simultaneously growing our economy and, yes, creating jobs.

The EPA's Clean Power Plan will promote public health. The EPA estimates that the Clean Power Plan will reduce carbon pollution from the power sector by 32 percent—32 percent—below 2005 levels. There will also be significant reductions in sulfur dioxide and NO_X emissions.

This is a tremendous public health victory. It will avoid thousands of premature deaths and an estimated 90,000 asthma attacks in children in 2030 alone.

Mr. Speaker, I understand the concerns of the individuals, families, and communities that may have their jobs lost or displaced due to this energy transition. We share those concerns.

I agree that these people who have dedicated their lives to providing us with reliable power deserve a lot more than a pink slip, but we do these people no favors by promising job security that the economy will no longer deliver.

Instead of working together to find ways to ease the transition for States and communities that already are challenged by the many changes that are happening in the electric utility sector, we are spending time trying to turn back the clock. It cannot be done.

EPA is a convenient scapegoat here, but the transition that is occurring is driven by much more than EPA regulations. Natural gas—its abundance and low price—is out-competing coal within the utility sector. Power plants are aging.

Even more important, the economy has changed. Many of the older plants are located in areas that once had far more demand for electricity, demand from large manufacturing plants and heavy industry. Those factories have closed or modernized, both resulting in far less electricity use.

There are new technologies. Wind and solar generation is growing, and those renewable energy sources have strong, broad-based, public support.

Other technologies that enable the electric grid to be smarter, more flexible, and more resilient are being deployed now, and more are in development. State policies to encourage energy efficiency and to diversify energy sources are also driving this transition.

As I have said before, Mr. Speaker, was the transition from wire to wireless communication a war on copper? Was the transition to the automobile a war on horses? No, of course not.

EPA's regulations are playing some role in driving the changes we see. That is true. But the Agency is doing what Congress directed it to do on behalf of all Americans: to act in defense of public health and to act in defense of our environment.

Let's put aside the EPA scapegoating and have a real dialogue on our changing power sector and what can be done to support those working in impacted industries. Meanwhile, we are debating these resolutions as our negotiators are in Paris working on an international climate agreement.

The bottom line is there is an overwhelming scientific consensus that climate change is happening and is primarily caused by human activity, particularly the burning of fossil fuels.

Climate change is no longer a problem for future generations. We are already feeling its effects in every corner of our Nation and across the globe, which threaten our economic and our national security.

The Clean Power Plan will play a significant role in the fight against climate change. The United States' action alone won't stop climate change, but action by the rest of the world without the United States' action also will not succeed.

Other countries will have an excuse to delay action as long as the giant, the United States, does as well. This is the dynamic that has prevented us from action in the past. But now we have seen major commitments from the world's largest developed and developing nations.

Mr. Speaker, the Clean Power Plan demonstrates United States leadership and is key to our effort to secure an ambitious and lasting international climate agreement.

We cannot fool ourselves that the Clean Power Plan, an agreement in Paris, or any one action alone will solve all of our climate crises. But these rules will deliver substantial benefits to our society, and they will move us in the right direction.

Mr. Speaker, I urge my colleagues to reject these resolutions. Let's work together in a meaningful strategy to address the problems that are emerging from the transition in our own electricity sector while promoting a cleaner, more sustainable Nation and growing significant jobs that are not yet on the radar screen.

Mr. Speaker, I reserve the balance of my time.

Mr. WHITFIELD. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. BUCSHON). He is a member of the Energy and Commerce Committee.

Mr. BUCSHON. Mr. Speaker, I rise in support of S.J. Res. 24, which expresses congressional disapproval under the Congressional Review Act of the EPA's rule on existing power plants. I also support S.J. Res. 23 that was just debated.

According to the EPA's own cost-benefit analysis, these regulations would do very little to impact global temperatures, but these regulations will, without a doubt, be devastating for Hoosier businesses and families that rely on affordable energy. Those hurt the most will be the poor and seniors on a fixed income.

Mr. Speaker, advances in how we produce energy should be achieved through innovation, technology, and efficient business practices, not by unobtainable Federal Government mandates from the EPA.

Mr. Speaker, Indiana disapproves of the EPA's attack on our State's economy and our State's jobs.

Mr. Speaker, I urge my colleagues to reject this overreach by supporting S.J. Res. 23 and 24.

Mr. TONKO. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. CONNOLLY), my colleague and friend. He is the cochair of the SEEC Coalition in the House, the Sustainable Energy and Environment Coalition. He is an outstanding leader with SEEC, and he is an outstanding leader for his district and the Commonwealth of Virginia.

Mr. CONNOLLY. Mr. Speaker, I thank my dear friend from New York, who is the cochair of the Sustainable Energy and Environment Coalition and does such a superlative job.

I rise to support him in opposing this legislative effort which argues overreach, but what it is really all about is making sure that the government does not protect the public, that we live in a Darwinian world where you apparently take your chances, whether it is asthma, other respiratory illnesses, cancer, and all kinds of other ailments that can affect communities that suffer from this pollution. We, as a country, can do better. We can create jobs, not lose them.

The arguments on the other side have always been that the Clean Air Act costs jobs and raises costs, neither of which are true. We have gotten lots of experience since 1970 with the Clean Air Act. I can tell you that, in my home State of Virginia, electric costs came down. They didn't go up. Jobs got created, not lost.

I end, Mr. Speaker, by reminding us of what His Holiness Pope Francis has argued. When Pope Francis came to the White House, before he spoke to this body, he personally thanked the President for these rules in protecting clean air.

His first encyclical is on climate change, which he believes is one of the most important and imperative moral issues facing mankind today. That is what the Pope has to say about this subject. We ought to heed his words and his moral warning as we debate this subject.

Mr. Speaker, I oppose the legislation and support the amendments with respect to the Clean Air Act.

Mr. WHITFIELD. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. BOST).

Mr. BOST. Mr. Speaker, I thank the gentleman from Kentucky and my neighbor across the river.

Mr. Speaker, the Obama administration's Clean Power Plan rule is a dagger aimed at the heart of the coal industry and affordable, American-made energy.

According to recent studies, the regulation will increase electric costs in my home State of Illinois by 27 percent. That is an unbearable burden on working families, seniors, and those people who are on set incomes.

On top of that, Mr. Speaker, the mining industry employs thousands of workers in southern Illinois and supports thousands more in union retirees.

I have heard here today on this floor that it doesn't affect jobs. Well, tell that to the people of my district who have watched the coal mines close and who have watched the suffering. These people don't have the opportunity to keep their children working near their own homes. They have to move away.

Mr. Speaker, if this regulation takes effect, the local coal mines that are left and coal generation plants will close down. Our priority must be affordable energy and American jobs.

For this reason, I ask, I beg, and I plead: Vote for S.J. Res. 24.

Mr. TONKO. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. CASTOR). She is a member of the Subcommittee on Energy and Power, and that reports to the greater Committee on Energy and Commerce that we both serve. I have witnessed her straightforward thinking and her very strong, passionate response on behalf of climate change.

Ms. CASTOR of Florida. I thank the gentleman from New York for his kind words and his leadership on this issue.

Mr. Speaker, I rise in opposition to this resolution that seeks to hamstring America's ability to combat carbon pollution and the impacts of the changing climate.

In Paris today, 195 nations from around the world are meeting to tackle the challenges of the changing climate. I am proud to see that America is leading this effort.

America's willingness to tackle the economic and environmental impacts of climate change is a reflection of our values. We do not cower in the face of difficult circumstances. That is the essence of the United States of America.

□ 1600

Yet that is what this Republican majority in the Congress would have us do—ignore the problem, pretend it doesn't exist, hope it goes away.

Well, we cannot do that. Scientific consensus is clear: The Earth's climate is changing, temperatures are getting warmer, and it is the greenhouse gases that are the primary drivers. Over the long term, the consequences will be very serious and the costs will be very high, indeed, unless we take action.

My neighbors back home in Florida are particularly vulnerable. Florida has more private property at risk from flooding linked to climate change than any other State, an amount that could double in the next 4 years.

Already, local governments and taxpayers are being asked to pay more for stormwater drainage, drinking water initiatives, and beach renourishment. Extreme weather events will likely cause increases in property insurance and flood insurance.

We just experienced, colleagues, one of the warmest Novembers on record in central Florida. Because of the heat, we had to run our air conditioners a lot longer than we are used to. We are used to turning them off in November, so we are paying more on our electric bills.

For my friends in agriculture, the tomato crop was harvested earlier this year because of the heat, and while the yield was comparable to past years, the size was affected. The increase in the number of days with extreme heat is sure to impact other crops in Florida's economy.

We are not alone. We are going to continue to see the impacts all across America. So we have a challenge before us. We cannot shirk our responsibility to this great country or to future generations.

We must unleash American ingenuity to reduce carbon pollution. So much is already happening. Technology today helps consumers conserve energy and save on their electric bills. Smartphones and smart meters can help you control your thermostat.

Renewable energy, such as solar and wind power, hold great promise and are growing by leaps and bounds. I have seen it at home, where local businesses like IKEA and the big beer distributorship have put solar panels on the roofs of their huge buildings to save on their electric bills.

Roughly 20,000 megawatts of solar capacity is forecasted to come on line over the next 2 years, doubling the country's existing solar capacity.

And industrial energy and heat that was once wasted is being turned into fuel.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. TONKO. I yield the gentlewoman an additional 1 minute.

Ms. CASTOR of Florida. Mr. Speaker, I thank the gentleman.

All of these efforts are creating the jobs of tomorrow in clean energy, in engineering, in energy efficiency and green building.

So, colleagues, I urge you to defeat this resolution. It is largely a symbolic vote. A ''yes'' vote is one to ignore the costs and consequences of the changing climate, but if it passes, it will also be another low point for this Congress, a Congress that has demonstrated time and again an inability to deal with the complicated and thorny problems that face America. I predict that many will come to regret that legacy.

Mr. WHITFIELD. Mr. Speaker, I respectfully disagree with the distinguished gentlewoman from Florida who says this is a symbolic vote.

We want this vote to be held because the Senate has already adopted this resolution. We want the House to adopt this resolution while the climate change conference is going on in France so that the world will know that in America there is a disagreement about the extreme power grab that this President is initiating under his clean energy plan.

At this time, I yield 3 minutes to the gentleman from Ohio (Mr. JOHNSON), who has been a real leader for Ohio in this issue and in the Congress.

Mr. JOHNSON of Ohio. Mr. Speaker, I thank the chairman, and I couldn't agree with my chairman more on his comments.

I rise today in strong support of S.J. Res. 24, a joint resolution disapproving of the EPA's regulations targeting existing power plants.

If the administration allows the Clean Power Plan to move forward, countless coal and coal-related jobs across the country will be eliminated, families and small businesses will be forced to pay higher electricity prices, and grid reliability will be seriously jeopardized.

It is estimated that, to comply with the EPA's existing power plant regulations, energy sector expenditures

would increase from $220 billion to $292 billion, with retail electricity prices doubling in 40 States. In fact, by 2030, one study predicts Ohio's wholesale electricity prices will increase by 31.2 percent due to this regulation. The regulation will force consumers to absorb a $64 billion cost just to replace the power plants shut down by the rule.

This resolution of disapproval sends a clear message to the President that a majority of the Senate, the House, and America do not approve of higher electricity prices and an unreliable electric grid.

At least 27 States, including Ohio, are now challenging the regulations in court. Ohio EPA Director Craig Butler is correct; it would be irresponsible for the U.S. EPA to force immediate compliance until the legal issues are resolved.

America faces real challenges. ISIS and other terrorist groups are plotting to attack us. We have a staggering national debt that our children and grandchildren will be buried under if we don't address it. We have a Tax Code and regulatory framework that are stifling and strangling innovation and job creation. And our education system isn't keeping pace with those of our rivals.

These are real problems. America's air and water have never been cleaner. For the President to continue his crusade to shut down the coal industry and all the jobs that go with it is shortsighted, foolish, and wrong.

And it won't just be the coal miners who pay for the President's policy on coal, Mr. Speaker. It will be every family and small business who end up paying more for their electricity as a result.

I strongly urge my colleagues to support S.J. Res. 24.

Mr. TONKO. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT), a member of the Ways and Means Committee and, more important to this discussion, an outstanding, passionate voice concerning climate change and carbon emission.

(Mr. MCDERMOTT asked and was given permission to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, Members of Congress, the Republican propaganda machine is out here pushing a false choice: You either have no regulations or you have no economy. That is what it is. You have to get rid of all the regulations, or you won't have an economy.

Now, that simply is not true. The facts are piling up worldwide that we cannot continue what we are doing.

Now, on the front page of today's Washington Post is a picture of a Chinese city where you can't see a guy riding a bicycle in the street. That is true in Delhi. That is true in Beijing. It is all over the world.

And, unfortunately, climate is all over the world. We can't just have it clean in our neighborhood and have it awful in the rest of the world. We have to think about a larger issue than our own.

I have heard the same arguments that I am hearing today when we said, ''You got to stop smoking on the airplanes.'' Why, we heard the tobacco boys running in here saying, ''Oh, this is the end of the Earth. There will be nobody smoking tobacco.''

And look what has happened. The air is cleaned up on planes, it is cleaned up in restaurants, it is cleaned up on this floor because we had rules and regulations.

This is a public health problem as much as it is an economic problem. Since I got out of the military in 1968, 76,000 miners have died of black lung disease—76,000. We have appropriated in this House $45 billion in money to those miners because of their problems.

Our ravenous appetite for fossil fuels continues to be a real problem, and it is getting worse. And yet, with all the reckless bills, the Republicans are once again turning a blind eye to these costs. ''They don't mean anything. We want the mine owners to have freedom to do whatever they want and the power companies to do whatever they want. We don't want anybody to tell them you have to clean it up.''

In Seattle, we have a steel plant right in the middle of town. It is run by Nucor. The Nucor Steel rebar plant is right in the middle of the city. It has been cleaned up, and you can do it.

But the coal boys and the power boys, they don't want to spend any money cleaning anything up. They don't want anybody telling them, with regulations, you have to reduce the amount of particulates in the air. So we have this problem that is going on and on and on.

Now, as industry and the industry-bought Republicans fight tooth and nail against any effort to reduce dependence on fossil fuels, they are not just condemning future generations to a world battered by increasing extreme and erratic weather patterns—we are seeing them all over the world.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. TONKO. I yield the gentleman an additional 1 minute.

Mr. MCDERMOTT. They are really betraying a generation of Americans who are already reeling from the impact of all of this. Coal miners and the communities they live in are bearing the brunt of this irresponsible action by the coal owners.

We had the same thing in Washington State with the forests. People said, ''You have to keep cutting trees. Cut every tree you can see that is standing anywhere.'' And we said, ''If you do that, you destroy the environment.'' So we stopped, and we helped the loggers find another way to make a living, and they are doing just fine.

Now, if we keep this up and keep resisting and keep exposing the American public, both in the mines and in the cities, to this kind of environment, we are going to pay for it.

It is like that FRAM commercial when I was a kid. The FRAM commercial was you either clean your air filter on your car now or you are going to pay me later by having to have the motor redone.

That is what this is about. We are talking about a President who says, let's put some new FRAM filters in here and see if we can't cut down the pollution and save both the people and the economy.

Mr. WHITFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE), the distinguished majority whip.

Mr. SCALISE. Mr. Speaker, I want to thank the gentleman from Kentucky for yielding and for bringing this legislation to the floor.

I rise in strong support of S.J. Res. 24.

Mr. Speaker, what we are talking about is rejecting this radical plan by President Obama's EPA that is going to actually impact every power plant in this country.

The President has a war on coal. He declared a war on coal years ago, and we are seeing the results of it. The results of it here in America are thousands of good jobs lost, thousands of middle class families that are now unemployed and trying to fight to get back in the middle class. And even more than that, Mr. Speaker, what you see is millions of people across this country paying more for electricity costs because of these regulations.

So what is President Obama's answer? It is to go to Paris and say that the biggest threat to national security is global warming. For goodness' sake, doesn't he see what is going on across the world?

We are here focusing on national security, Mr. Speaker. We are also focusing on energy security, and we are standing up against a radical regulation that is going to increase costs on the most needy in this country.

When you look at the impact, this proposal by President Obama's EPA would have a $29-billion-per-year cost on middle class families. The people that are going to be hit the hardest are low-income families, Mr. Speaker. In Louisiana alone, nearly 1 million middle-and low-income families will be hit by this radical regulation.

At Christmas season, I think families would much rather be spending their hard-earned dollars going and buying Christmas presents for their families instead of seeing a 13-percent increase in their utility bills for a regulation that is not going to do anything to clean the air.

We are already seeing a reduction in carbon emissions because of the American innovation. When some of these European countries signed Kyoto and some of these other accords that are wrecking their economies, we didn't do it. Because we are actually doing better than them without signing an accord because we used great American innovation.

And, instead, the President wants to come behind and bring a regulation that is going to strangle small businesses, it is going to strangle families, and it is going to increase electricity costs on those that can least afford to pay it.

Again, let them keep the money in their own pockets. Let's innovate, let's create jobs in this economy, not use radical regulations to strangle our economy and our middle class. Let's pass this resolution.

Mr. TONKO. Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from New Jersey (Mr. PALLONE), our distinguished ranking member of the Energy and Commerce Committee, who has led a fight for carbon emission and climate change on behalf of the Democrats in the House, and that he may control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1615

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. I thank the chairman.

Mr. Speaker, my colleague Congressman MCDERMOTT pointed to this picture in today's edition of The Washington Post. This is during the daylight. It is outside. It is in China.

I have been over there about four times, and I can relate to this picture in case nobody has been over there. Anybody who has been over there knows how the environment, the air quality, and people's health are impacted by the lack of regulations that have existed over in China. They have an acute air pollution problem.

The fact is we don't have air pollution like that here in America because we have had regulations promulgated by agencies like the EPA, particularly the EPA, that have resulted in, yes, some increased costs to Americans, but the result of that cost is air quality that does not look like this.

This is worth paying for, and the people will continue to pay. We will continue to pay. I mean, life is not free. It is true, though, that, with companies making so much money these days due to the misbalance in the economy, people are being squeezed.

I hate to ask people to pay more, but I myself cannot live just based on the price that businesses have to pay to make sure that they are not polluting our environment. They should pay, and we have to pay our fair share, too.

The question is: Are we going to be able to save our planet from countries that don't have regulations?

We are going in the opposite direction here. We are talking about doing away with the EPA. Why is it that the first thing my friends on the other side of the aisle and all of their Presidential candidates talk about is getting rid of the EPA?

There is a reason for that. The reason is that they want to protect the ability of polluters to just pollute at will and to continue to make all of the money at the expense of people's health, with our paying them exorbitant amounts for the energy that they are creating.

When are we going to do something about this? If not now, then when? If it is not America that is leading, then who?

They talk about President Obama going to Paris. There are 185 nations being represented in Paris that are working on this problem, which is a profound problem not just for America, but for the world. We all live in this same ship together, and we have got to take care of it.

Mr. WHITFIELD. Mr. Speaker, I yield myself such time as I may consume.

I will reiterate and make sure that everyone understands that S.J. Res. 24 does not eliminate the EPA. It refers only to the President's existing coal plant rule.

Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. WOMACK), who has been very involved in this issue in his career in Congress.

Mr. WOMACK. I thank the distinguished gentleman from Kentucky for his leadership on the issue.

Mr. Speaker, I rise today in support of S.J. Res. 24 and to echo the sentiments of my colleagues.

There is no question that we are all searching for a brighter future for generations to come. We disagree, however, on how to get there and, in this case, on the effects that our decisions could have on the environment and on the American family in the process.

Frankly, the EPA's Clean Power Plan will result in little to no environmental benefit at the expense of thousands of jobs and countless dollars and hours spent on compliance, all for the sake of an unrelenting government agency's agenda and the desired environmental legacy of this administration. It is as simple as that.

Not only will the Clean Power Plan fail to achieve the results intended, but the administration's very authority to implement it is questionable at best. The letter of the law itself denies the EPA this authority to regulate power plants under section 111(d), something specifically cited under section 112. Twenty-seven States' attorneys general, including our very own Leslie Rutledge in Arkansas, agree and have filed suit in response.

The Constitution clearly states that legislative powers are vested in the Congress. The Clean Power Plan is a clear attempt to take policymaking out of the hands of Congress. That is unacceptable. President Obama's never-ending regulatory overreach has to be stopped.

If the EPA will not halt, Congress must act to prevent this egregious power grab. This resolution will stop the EPA in its tracks and return the power to where it rightfully exists. Maybe then we can all get back to this Nation's historic, all-of-the-above energy policy.

Mr. Speaker, if we want to leave our successors a better future, supporting the two resolutions that have been debated here on the floor today is a really good first step.

Mr. PALLONE. Mr. Speaker, may I inquire as to the time that remains on both sides?

The SPEAKER pro tempore. The gentleman from New Jersey has 10½ minutes remaining. The gentleman from Kentucky has 16½ minutes remaining.

Mr. PALLONE. Mr. Speaker, I reserve the balance of my time.

Mr. WHITFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. WEBER).

Mr. WEBER of Texas. I thank the gentleman.

Mr. Speaker, I rise today in strong support of both joint resolutions, which will block the Obama administration's so-called Clean Power Plan, a regulation, I will add, that was never authorized by Congress, that will hurt our economy, lower our standard of living, and have absolutely no impact on the climate.

Mr. Speaker, I often say the things that make America great are the things that America makes. Now, how do we do that? We do that with an affordable, dependable, reliable energy supply.

According to the Electric Reliability Council of Texas, which operates my State's electric grid, energy costs would increase protections by up to 16 percent due to this Clean Power Plan. This will have a disproportionate impact on the poor and on those on fixed incomes. Sadly, most of those folks don't even see it coming.

According to testimony we heard today, Mr. Speaker, in the Science, Space, and Technology Committee, the Clean Power Plan will reduce global temperatures by just .023 degrees Fahrenheit by the year 2100.

Furthermore, the EPA's claimed public health benefits from this regulation are due solely to reductions in air pollutants that are already regulated by the Agency under existing standards. The reduction of carbon dioxide on its own has no public health benefits.

I mentioned that the things that make America great are the way that we have a reliable, affordable power supply. I guess we could say that the EPA stands for an ''energy and power assault.''

Mr. Speaker, the facts are clear. This regulation will hurt our economy, and it will have none of the stated benefits the administration claims. I often say that the EPA seems to stand for ''eventually paralyzing America.''

We must adopt these resolutions of disapproval and hold this administration accountable for its regulatory assault on our economy and on our low-income families. That is how I see it here in America.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

I have heard my Republican colleagues say over and over again that the President's Clean Power Plan won't have any impact on air quality and that it won't do anything to improve the environment. Nothing could be further from the truth.

The rule that we are discussing in this joint resolution and that the joint resolution would seek to disapprove establishes State-by-State targets for lowering carbon emissions. When it is implemented, the rule will reduce emissions from the power sector by 32 percent over the next 15 years as compared to emissions in 2005.

The final rule has public health and other benefits of up to $54 billion per year by 2030, and this includes thousands of fewer premature deaths from air pollution and tens of thousands of fewer childhood asthma attacks each year—emphasizing again, thousands of fewer premature deaths from air pollution and tens of thousands of fewer childhood asthma attacks each year.

I keep hearing from my GOP colleagues about the costs. What are the costs to society of air pollution and of people suffering from asthma and of premature deaths and of hospitalizations and of all of the costs? None of these things are calculated by the Republicans in their speeches. They just assume that somehow none of this matters.

Some of my Democratic colleagues have said over and over again that this is sort of a wasted debate because we know that the President has said he is going to veto the bill and that there wouldn't be enough votes in the House or in the Senate to overcome the President's veto.

The theme that you are getting from the Republicans is somehow a clean environment and a good economy don't go together. In fact, the opposite is true.

The fact of the matter is that, ever since the Clean Air Act was implemented years ago, we have seen reductions in air pollution. We have seen people's lives saved. We have seen fewer people suffer from asthma attacks and the other consequences of pollution. At the same time, the economy has improved.

In the Statement of Administration Policy, in which the President says that he will veto this resolution, he specifically says that, since it was enacted in 1970 and amended in 1977 and 1990, each time with strong bipartisan support, the Clean Air Act has improved the Nation's air quality and has protected public health.

Over that same period of time, the economy has tripled in size while emissions of key pollutants have decreased by more than 70 percent. Forty-five years of clean air regulation have shown that a strong economy and strong environmental and public health protections go hand in hand.

I just keep hearing these negative comments from the other side of the aisle. The fact of the matter is, when you reduce air pollution, you eliminate the consequences of people having bad health, of dying, of getting sick.

At the same time, the economy has improved because we have come up with alternatives to the awful pollution that has resulted which this Clean Power Plan is designed to thwart.

Again, I keep hearing my colleagues saying all of these things, but the fact of the matter is you can have clean air, you can have a good environment, and you can have a good economy and grow jobs. That is exactly what this rule that the President has put forward is designed to achieve.

I reserve the balance of my time.

Mr. WHITFIELD. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. YOHO).

Mr. YOHO. I thank my good friend from Kentucky for allowing me to speak.

Mr. Speaker, we are as concerned about our environment and jobs and the economy as anybody else is, and there was a point in time when we needed this. We saw those pictures of China with the red glow and where you couldn't see the bicycle rider. China has got a problem, and they need to address that.

We have addressed that in this country, but it gets to a point at which you cross a line and you can't squeeze any more out of the rock. Back 40 years ago the mercury coming out of the smokestacks of the coal-fired power plants was about 50 pounds of mercury a year. Now it is less than 2 pounds of mercury a year. So how much more can you increase that?

Mr. Speaker, this administration has proven that it is no friend to the hardworking American families across our country or to the power-producing companies that supply power to all Americans.

Instead, this administration is placing added requirements on our Nation's energy producers, requirements that will increase costs to all Americans, affecting those most who can least afford it. It will increase costs, it will decrease the grid's reliability, and it will jeopardize our national security.

As we speak, nations across the world are meeting in Paris to discuss further restrictions on energy producers. As Americans, we do not bow to foreign pressure or influence. America needs to do what is best for America, especially when it is a foreign country that is putting out more than 50 percent of the carbon emitted into the atmosphere.

Instead of limiting our energy production, which, again, hits hardworking Americans especially at the lower economic scales, why don't we use all of the resources that America has been blessed with and take a commonsense approach in making our economy stronger and more competitive rather than in crippling it?

□ 1630

The issue is near and dear to my heart as a Member from Florida who represents five co-ops in my district, and it is what we see.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WHITFIELD. Mr. Speaker, I yield an additional 30 seconds to the gentleman.

Mr. YOHO. The EPA's own report says that their new emissions standards will not reduce the CO_2 emissions or improve air quality or human health, but they are going ahead with it anyway to the detriment of American manufacturing jobs and costs to the American taxpayers.

I stand in strong support of S.J. Res. 24.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Again, I listened to the previous speaker. House Republicans keep telling us that greenhouse gas emissions are falling in the United States. The previous speaker suggested that the United States doesn't need to do much more about climate change. That couldn't be more wrong.

U.S. greenhouse gas emissions did fall in 2008 and 2009 during the economic recession. Since that time, our overall emissions have grown. Cumulatively, U.S. emissions grew, not fell, in 2012 and 2013, the two most recent years for which data is available.

What matters really is whether U.S. emissions are on track to decline in the future by the amount needed to prevent dangerous climate change. Scientists say we need to reduce carbon pollution by 80 percent by 2050 to avoid catastrophic climate change. The EPA already predicts that, without any new policies to control carbon pollution, policies like the Clean Power Plan, the U.S. will only see a 2 percent drop in CO_2 emissions by 2040 compared to 2005 levels.

So this data highlights the importance of the Clean Power Plan and the Obama administration's overall push to cut greenhouse gas emissions. To suggest the United States doesn't need to do any more, that is just not the case. We need to do a lot more, and that is what the Clean Power Plan is designed to do.

I reserve the balance of my time.

Mr. WHITFIELD. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. BILIRAKIS), a member of the Energy and Commerce Committee.

Mr. BILIRAKIS. Mr. Speaker, I rise in support of S.J. Res. 23 and 24, resolutions that would protect my constituents from egregious EPA overreach. This burdensome regulation is projected to raise electric rates in Florida annually between 11 and 15 percent for over 10 years while providing virtually no environmental benefits.

The regulations for existing power plants, commonly called the Clean Power Plan, could have disastrous consequences for the safety, affordability, and reliability of my constituents' electricity. In my district, there are over 200,000 residents who get their

electricity from rural electric cooperatives, utilities formed during the Great Depression to serve rural, traditionally underserved areas with electricity.

If the Clean Power Plan continues without serious alterations, it has the potential to negatively affect these underserved areas the most. The Clean Power Plan could close down power plants in rural areas that provide jobs and economic activity.

In Florida, the Seminole Electric Cooperative operates two power plants whose baseload generating units do not meet the emission rate requirements. Their Seminole generating station employs over 300 individuals. If the EPA forces the plant to close prematurely, these jobs are at risk, and rural electric cooperative members, like my constituents, will still have to pay for the closed plant in their rates through 2042 while also paying for a new electricity source.

The Congressional Review Act was created for a reason: to give this body the authority to check the executive branch when it oversteps its bounds and enacts policy against the will of the people.

I urge my colleagues to support these resolutions, both of them, to protect my constituents from needless rate increases and to protect the powers of this institution.

Mr. PALLONE. Mr. Speaker, I reserve the balance of my time.

Mr. WHITFIELD. May I inquire as to the time remaining.

The SPEAKER pro tempore. The gentleman from Kentucky has 10 minutes remaining, and the gentleman from New Jersey has 5½ minutes remaining.

Mr. WHITFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. CARTER).

Mr. CARTER of Georgia. Mr. Speaker, I rise today in support of S.J. Res. 24, which expresses Congress' disapproval of the EPA's carbon emission rule for existing power plants. The administration's unprecedented rule would inhibit our ability to produce affordable and reliable electricity.

A robust energy supply is essential to national security, public health, and the economy, yet the administration continues to wage war on the source of 85 percent of America's energy. Until our energy infrastructure can support widespread use of alternate energy sources, we cannot arbitrarily force the closure of plants that are keeping lights on for millions of Americans.

Implementing this rule would result in the loss of over 125,000 jobs, as well as significantly higher electric bills in 48 States. Forty of these States would see double-digit electricity price increases.

Our Nation is still in a period of economic recovery. Low- and middle-income American families already spend 17 percent of their household budget on electric bills. These families cannot afford to have another costly mandate forced upon them.

Our economy cannot recover, much less compete on a global level, with this many jobs lost. This resolution would prevent this rule from having any effect and would prohibit the EPA from reissuing this rule in a similar form.

I urge my colleagues to support this bill so we can assure Americans are not disadvantaged by another costly regulation.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

In closing, I just want to comment on two issues that keep coming up on the Republican side. One is this notion, which I think the GOP Whip SCALISE talked about, of the President's war on coal. Nothing could be further from the truth.

I agree that the transition away from coal is contributing to job losses in the coal industry, but setting aside these rules will not alter this trend. There are too many other changes occurring in the power sector that are impacting these workers.

Technologies—including distributed generation, smart grid, energy storage, energy efficiency, microgrids, and combined heat and power systems—are maturing and being incorporated at a faster pace. In some areas, they call into question the old grid model that was dominated by large, centralized generation.

Concern for these displaced energy workers should be motivating us to do something to help these people and their communities to transition to other good-paying jobs in new industries. Setting aside this rule is not going to replace the job security that they had in the past.

Instead of wasting time trying to hold back progress and ignore climate change, we should be working together to address this challenge. This rule moves us forward, and it represents our Nation's commitment to addressing a serious global problem that we helped to create.

I constantly hear this about job losses. The fact is that job losses are occurring regardless of anything that the Clean Power Plan would do. Instead of saying job losses, the Republicans should be thinking about ways of trying to help these workers.

The other thing I would mention is I kept hearing from the other side this whole notion that electricity rates, prices, and bills are going to go up.

I include in the RECORD a letter from Public Citizen and a number of other consumers groups.

PUBLIC CITIZEN—CENTER FOR ACCESSIBLE TECHNOLOGY—CITIZENS ACTION COALITION—CITIZENS COALITION—CONSUMERS UNION—ENERGY COORDINATING AGENCY OF PHILADELPHIA—FRIENDSHIP FOUNDATION—GREENLINING INSTITUTE—LOW-INCOME ENERGY AFFORDABILITY NETWORK—NATIONAL CONSUMER LAW CENTER—NW ENERGY COALITION—NUCLEAR INFORMATION AND RESOURCE SERVICE—OHIO PARTNERS FOR AFFORDABLE ENERGY—PUBLIC UTILITY LAW PROJECT OF NEW YORK—TURN THE UTILITY REFORM NETWORK—VERMONT ENERGY INVESTMENT CORPORATION—VIRGINIA CITIZENS CONSUMER COUNCIL—WA STATE COMMUNITY ACTION PARTNERSHIP—A WORLD INSTITUTE FOR A SUSTAINABLE HUMANITY (A W.I.S.H),

November 24, 2015.

RE: Consumer Groups Oppose S.J. Res. 23 and S.J. Res. 24.

DEAR REPRESENTATIVE: We urge you to oppose S.J. Res. 23 and S.J. Res. 24. These resolutions would effectively repeal the EPA Clean Power Plan, which curbs carbon pollution from power plants. Opponents of the Clean Power Plan often argue that they are protecting consumers, but they are mistaken. The Clean Power Plan is good for consumers because it will mitigate climate change and can lower household electricity costs.

The Clean Power Plan will benefit consumers. Climate change poses a severe threat to American consumers and in particular to vulnerable populations. A few of the most salient risks include: higher taxes and market prices to cover the costs of widespread damage to property and infrastructure from extreme weather; diminished quality and higher prices for food and water, heightening food insecurity for America's most vulnerable populations; and increased illness and disease from extreme heat events, reduced air quality, increased food-borne, waterborne, and insect-borne pathogens.

By curbing carbon pollution, the Clean Power Plan will benefit consumers by mitigating these harms.

The Clean Power Plan should lower consumer electricity bills. The Clean Power Plan is likely to lower consumer costs, not raise them, because it will spur improvements in energy efficiency. Although electricity prices may rise modestly under the Plan, consumers will use less electricity. This should result in lower bills overall. The EPA projects that the rule will lower consumer bills by 7.0 to 7.7 percent by 2030. A Public Citizen analysis of the proposed rule found that the EPA's projection of bill reductions was conservative because it overestimated the cost of efficiency programs and underestimated how much progress the states can make on efficiency. These points remain valid with respect to the final rule, for which the EPA's analysis is similar. Consumer costs are likely to decline by more than the agency projects.

We strongly encourage members to support the Clean Power Plan and to oppose the resolutions disapproving it. Thank you for considering our views, and please feel free to contact David Arkush for further information at darkush@citizen.org or (202) 454–5132.

Sincerely,

David Arkush, Managing Director; Public Citizen's Climate Program; Dmitri Belser, Executive Director; Center for Accessible Technology; Kerwin Olson, Executive Director; Citizens Action Coalition; Joseph Patrick Meissner, Legal Counsel; Citizens Coalition; Friendship

Foundation; Shannon Baker-Branstetter, Policy Counsel, Energy and Environment; Consumers Union; Liz Robinson, Executive Director; Energy Coordinating Agency of Philadelphia; Stephanie Chen, Energy and Telecommunications Policy Director; The Greenlining Institute; Elliott Jacobson, Chair; Low-Income Energy Affordability Network; Charlie Harak, Attorney; National Consumer Law Center, on behalf of its low-income clients; Michael Mariotte, President; Nuclear Information and Resource Service; Wendy Gerlitz, Policy Director; NW Energy Coalition; David C. Rinebolt, Executive Director and Counsel; Ohio Partners for Affordable Energy; Richard A. Berkley, Esq., Executive Director; Public Utility Law Project of New York; Mark W. Toney, Ph.D., Executive Director; TURN—The Utility Reform Network; Beth Sachs, Founder; Vermont Energy Investment Corporation; Irene E. Leech, President; Virginia Citizens Consumer Council; Merritt Mount, Executive Director; WA State Community Action Partnership; Michael Karp, President & CEO; A World Institute for a Sustainable Humanity (A W.I.S.H).

Mr. PALLONE. I would like to just read some sections from the letter. The letter is from Public Citizen and a number of other consumers groups.

They say in the letter that ''the Clean Power Plan will benefit consumers. Climate change poses a severe threat to American consumers and in particular to vulnerable populations . . . The Clean Power Plan should lower consumer electricity bills. The Clean Power Plan is likely to lower consumer costs, not raise them, because it will spur improvements in energy efficiency. Although electricity prices may rise modestly under the Plan, consumers will use less electricity. This should result in lower bills overall. The EPA projects that the rule will lower consumer bills by 7.0 to 7.7 percent by 2030. A Public Citizen analysis of the proposed rule found that the EPA's projection of bill reductions was conservative because it overestimated the cost of efficiency programs and underestimated how much progress the states can make on efficiency. These points remain valid with respect to the final rule, for which the EPA's analysis is similar. Consumers costs are likely to decline by more than the agency projects.''

Again, we keep hearing from the other side of the aisle, oh, electricity bills are going to go up. They are not. They are going to go down. We keep hearing we are going to lose jobs. Well, a lot of those jobs are going to be lost anyway because of the change in the types of generation of electricity. We should be thinking of ways to try to deal with that rather than saying that somehow we are going to stop it, because we are not going to be able to.

I also want to say that I heard the national security argument. We had, in the Energy and Commerce Committee, a minority hearing a couple of months ago at Annapolis. One of the reasons we went there is we know that our military is seriously concerned about the impacts of climate change and sea level rise. When we were there, the superintendent of the Naval Academy was talking about hundreds of millions of dollars that were being spent just at Annapolis to deal with sea level rise at the academy and went on to talk about the impact of climate change on naval operations and so many other things.

Again, I don't want to emphasize the impact on our national security, but it is there. To suggest that somehow there is no impact is simply not true. Climate change is very much in the minds of the admirals and the generals at the Pentagon. They are very worried about the impact and what it is going to mean in terms of our national security and what we have to do to address those concerns over the next few years.

The main thing I wanted to stress, Mr. Speaker, if I could, is that this rule that the Republicans are trying to get rid of provides States with a lot of flexibility to find the best path forward to meet their emission reduction goals. In fact, many States are already implementing policies that are consistent with these regulations.

The fact of the matter is that the EPA spent several years talking to States, talking to stakeholders, and talking to consumers. They have not put together some kind of straightjacket here that says that the States have to implement these reductions in carbon emissions in a certain way. They are giving States a tremendous amount of flexibility. They had a lot of public hearings. They had millions of people who commented on the rule.

Somehow, when you listen to my colleagues here today, they suggest that this rule came out of nowhere without considering all of the economic impacts, without considering the costs. None of that is true. In fact, there were a lot of discussions about the costs and about the economic impact.

The bottom line is that there is every reason to believe that this rule will improve the public health, will improve the lives of Americans in terms of the negative impact that air pollution has on their health, and, in the long run, will improve the economy and lower costs for the consumer.

I yield back the balance of my time.

Mr. WHITFIELD. Mr. Speaker, I yield myself such time as I may consume.

I certainly want to thank Mr. PALLONE and the great job he does as ranking member of the Energy and Commerce Committee. I am delighted that we have the opportunity to come to the House floor to debate things like S.J. Res. 24.

The Congressional Review Act is an instrument that is available to Congress to try to stop the President when we believe that the President has exceeded his legal authority, and that is precisely why we are here today on S.J. Res. 23 as well as S.J. Res. 24. We believe the President has exceeded his legal authority.

Now, the President in 2013 went to Georgetown University and gave a speech on climate change, and he set out his clean energy plan. I might say that he never consulted with Congress. He never talked to Congress. He never asked for any input from Congress on this issue. That is his prerogative. But the EPA took him at his word, and then they started the process of adopting these final regulations.

□ 1645

We have already talked about the regulation relating to new coal power plants so that America finds itself to be one of the only countries in the world today where you cannot build a new plant.

But right now we are talking about the regulation on existing plants. The reason we have such concern about it is that, first of all, EPA's own legal team, their lawyers, reversed 20 years of legal opinion when they said that they could regulate under 111(d) of the Clean Air Act. Prior to that, they had always made the decision that, on this type of scale, they could not do it under 111(d).

I might also add that Professor Larry Tribe of Harvard Law School, who taught Barack Obama while Barack Obama was a student at Harvard, came to Congress and testified on this clean energy plan that, in his view, it was like tearing up the Constitution. In other words, the President exceeded his legal authority. In other words, it was a power grab.

Now, some people say, well, the end justifies the means. There are a lot of people who feel that way. But we are still a nation of laws. We believe—and not only we believe—every time the EPA has testified about this existing coal plant rule, they have stressed how they have met with the States, they give the States maximum flexibility to try to address this regulation. If that is the case, why have 27 States already filed lawsuits against the EPA and a multitude of other entities as well?

This is even a violation of the Federal Power Act because States, generally speaking, have jurisdiction over electric generation and intrastate distribution. But under this regulation of existing coal plants, EPA will have that authority.

Guess what. Normally, when EPA has a major rule like this, they will give the States 3 years to come up with their State implementation plan. But, in this instance, the rule came out and was finalized in September or October of this year. The States have until September, basically 1 year, to come up with a State implementation plan.

They wanted to finalize this rule so that the President could go and tell the world leaders in France that America was doing more than anyone else, and we already were doing more than anyone else.

With all due great respect to everyone, whether you agree with our position or not, we have the right to express that view. We decided explicitly

to bring these resolutions to the floor as the climate change conference is taking place in Paris because we want the world to know that there are differences of opinion between the Congress and the President on this issue and on his clean energy plan.

I would respectfully ask every Member of Congress to vote for this resolution. As we said earlier, the U.S. Senate has already passed both of these resolutions because they are concerned about the President exceeding his legal authority, his power grab, his extreme plan. Even Democrats in the Senate supported these resolutions.

That is all we are trying to do today. We are not debating climate change. We are not debating the science of climate change. But we are debating the President's view on the way you address it and the fact that he is jeopardizing America because he is making us jump through more severe obstacles and hoops than any other country is being asked to do. That is why we are here today.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the rule, the previous question is ordered on the joint resolution.

The question is on third reading of the joint resolution.

The joint resolution was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PALLONE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the passage of S.J. Res. 24 will be followed by a 5-minute vote on the passage of S.J. Res. 23.

The vote was taken by electronic device, and there were—yeas 242, nays 180, not voting 11, as follows:

[Roll No. 650]

YEAS—242

Abraham
Aderholt
Allen
Amash
Amodei
Ashford
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stivers
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—180

Adams
Aguilar
Bass
Beatty
Becerra
Bera
Beyer
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Dold
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanna
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sherman
Sinema
Sires
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—11

Graves (GA)
Herrera Beutler
Kirkpatrick
Ruppersberger
Rush
Sewell (AL)
Slaughter
Stewart
Stutzman
Takai
Williams

□ 1716

Mr. HANNA changed his vote from ''yea'' to ''nay.''

Mr. MEEHAN changed his vote from ''nay'' to ''yea.''

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE ENVIRONMENTAL PROTECTION AGENCY

The SPEAKER pro tempore. The unfinished business is the vote on passage of the joint resolution (S.J. Res. 23) providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Environmental Protection Agency relating to ''Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units'', on which the yeas and nays were ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the joint resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 235, nays 188, not voting 10, as follows:

[Roll No. 651]

YEAS—235

Abraham
Aderholt
Allen
Amash
Amodei
Ashford
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Crawford
Crenshaw
Cuellar
Culberson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan

Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—188

Adams
Aguilar
Bass
Beatty
Becerra
Bera
Beyer
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Costello (PA)
Courtney
Crowley
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Dold
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Fitzpatrick
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gibson
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanna
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Katko
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meehan
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Ros-Lehtinen
Roybal-Allard
Ruiz
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sherman
Sinema
Sires
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—10

Cramer
Herrera Beutler
Kirkpatrick
Ruppersberger
Rush
Sewell (AL)
Slaughter
Stutzman
Takai
Williams

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1724

Mr. KATKO changed his vote from ''yea'' to ''nay.''

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO GO TO CONFERENCE ON H.R. 644, TRADE FACILITATION AND TRADE ENFORCEMENT ACT OF 2015

Mr. BRADY of Texas. Mr. Speaker, pursuant to clause 1, rule XXII, and by direction of the Committee on Ways and Means, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Brady of Texas moves to take from the Speaker's table the bill H.R. 644, with the House amendment to the Senate amendment thereto, insist on the House amendment, and agree to the conference requested by the Senate.

PARLIAMENTARY INQUIRIES

Mr. DOGGETT. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DOGGETT. Mr. Speaker, is this motion, which makes changes in the fast-track procedures that the House voted on earlier in the year, debatable?

The SPEAKER pro tempore. The Chair was about to recognize the gentleman from Texas (Mr. BRADY) for 1 hour of debate.

Mr. DOGGETT. Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DOGGETT. Mr. Speaker, is that time divided equally, as is normally done on proposals under our rules?

The SPEAKER pro tempore. It is debatable under the hour rule.

Mr. DOGGETT. So it can be debated without yielding any time to those of us who are opposed to this motion under the rules of the House?

The SPEAKER pro tempore. The gentleman from Texas (Mr. BRADY) will be recognized for 1 hour.

Mr. DOGGETT. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DOGGETT. Under the new, open, inclusive policies that Speaker RYAN has announced, when was notice of this conference report coming up for a vote tonight first provided to all the Members of the House?

The SPEAKER pro tempore. The gentleman has not presented a valid parliamentary inquiry. The Chair will not respond to matters of scheduling.

Mr. DOGGETT. Well, wasn't it about 30 minutes ago?

The SPEAKER pro tempore. The gentleman from Texas (Mr. BRADY) is recognized for 1 hour.

Mr. BRADY of Texas. Mr. Speaker, we need to go to conference and move the Customs bill forward. We will have a motion to instruct and a full hour of debate later this evening.

I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BRADY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LEVIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 252, noes 170, not voting 11, as follows:

[Roll No. 652]

AYES—252

Abraham
Aderholt
Allen
Amodei
Ashford
Babin
Barletta
Barr
Barton
Benishek
Bera
Beyer
Bilirakis
Bishop (MI)
Bishop (UT)
Blackburn
Blum
Blumenauer
Bonamici
Bost
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Cooper
Costa
Costello (PA)
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Farr
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs

Gibson
Gohmert
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jolly
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Larsen (WA)
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Polis
Pompeo
Price, Tom
Quigley
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (NY)
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schrader
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Wasserman Schultz
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOES—170

Adams
Aguilar
Amash
Bass
Beatty
Becerra
Bishop (GA)
Boyle, Brendan F.
Brady (PA)
Brat
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Courtney
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gosar
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Harris
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kuster
Langevin
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Posey
Price (NC)
Rangel
Richmond
Roybal-Allard
Ruiz
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (VA)
Scott, David
Serrano
Sherman
Sires
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—11

Black
Fortenberry
Herrera Beutler
Kirkpatrick
Ruppersberger
Rush
Sewell (AL)
Slaughter
Stutzman
Takai
Williams

□ 1748

Mr. BEYER changed his vote from ''no'' to ''aye.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. SEWELL of Alabama. Mr. Speaker, during the votes held on December 1st, 2015, I was inescapably detained and away handling important matters related to my District and the State of Alabama. If I had been present, I would have voted "no" on Passage of S.J. Res. 24 and "no" on S.J. Res. 23. Also, I would have voted "yes" on the Motion to go to Conference on H.R. 644.

PERSONAL EXPLANATION

Mr. RUPPERSBERGER. Mr. Speaker, I was not able to vote today for medical reasons.

Had I been present on rollcall vote 646, I would have voted "no."

Had I been present on rollcall vote 647, I would have voted "no."

Had I been present on rollcall vote 648, I would have voted "yes."

Had I been present on rollcall vote 649, I would have voted "yes."

Had I been present on rollcall vote 650, I would have voted "no."

Had I been present on rollcall vote 651, I would have voted "no."

Had I been present on rollcall vote 652, I would have voted "no."

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 8, NORTH AMERICAN ENERGY SECURITY AND INFRASTRUCTURE ACT OF 2015, AND PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT ON S. 1177, STUDENT SUCCESS ACT

Mr. BURGESS, from the Committee on Rules, submitted a privileged report (Rept. No. 114–359) on the resolution (H. Res. 542) providing for further consideration of the bill (H.R. 8) to modernize energy infrastructure, build a 21st century energy and manufacturing workforce, bolster America's energy security and diplomacy, and promote energy efficiency and government accountability, and for other purposes, and providing for consideration of the conference report to accompany the bill (S. 1177) to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves, which was referred to the House Calendar and ordered to be printed.

NORTH AMERICAN ENERGY SECURITY AND INFRASTRUCTURE ACT OF 2015

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill, H.R. 8.

The SPEAKER pro tempore (Mr. ALLEN). Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 539 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 8.

The Chair appoints the gentleman from West Virginia (Mr. JENKINS) to preside over the Committee of the Whole.

□ 1751

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 8), to modernize energy infrastructure, build a 21st century energy and manufacturing workforce, bolster America's energy security and diplomacy, and promote energy efficiency and government accountability, and for other purposes, with Mr. JENKINS of West Virginia in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce.

The gentleman from Michigan (Mr. UPTON) and the gentleman from New Jersey (Mr. PALLONE) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. UPTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we commence debate on H.R. 8, the North American Energy Security and Infrastructure Act of 2015. This bill culminates a multiyear, multi-Congress effort to ensure that folks in Michigan and every corner of the country have access to affordable and reliable energy. It has been nearly a decade since we last considered a broad energy package and a lot—a lot—has changed.

Back then, the energy situation looked downright dire: declining domestic oil and natural gas output, increasing reliance on imports, and energy prices that seemed like they had nowhere to go but up. Remember 7 years ago they were $3.84 a gallon.

Manufacturers were leaving and fleeing overseas in pursuit of cheaper energy.

But thankfully, because of breakthrough innovation, a little American ingenuity, and a lot of hard work, we are now experiencing game-changing energy abundance that has, in fact, redefined America's standing at home, as well as around the globe. Now Michigan and many parts of the country are enjoying a welcome manufacturing renaissance thanks to reliable and affordable energy. It is well past time that our laws rooted in energy scarcity caught up to our newfound 21st century reality.

The first order of business is to allow the private sector to expand the Nation's energy infrastructure. The Keystone XL pipeline is certainly one of the most well-known examples of energy infrastructure projects being delayed and ultimately denied, but it is far from the only one.

We have a Federal permitting process that is not designed to expeditiously handle the many projects necessary to bring online the Nation's growing energy output and to meet energy needs of homeowners and businesses. How can it be that in this century we can't get energy to consumers in some parts of the country? We need to fix that problem. This bill does that.

H.R. 8 has several useful provisions to make the approval process more timely for projects such as interstate natural gas pipelines, LNG export facilities, and new hydropower, which we discussed during a hearing with the FERC, the Federal Energy Regulatory Commission, just today. And I would add that these streamlining provisions were done so in a manner that keeps the environmental and safety protections intact.

Perhaps the biggest changes brought on by our energy abundance are geopolitical. Where we once feared rising dependence on the likes of OPEC, now we can, in fact, control our energy destiny and use our new standing as an energy superpower to help our allies and friends around the world and engage in energy diplomacy. However, this is a new role for the U.S., and we don't have in place the means to act globally on energy policy yet. This bill changes that.

Using the Department of Energy's Quadrennial Energy Review as a guide, this bill begins the process of incorporating energy security and diplomacy considerations into the decision-making process. It also creates forums through which we can coordinate with our North American neighbors, as well as our allies and trading partners around the world, on energy policy.

Unfortunately, the energy news over the last decade hasn't been all that good. Cyber threats and electromagnetic pulses pose a growing and more sophisticated risk to the Nation's electricity system. We need new measures to better address these and other threats to the grid, and this bill, H.R. 8, has a number of important provisions.

I would add that while our energy abundance is a real blessing, it does not in any way reduce the importance of energy efficiency. H.R. 8 again includes a number of updates to energy efficiency policy, including measures to help the Federal Government use energy more wisely, as well as improvements to existing energy efficiency programs that have proven problematic.

A decade ago, no one, no one here, could have imagined where we would be in 2015 and how much the energy script would be flipped in our favor. It is a new day, but now that we are here, it is time to bring our energy policy in line with those new realities. It is time that we put the scarcity mindset in the rearview mirror and say yes to energy and yes to jobs.

I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, November 16, 2015.

Hon. FRED UPTON,
Chairman, Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I write regarding H.R. 8, the North American Energy Security and Infrastructure Act of 2015. This bill contains provisions under the jurisdiction of the Committee on Natural Resources.

I recognize and appreciate your desire to bring this bill before the House of Representatives in an expeditious manner, and accordingly, I will agree that the Committee on Natural Resources will not seek a referral of the bill. I do so with the understanding that this action does not affect the jurisdiction of the Committee on Natural Resources, and that the Committee expressly reserves its authority to seek conferees on any provision within its jurisdiction during any House-Senate conference that may be convened on this, or any similar legislation. I ask that you support any such request.

Finally, I also ask that a copy of this letter and your response be inserted in the Congressional Record during consideration of H.R. 8 on the House floor.

Thank you for your work on this bill, and for your cooperation and consideration on this and many other matters shared by our committees. I look forward to H.R. 8's enactment.

Sincerely,

ROB BISHOP,
Chairman,
Committee on Natural Resources.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, November 16, 2015.

Hon. ROB BISHOP,
Chairman, Committee on Natural Resources, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I write regarding H.R. 8, the North American Energy Security and Infrastructure Act of 2015. As you noted, this bill contains provisions under the jurisdiction of the Committee on Natural Resources.

I appreciate your willingness to agree that the Committee on Natural Resources be discharged from further consideration of the bill. I agree that this action does not affect the jurisdiction of the Committee on Natural Resources, and that the Committee expressly reserves its authority to seek conferees on any provision within its jurisdiction during any House-Senate conference that may be convened on this, or any similar legislation. I will support any such request.

Finally, I will include a copy of your letter and this response in the Congressional Record during consideration of H.R. 8 on the House floor.

Thank you for your work and cooperation on H.R. 8.

Sincerely,

FRED UPTON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, November 18, 2015.

Hon. FRED UPTON,
Chairman, Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for consulting with the Committee on Foreign Affairs regarding H.R. 8, the North American Energy Security and Infrastructure Act of 2015. As a result of those consultations and text edits related to the role that the Foreign Affairs Committee and the Department of State play in energy diplomacy, I agree that the Foreign Affairs Committee may be discharged from further consideration of that bill, so that it may proceed expeditiously to the House floor.

I am writing to confirm our mutual understanding that, by forgoing consideration of H.R. 8, the Foreign Affairs Committee does not waive jurisdiction over the subject matter contained in this, or any other, legislation. I also would appreciate your support for a request by the Foreign Affairs Committee for an appropriate number of conferees to any House-Senate conference involving this bill, should one occur.

I ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration of H.R. 8. Thank you again for your collaborative leadership on this important legislation.

Sincerely,

EDWARD R. ROYCE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, November 20, 2015.

Hon. EDWARD R. ROYCE,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR CHAIRMAN ROYCE: Thank you for your assistance regarding H.R. 8, North American Energy Security and Infrastructure Act of 2015.

I appreciate your willingness to discharge the Committee on Foreign Affairs from further consideration of H.R. 8 so that it can proceed expeditiously to the House floor. I agree that the Committee on Foreign Affairs does not waive jurisdiction over the subject matter contained in this or any other legislation. In addition, I agree to support a request by the Committee on Foreign Affairs for an appropriate number of conferees to any House-Senate conference involving this bill.

I will place a copy of our exchange of letters on this matter in the Congressional Record during floor consideration of H.R. 8.

Thank you for your work and cooperation on H.R. 8.

Sincerely,

FRED UPTON,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, November 19, 2015.

Hon. FRED UPTON,
Chairman, Committee on Energy and Commerce, Washington, DC.

DEAR MR. CHAIRMAN: I write concerning H.R. 8, the North American Energy Security

and Infrastructure Act of 2015. As you know, the Committee on Energy and Commerce received an original referral and the Committee on Oversight and Government Reform a secondary referral when the bill was introduced on September 16, 2015. I recognize and appreciate your desire to bring this legislation before the House of Representatives in an expeditious manner, and accordingly, the Committee on Oversight and Government Reform will forego committee action on the bill.

The Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 8 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation. Specifically, the Oversight Committee's jurisdiction is primarily triggered by provisions in the bill related to 5 U.S.C. 552, known as the Freedom of Information Act (FOIA). I appreciate that our committees have had fruitful discussions regarding these provisions and have come to an agreement related to section 4122 of the reported bill. Negotiations regarding sections 1104, 1105, and 1106, the application of FOIA as it relates to critical electric infrastructure security, the Strategic Transformer Reserve and Cyber Sense, are currently ongoing. I have full confidence that our committees will arrive at a mutually agreeable compromise, which respects the Oversight Committee's interest in narrowing FOIA exemptions, prior to floor consideration of the bill.

I request your support for the appointment of conferees from the Committee on Oversight and Government Reform during any House-Senate conference convened on this or related legislation. Finally, I would ask that a copy of our exchange of letters on this matter be included in the bill report filed by the Committee on Energy and Commerce, as well as in the Congressional Record during floor consideration, to memorialize our understanding

Sincerely,

JASON CHAFFETZ,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, December 1, 2015.

Hon. JASON CHAFFETZ,
Chairman, Committee on Oversight and Government Reform, Washington, DC.

DEAR CHAIRMAN CHAFFETZ: Thank you for your assistance regarding H.R. 8, North American Energy Security and Infrastructure Act of 2015. I appreciate your willingness to forego action on the bill in the Committee on Oversight and Government Reform.

I agree that by foregoing consideration of H.R. 8 at this time, the Committee on Oversight and Government Reform does not waive any jurisdiction over the subject matter contained in this or similar legislation. I am confident that our committees will arrive at a mutually agreeable compromise on the ongoing negotiations between our committees prior to floor consideration of the bill.

I will support your request for the appointment of conferees from the Committee on Oversight and Government Reform during any House-Senate conference convened on this or related legislation. In addition, I will include a copy of our exchange of letters on this matter in the Congressional Record during floor consideration of H.R. 8

Sincerely,

FRED UPTON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, November 24, 2015.

Hon. FRED UPTON,
Chairman, Committee on Energy and Commerce, Washington, DC.

DEAR MR. CHAIRMAN: I write concerning H.R. 8, the North American Energy Security and Infrastructure Act of 2015, as ordered reported by the Committee on Energy and Commerce. There are certain provisions in the legislation that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

In order to expedite this legislation for Floor consideration, the Committee will forgo action on this bill. However, this is conditional on our mutual understanding that forgoing consideration of the bill does not alter or diminish the jurisdiction of the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation. I request you urge the Speaker to name members of the Committee to any conference committee named to consider such provisions.

Please place a copy of this letter and your response acknowledging our jurisdictional interest into the Congressional Record during consideration of the measure on the House Floor.

Sincerely,

BILL SHUSTER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, November 24, 2015.

Hon. BILL SHUSTER,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR CHAIRMAN SHUSTER: Thank you for your letter concerning H.R. 8, North American Energy Security and Infrastructure Act of 2015, as ordered reported by the Committee on Energy and Commerce. As you noted, there are certain provision in the legislation that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

I appreciate your willingness to forgo action on this bill in order to expedite this legislation for Floor consideration. I agree that forgoing consideration of the bill does not alter or diminish the jurisdiction of the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation. In addition, I will support your request for the Speaker to name members of the Committee to any conference committee named to consider such provisions.

I will place a copy of your letter and this response into the Congressional Record during consideration of the measure on the House Floor.

Sincerely,

FRED UPTON,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,
Washington, DC, December 1, 2015.

Hon. FRED UPTON
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing concerning H.R. 8, the ''North American Energy Security and Infrastructure Act of 2015,'' which your Committee reported on November 19, 2015.

H.R. 8 contains provisions within the Committee on Science, Space, and Technology's Rule X jurisdiction. As a result of your having consulted with the Committee and in order to expedite this bill for floor consideration, the Committee on Science, Space, and Technology will forego action on the bill. This is being done on the basis of our mutual understanding that doing so will in no way diminish or alter the jurisdiction of the Committee on Science, Space, and Technology with respect to the appointment of conferees, or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation.

I would appreciate your response to this letter confirming this understanding, and would request that you include a copy of this letter and your response in the Congressional Record during the floor consideration of this bill. Thank you in advance for your cooperation.

Sincerely,

LAMAR SMITH,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, December 1, 2015.

Hon. LAMAR SMITH,
Chairman, Committee on Science, Space, and Technology, Washington, DC.

DEAR CHAIRMAN SMITH: Thank you for your letter concerning H.R. 8, North American Energy Security and Infrastructure Act of 2015.

As you noted, H.R. 8 contains provisions within the Committee on Science, Space, and Technology's Rule X jurisdiction. I appreciate your willingness to forego action on the bill in order to expedite this bill for floor consideration. I agree that doing so will in no way diminish or alter the jurisdiction of the Committee on Science, Space, and Technology with respect to the appointment of conferees, or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation.

I will place a copy of your letter and this response into the Congressional during the Floor consideration of this bill.

Sincerely,

FRED UPTON,
Chairman.

Mr. PALLONE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, when Chairman UPTON and I first talked about energy legislation, I was encouraged that we would be working together to develop a consensus, bipartisan bill. In the tradition of the Committee on Energy and Commerce, that is what we started to do, spending months negotiating over language and finally reporting a bill from subcommittee on a voice vote in July. That bill was modest but bipartisan and was the result of good faith cooperation.

Unfortunately, that effort fell apart. H.R. 8 is not a bipartisan consensus bill. Instead, the House is taking up a backward-looking piece of energy legislation at a time when we need to move forward. H.R. 8 undermines the progress we have made in deploying the sustainable clean energy economy of the future.

Although the title for H.R. 8 suggests we are authorizing improvements in energy infrastructure, the bill provides no funding or initiatives to address some of the significant energy infrastructure issues we are facing.

Meanwhile, the bill has only gotten worse since it left the committee. It

was in Upton's manager's amendment that strips out the few good provisions that remained from the committee markup. This so-called energy bill now does nothing for solar, wind, or any other clean energy technology.

On top of that, the Republicans deleted a whole title of the bill written primarily by the subcommittee ranking member, BOBBY RUSH, the 21st Century Workforce Initiative. That title created a new program at DOE to help minorities, women, and veterans find work and build careers in the energy industry. This was something that Republicans praised throughout the committee process. In fact, the Energy Subcommittee chairman even praised the title last night during testimony before the Rules Committee. Yet, Mr. Chairman, the bill before us doesn't have that provision.

What does that say about Republicans' so-called commitment to expanding job opportunities in the energy sector for minorities, women, and those who served our country? Unfortunately, it says all too much, and none of it is good.

□ 1800

H.R. 8 has one central theme binding its titles: an unerring devotion to the energy of the past. Provision after provision favors an energy policy that is dominated by fossil fuels and unnecessary energy use. It is the Republican Party's 19th-century vision for the future of U.S. energy policy in the 21st century.

Needless to say, the administration opposes this bill. If it reaches the President's desk, it will be vetoed. I, too, oppose H.R. 8, and I urge my colleagues to reject this attempt to roll back progress in energy efficiency and clean energy.

I have to say I don't usually pay much attention to comments that come from the media, but I was actually asked a couple of minutes ago to comment on the fact that some of the Republicans have said that this bill is actually something they can take to the Paris conference and talk about in a positive way. Nothing could be further from the truth.

The Paris conference is seeking to address climate change and is seeking to move us towards less reliance on greenhouse gases, less reliance on fossil fuels, and more on renewables. Nothing in this bill accomplishes that goal, and it is hard for me to believe that my colleagues on the Republican side could even suggest that, somehow, this is something that they would want to bring up or talk about at the Paris conference.

Again, I can't say anything positive about this bill, and it is unfortunate that we have gotten to the point now at which there is no effort, really, to reach any of the Democrats' concerns.

I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BARTON), the chairman emeritus of the Energy and Commerce Committee.

Mr. BARTON. Mr. Chairman, I thank Chairman UPTON for yielding me the time.

I want to commend him for his leadership on this initiative and for getting it to the floor. This has been a long process, and the gentleman is to be commended for going through the regular order of the subcommittee, of the full committee, and now to floor consideration.

I support H.R. 8, as reported out of committee and as amended in the manager's amendment that the gentleman presented to the Rules Committee.

I have requested—and I think it will be made in order—an amendment to that bill to include a provision that we passed as a stand-alone bill several months ago, H.R. 702, which would repeal the current ban on crude oil exports.

My amendment, if made in order by the Rules Committee—and I hope that it will be—takes what the floor passed with amendments—and we had a number of Republican and Democrat amendments that were added dealing with terrorism, national security, and things of this sort. I am asking that the Rules Committee make in order H.R. 702, as amended, and put it on the floor tomorrow as an amendment.

Mr. Chairman, in the United States, we currently produce a little over 9 million barrels of oil per day. That makes us number 3 in the world in terms of daily crude oil production, but we are not allowed to export any of that crude oil. We can export refined products and we do export up to 3 or 4 million barrels per day of refined products, but we cannot export crude oil.

If my amendment is accepted by the Rules Committee, made in order, voted on in a positive way by the House, sent to the Senate, and the Senate passes H.R. 8, and it is signed by the President, we could then begin to export our crude oil.

We have the capability to easily produce 15 million barrels a day, and some experts say we could go up to 20. That would be a strategic asset vis-a-vis OPEC, vis-a-vis ISIS, vis-a-vis the Russians, in that we could use our oil in the international oil markets.

It would help our economy, would literally create hundreds of thousands of jobs, and would, surprisingly, minimize or lower gasoline prices here in the United States because more U.S. oil in the world market would lower the world price, which would lower gasoline prices at the pump.

Mr. Chairman, I appreciate your support. I ask that the Rules Committee make my bipartisan amendment in order, which is cosponsored by Mr. CUELLAR, Mr. CONAWAY, Mr. FLORES, and Mr. MCCAUL, and that we add it to your excellent bill on the floor tomorrow.

Mr. PALLONE. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. TONKO).

Mr. TONKO. I thank the gentleman from New Jersey for yielding.

Mr. Chairman, there is strong—certainly bipartisan—consensus that we need to update and modernize our energy infrastructure. Unfortunately, this bill fails to make meaningful advances in this arena.

It does not advance clean energy. The ''energy efficiency'' title would actually be a setback in reducing consumption and carbon emissions, and climate change is not addressed at all. Whenever possible, this legislation favors suppliers over consumers, consumption over efficiency, and the fossil fuels over renewable energy.

Most disappointingly, this bill could have been bipartisan. The Senate's energy bill, while far from perfect, at least acknowledges that we need to invest real dollars into upgrading our Nation's energy systems.

This bill has no shortage of flaws. I have offered two amendments to address some of these shortcomings. The first would reauthorize the Weatherization Assistance Program and the State Energy Program. These are two existing programs that have operated successfully for years.

The Weatherization Assistance Program supports State-based programs to improve the energy efficiency of the homes of low-income families. The Department of Energy provides grants to the States to deliver these services through local weatherization agencies.

The Weatherization Assistance Program helps those in our communities who do not have the financial resources to make energy efficiency investments on their own: the elderly, the disabled, and other low-income families amongst them who are struggling to make ends meet.

The second amendment would strike section 1101, an unnecessary change to FERC's natural gas pipeline approval process. Nothing has been done to cast FERC's role as the lead agency for siting gas pipelines in doubt, but the majority has used this pretense to make it easier for pipeline companies to have projects approved without extensive public consultation, requiring FERC to make a decision within 90 days regardless of the complexity of the application.

It would also allow for remote surveying instead of on-site inspections. This would allow companies to circumvent property owners' rights when surveying land. My amendment would strike this section to ensure Federal and State regulators have the time necessary to review any and all applications, but these issues are far from my only concerns with this bill.

Energy efficiency has a long history of bipartisanship, but, sadly, this has not continued in this bill.

According to the American Council for an Energy-Efficient Economy, this bill would actually net cost consumers and cause additional emissions.

Furthermore, the DOE is prevented from providing assistance if it finds

that a proposed code does not meet a payback period of 10 years or less. That is a return on investment that does not jibe with reality where 30-year mortgages are often the norm.

The bill repeals a section of the Energy Independence and Security Act which has been used to improve the efficiency of new Federal buildings.

There was an extensive hydropower section included during the full committee markup that was not subject to a hearing despite significantly changing the FERC licensing process.

It does nothing to address the public health and safety hazards created by old, leaky natural gas pipelines.

It does nothing to assist States' efforts to upgrade and modernize their electric grids.

It is silent on the infrastructure maintenance issues associated with the Strategic Petroleum Reserve that the administration identified in the Quadrennial Energy Review.

It has totally failed to recognize the growth in distributed renewable energy, such as wind and solar, and it should come as no surprise that this bill ignores the impact of climate change, which remains a major threat to our energy security, our economy, and human health.

These are just a handful of the serious issues with this bill.

I believe all of us started with the intention of continuing the Energy and Commerce Committee's long tradition of working on comprehensive energy legislation in a bipartisan fashion, but this bill is a far cry from the discussion drafts we actually held hearings on earlier this year. I understand we may not agree on everything, but this legislation fails to capitalize on those areas of agreement in any meaningful way.

This bill's focus is on the past, not on the future. It fails to make the necessary investments in our energy infrastructure to improve safety, public health, and reliability.

It rolls back efforts to improve energy efficiency, does nothing to encourage the expansion of renewable energy, and ignores climate change, as I indicated, altogether. It promotes a future that is economically and environmentally unsustainable.

I then urge my colleagues to reject this bill. We need to go back to the drawing board and craft a bill that actually makes investments and looks forward to America's energy future.

Mr. UPTON. Mr. Chairman, I yield 4 minutes to the gentleman from Utah (Mr. BISHOP), the chairman of the Natural Resources Committee.

Mr. BISHOP of Utah. I thank the chairman.

Mr. Chairman, the United States has become a leader in the area of energy production. But if we are going to maintain that leadership and be a true support for our allies, it requires certain actions that Chairman UPTON and his committee have recognized and have presented to us in this North American Energy Security and Infrastructure Act.

This bill actually contains two provisions that were bipartisan provisions that passed in my Natural Resources Committee, both of which will ensure that the flow of energy to our Nation will be facilitated and will continue on in the future.

One, by Mr. MACARTHUR of New Jersey, illustrates the archaic provisions that will never be used to prohibit and use Federal land as a hindrance to pipeline production even if those pipelines are underground and if they are already in established corridors for energy production, especially those going into the northeast of this country. It is an extremely important position and point of view.

Mr. ZINKE of Montana and Mr. SCHRADER of Oregon also have a bipartisan bill that deals with the Electricity Reliability and Forest Protection Act, which would minimize the potential of wildfire risk in the over 100,000 miles of power lines we have going through national forest and Bureau of Land Management properties.

The provisions would require the agencies to actually work to come up with constructive policies and to make timely decisions so that the utilities have the ability to take out hazardous elements, like trees, and so that ratepayers are not going to be on the hook for the liability of a freak forest fire that would come because of Federal inaction.

American energy production has literally changed in less than a decade. There is no reason Federal lands should blockade any kind of pragmatic approach from having these resources moved from the places they are developed to where people can actually benefit from them.

This bill helps people, and it will move our country forward. I appreciate Chairman UPTON's and his committee's leadership. This is an essential one if we are actually going to forge a better future for the United States. I am proud to be down here to support it, and I appreciate adding these two important, bipartisan provisions as part of the overall package.

Mr. PALLONE. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. I thank the chairman.

Mr. Chairman, it is well past time that Congress update our national energy policy with a framework that includes clean energy technologies, reduces fossil fuel consumption, boosts energy efficiency in residential, commercial, and Federal buildings, and provides the funding necessary to advance our workforce and technological innovation, but, unfortunately, H.R. 8 does not meet these goals.

I do want to thank Chairman UPTON for working with me on several provisions that are intended to improve responses to physical and cyberattacks on the grid, that encourage the development and use of water and energy-efficient technology, that streamline hydropower permitting, and that generally improve the modernization of our electric grid.

Unfortunately, the funding was removed for the electric grid grant program and for carbon capture sequestration, a provision promoting the next generation energy workforce is gone, and language that weakens energy efficiency in buildings has not been fixed.

This is a big disappointment, Mr. Chairman, because throughout most of the process there was real bipartisan cooperation, but in the final stages, the majority fell into partisanship and changed the bill to something most Democrats can't support.

So it is with great disappointment that I oppose H.R. 8, and I urge my colleagues to do the same.

□ 1815

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. CARTER).

Mr. CARTER of Georgia. Mr. Chair, I rise today in support of H.R. 8, a bill that will help our Nation rise to meet growing energy demands and challenges.

Our energy policy is incompatible with the current state of domestic energy supply and production. The United States is now the world's largest energy producer, but our energy infrastructure is woefully inadequate. We have the innovation and technology to safely expand the electric grid and pipeline systems, but administrative red tape has severely hindered these projects.

As long as natural gas, hydroelectric, and nuclear energy projects continue to languish for years in drawn-out Federal permitting processes, nobody can benefit from the cleaner and more affordable energy these sources can provide.

Not only do we desperately need to expand our energy infrastructure to ensure reliable and affordable energy, but our national security depends on secured energy sources and updated infrastructure to protect against real threats.

Cyber attacks on electric utility systems and electromagnetic pulses are no longer things you only see in movies. These threats are very real and possible, and we need to be prepared. We need to improve energy infrastructure security now, not later.

I urge my colleagues to support this bill so Americans can continue to have access to an affordable, reliable, and secure energy supply.

Mr. PALLONE. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey (Mrs. WATSON COLEMAN).

Mrs. WATSON COLEMAN. Mr. Chairman, I rise today in adamant opposition to H.R. 8.

I don't have much time, so I can't go into all the terrible provisions included in this legislation. To be clear, there are many.

I do want to address language that would give the Federal Energy Regulatory Commission, or FERC, what

amounts to fast-tracking power for pipeline approvals.

Setting arbitrary deadlines for the studies, research, and public comment periods for dangerous and volatile pipeline projects, regardless of how complicated the proposal or how sensitive the land these projects cuts through, doesn't give us what my colleagues across the aisle call energy security.

What it will do is put private, public, and protected land, clean water, and our environment at risk.

In my district, where we are already fighting just such a project, my constituents will be the first to tell you just how preposterous a provision of this nature is.

This bill deserves a resounding and unilateral ''no,'' and I hope my colleagues will join me in defeating it.

Mr. UPTON. Mr. Chairman, may I inquire how much time is remaining on both sides?

The CHAIR. The gentleman from Michigan has 18½ minutes remaining, and the gentleman from New Jersey has 19 minutes remaining.

Mr. UPTON. Mr. Chair, I yield 1 minute to the gentleman from Georgia (Mr. ALLEN).

Mr. ALLEN. Mr. Chair, I rise today to speak about the North American Energy Security and Infrastructure Act.

With new technology and innovations, the energy industry is growing rapidly, and this important legislation works to maximize America's energy potential.

The United States leads the world in energy production, but, sadly, due to Washington's bureaucratic red tape, projects like updating our pipelines and electric grid have fallen way behind.

This legislation will modernize our energy infrastructure, protect our electricity system, strengthen energy security and diplomacy, and improve energy efficiency.

Bolstering our energy security and making our infrastructure more resilient will, in turn, strengthen our national security and our economy. I support this important legislation because it is the next step in becoming energy-independent. Now is the time to dramatically increase our investment in homegrown American energy.

When I came to Congress, my top priority was growing the economy and creating jobs. Mr. Chairman, this bill will do exactly that. It makes no sense to place restrictions on the abundance of energy potential in America. The United States is an energy superpower, and it is time to step up and lead.

Mr. PALLONE. Mr. Chairman, I yield 3 minutes to the gentlewoman from Massachusetts (Ms. TSONGAS).

Ms. TSONGAS. Mr. Chair, I rise in strong opposition to this legislation and, in particular, a section of the bill that would create an opening to cause irreparable damage to our national parks.

H.R. 8 would establish national energy security corridors to short circuit the approval process for natural gas pipelines that cross our Nation's public lands. In doing so, it eliminates longstanding protections afforded to our national parks and other historically significant areas that were set aside for the very distinct purpose of preserving our Nation's cultural and natural heritage.

This legislation also blocks the public from providing any input on where these natural gas pipeline corridors should be located.

My home State of Massachusetts, like many areas around the country, faces real energy challenges. In my district, a company is proposing to build a new 250-mile natural gas pipeline that crosses three States. I have heard from hundreds of my constituents expressing their concerns with the project, particularly with regard to its route.

Thanks to extensive public review and input, the pipeline route has already been adjusted to minimize some of the environmental impacts, but there are still many outstanding concerns that deserve careful scrutiny to be sure that the route does not adversely impact local farmland, State forests, parks, wildlife management areas, and wetlands.

The significant amount of interest in this proposed pipeline reflects the Commonwealth's longstanding history of preserving natural habitats and protecting open spaces for the public benefit, and we have invested enormous public resources toward these goals. This is also true of the investments that American taxpayers have made in our national parks.

By expediting approval of natural gas pipelines, H.R. 8 would directly erode the National Park Service's ability to meet its core mission of preserving and protecting our Nation's natural, cultural, and historic resources, unimpaired for the use and enjoyment of future generations.

I offered an amendment with my colleague from Virginia (Mr. BEYER) to remove this section from the bill. However, the majority blocked this simple amendment from coming to the floor and receiving an up-or-down vote.

Our national parks belong to all Americans and have been famously called ''America's best idea.'' National parks protect, celebrate, and give access to the many places that have shaped and defined who we are as a people and a country.

Members should have been given the opportunity to vote on whether or not we should protect our national parks from natural gas pipelines.

I urge my colleagues to oppose this legislation.

Mr. BILIRAKIS. Mr. Chair, I yield 3 minutes to the gentleman from New Jersey (Mr. MACARTHUR).

Mr. MACARTHUR. Mr. Chair, the North American Energy Security and Infrastructure Act does some important things to move us into the 21st century with our energy policy. It advances modernization, reliability, security, and efficiency in our energy infrastructure.

I want to focus on one section of that bill, title 5, that ''national energy security corridors'' portion. I originally proposed this as a separate bill, and I am pleased to see it as part of this energy act. Simply put, it allows us to move natural gas from the western to the eastern United States.

Let me give you an example of why this matters. A couple of weeks ago, I visited Winteringham Village in Toms River in my district. It is a village comprised almost entirely of seniors, and their average income is slightly over $12,000 a year.

These people are not getting a cost-of-living increase under Social Security, but they most certainly are facing higher energy costs. The reason is simple. While other States, western States, enjoy lower energy costs, States like mine are facing higher energy costs, and the reason is simple. We don't have the energy infrastructure to move gas from the West to the East.

Last winter, on one particular day, the cost of natural gas in New Jersey was $22.35 for a million BTUs. It was $1.50 at the same time in Pennsylvania, one State away from me.

The solution is this ''energy security corridors'' portion of the bill. It requires and empowers the Secretary of the Interior to designate 10 natural gas corridors across Federal lands.

Now, I just heard that it is across national parks. Nothing could be further from the truth. The Federal Government owns much land that is not park land, and this would allow the Secretary of the Interior to designate corridors so we can properly plan our energy needs.

It does a few things for us. It lowers energy costs. It protects the most vulnerable of our citizens. It would require thoughtful planning of where to put pipelines. It would be subject to a full environmental review under NEPA.

It would create jobs. The President of the North American Building Trades Union testified at our hearing that it would not only create jobs in building these corridors, but it would create jobs because of lower energy costs. Lastly, it would increase our security because energy security and national security are inextricably linked.

Mr. Chairman, I am proud to have this portion of the bill included, the ''national energy security corridors'' portion. I urge my colleagues to support this entire bill and move our energy policy into the 21st century.

Mr. PALLONE. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. BEYER).

Mr. BEYER. Mr. Chairman, I was disappointed to see the Rules Committee decided to add H.R. 2295, the National Energy Security Corridors Act, to H.R. 8.

There is no doubt that getting natural gas to where it is needed and to lowering electric and heating bills are

worthy accomplishments, but we shouldn't accomplish these by steamrolling the concerns of residents who would see new pipelines built in their backyards.

Right now, there are multiple proposals to run natural gas pipelines from West Virginia through the Commonwealth of Virginia to the eastern seaboard. There is the Atlantic coast pipeline, the Mountain Valley pipeline, and more being considered.

Understandably, people who live along the proposed route of these pipelines are concerned. Once a pipeline route is approved by FERC, land can be taken by eminent domain. The companies involved, of course, want to draw the straightest, cheapest route they can. The communities in the way of these routes face huge impacts, environmentally and financially. They deserve a say.

Unfortunately, the legislation provides absolutely no method for the public to have their voice heard when it comes to the location of these corridors. It completely waives the Natural Environmental Policy Act for the corridor designation, shutting out the community's opportunity for public input.

Local governments are only allowed to speak to the extent that they can help identify the most commercially viable, cost-effective acreage. Individual resident concerns or environmental factors don't even come into play.

This is not a productive way forward. This doesn't simplify getting natural gas to the people who need it. This is a way that will lead to more opposition, more lawsuits, and an atmosphere of distrust and resentment

I have another concern. H.R. 8 now contains a provision which will allow pipelines to be permitted across national parks without congressional approval. This is contrary to longstanding U.S. law. Every time we put a pipeline across a park, Congress has been involved.

My many friends in the Appalachian Trail community and the national parks conservation community are deeply worried about Congress abrogating its responsibility to approve such pipeline crossings.

We can't ignore the people and the parks that will be impacted by this bill. I encourage my colleagues to oppose H.R. 8.

Mr. BILIRAKIS. I reserve the balance of my time.

Mr. PALLONE. Mr. Chairman, I yield myself such time as I may consume.

This energy bill does nothing for solar, wind, or any other clean energy technology. It does nothing for energy infrastructure either since all funding in the bill was stripped by the GOP.

The bill contains an energy efficiency title that actually results in more energy consumption.

The bill contains provisions that will drive up electricity prices in the Northeast and mid-Atlantic by rigging the markets to prop up old and uneconomical coal and nuclear plants that are losing out in the market to cost-effective natural gas and renewables.

□ 1830

It also has provisions to help gas pipeline companies and hydroelectric licenses that will roll over environmental laws—like the Clean Water Act, the Endangered Species Act, the NEPA—and undermine the rights of consumers, tribes, and States.

Of course, the version that will be on the floor will have a couple of bad additions from the Committee on Natural Resources, including the MacArthur ''pipeline through parks'' legislation that would make it easy to run pipelines through Yellowstone, Yosemite, and every other national park.

Mr. Chairman, this is a terrible bill that demonstrates that the Republican Party is solely focused on the energy policies of the past and is committed to throwing up barriers to the development of a clean and sustainable energy future.

Every Democrat should join us and the Obama administration in opposing the bill's passage.

Mr. Chairman, I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Chairman, I yield myself the balance of my time.

My Committee on Energy and Commerce colleagues and I worked to create this broad energy bill and modernize our policies.

A generation ago, policymakers were concerned with managing a scarcity of energy resources, but times have changed. We are in the middle of a resurgence of American energy manufacturing. We should manage our surplus of energy resources with clear, straightforward policies that maximize our energy potential.

This bill is a necessary legislative step to ensure our energy infrastructure is robust and continues to create jobs in the years to come. Modern energy challenges demand modern energy policies. We must cut outdated red tape and ensure the energy markets remain nimble and secure.

With H.R. 8, America can continue to take advantage of recent technology advancements and encourage a growing market that yields jobs at home and more influence abroad. The world doesn't want to deal with unstable exporters, such as Russia or Iran, if they don't have to. We should be the secure and reliable trading partner that they can trust and they do trust.

H.R. 8 strengthens international partnerships and reforms processes for energy exports that will pay important dividends for generations to come.

I would like to thank my colleagues on the committee, especially Chairman UPTON, for their work on this very important bill.

This bill will keep energy affordable and ensure reliable electricity for consumers and families across the nation.

Mr. Chairman, I yield back the balance of my time.

Ms. ESHOO. Mr. Speaker, let me begin by saying I'm pleased that this bill includes several measures I have championed, including bills I've offered relating to energy efficiency and electric vehicles. However, I have to oppose this legislation because H.R. 8 fails to address climate change. In fact, the bill includes several controversial provisions that shift our nation's energy policy into reverse.

I'm very grateful to Chairman UPTON and Subcommittee Chairman WHITFIELD for including my legislation, the Energy Efficient Government Technology Act, in the base text of H.R. 8. This bipartisan, noncontroversial bill which I introduced with Rep. KINZINGER, received 375 votes on the House floor last year. This measure would save taxpayers millions of dollars and would make the federal government a leader in reducing energy use at data centers which can be highly inefficient.

I also appreciate that two amendments I offered at the Energy and Commerce Committee markup of this bill were agreed to by voice vote and are included in the Manager's Amendment. The first would allow federal agencies to offer electric vehicle charging stations to guests and employees, a practice that is not currently allowed. The second would add transparency requirements to ensure that only critical infrastructure information is protected from FOIA requests, and that this designation is periodically reviewed to ensure this authority is not abused. These provisions are incremental but important steps toward promoting innovation and deployment of clean and energy-saving technologies.

Unfortunately, the same cannot be said about the rest of H.R. 8. With historic international climate negotiations currently underway in Paris, this so-called ''comprehensive'' energy bill does not include a single reference to climate change or promotion of renewable resources. This represents the squandering of an opportunity to put in place a 21st century energy policy for our country that promotes clean energy and reduces our dependence on the fossil fuel resources that cause climate change.

H.R. 8 includes several controversial provisions that my colleagues and I opposed at Committee and that are also opposed by the Administration. For example, the bill contains unnecessary provisions to short-circuit the review process for exports of liquefied natural gas (LNG). The current process, which requires the Department of Energy to ensure that all exports are in the public interest of the United States, is working and already has us on track to be the largest LNG exporter in the world within a decade. H.R. 8 also includes provisions that would require a short-sighted view of energy efficiency investments in building codes, and it would repeal the requirement that all new and remodeled federal buildings phase out fossil fuel use by 2030. Lastly, the Manager's Amendment includes a highly controversial bill from the Natural Resources Committee that would limit public review and direct more natural gas pipelines to be built on public lands, including National Parks.

Again, I appreciate the Chairman's willingness to accept my bipartisan additions to this bill, but I cannot support this legislation and I urge my colleagues to oppose it.

The CHAIR. All time for debate has expired.

Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MACARTHUR) having assumed the chair, Mr. JENKINS of West Virginia, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 8) to modernize energy infrastructure, build a 21st century energy and manufacturing workforce, bolster America's energy security and diplomacy, and promote energy efficiency and government accountability, and for other purposes, had come to no resolution thereon.

MOTION TO INSTRUCT CONFEREES ON H.R. 644, TRADE FACILITATION AND TRADE ENFORCEMENT ACT OF 2015

Ms. KUSTER. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore (Mr. JENKINS of West Virginia). The Clerk will report the motion.

The Clerk read as follows:

Ms. Kuster moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill, H.R. 644 be instructed to agree to the provisions contained in subtitle A of title VII of the Senate amendment relating to currency manipulation.

The SPEAKER pro tempore. Pursuant to clause 2 of rule XXII, the gentlewoman from New Hampshire (Ms. KUSTER) and the gentleman from Texas (Mr. BRADY) each will control 30 minutes.

The Chair recognizes the gentlewoman from New Hampshire.

Ms. KUSTER. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of my motion that will instruct conferees to include in the conference report language to combat currency manipulation from the Senate-passed version of H.R. 644.

Currency manipulation by foreign governments is one of the greatest challenges we face to creating the type of free and fair trade that will benefit all Americans from top to bottom and help us create more jobs right here at home.

I, like so many others, am highly focused on helping our domestic manufacturers grow and create good, strong, middle class jobs. Since taking office, I have made supporting job creation and economic opportunity my number one priority, and our State's manufacturers play an integral role in that conversation.

Unfortunately, U.S. manufacturers already face so many challenges that make it more difficult to compete with foreign companies. From the lower cost of labor to limited environmental protections, our manufacturers must compete with foreign policies that lead to an uneven playing field.

Unfair currency manipulation makes that competition even more difficult. Currency manipulation is when governments use monetary policy to devalue their currency, which makes their exports cheaper and foreign imports more expensive.

The good news is that we have the most talented workers and the most innovative companies in the world, and we can compete and win despite these challenges.

For example, right in my district in New Hampshire, I visited dozens of new manufacturing companies that are harnessing cutting-edge technologies, like precision manufacturing and healthcare technology, to revitalize the industry and create modern, 21st century jobs for our workers. We must support these American manufacturers by cracking down on unfair advantages overseas that hinder their success.

This motion will help to level the playing field for manufacturers in New Hampshire and across the country by directing the Department of Commerce to slap duties on goods that have unfairly benefited from undervalued currency. This is the only provision in either customs bill that will effectively deter currency manipulation by our trading partners.

Working to address currency devaluation has long enjoyed bipartisan support. In 2010, the House overwhelmingly passed legislation restricting currency manipulation by a vote of 348–79. Earlier this year, the Senate version of this legislation passed 78–20, in large part because of the critical language restricting currency manipulation.

However, the version of this legislation passed by the House does not include the bipartisan provision that so many agree is crucial for limiting the ability of U.S. workers and businesses to compete more fairly with foreign companies and workers.

I strongly support fair and open trade that will spur job creation back here in the United States. When 95 percent of global consumers exist outside the United States, we have to find new markets for our manufacturers and other producers to grow and create more jobs here at home.

But when U.S. manufacturers are already disadvantaged by foreign products that are subsidized by their home currency, it is difficult for them to compete both at home and abroad.

And the impacts of this unfair manipulation are real. The Peterson Institute estimates that, over the past decade, at least 1 million and as many as 5 million jobs have been lost due to currency manipulation.

Additionally, an analysis by the Economic Policy Institute estimates that by eliminating currency manipulation we can reduce our trade deficit by as much as $500 billion, leading to a substantial increase in GDP growth and helping our American economy thrive.

Specifically, New Hampshire could expect to see roughly 13,000 new jobs as a result of an effective policy against currency manipulation.

The status quo is simply not good enough for U.S. workers, and that is why I am offering this motion today.

Our workers are already competing with foreign companies that pay their employees a fraction of what U.S. workers make. We should do whatever we can to help make it less difficult for U.S. companies to compete globally. Adding this currency manipulation language to the bill before us today will give us the best chance to do that.

Please join me in supporting my motion in support of American manufacturers.

Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. BRADY of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the Motion to Instruct Conferees on H.R. 644.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

I rise in opposition to the motion to instruct conferees.

There is no question currency manipulation is a real problem, and I and many other Republicans are committed to fighting it. The bill that we are going to conference on includes strong currency provisions, thanks to the hard work of Representative MILLER and members of the Michigan delegation.

In addition, earlier this year, we passed a trade promotion authority legislation that, for the very first time, raised fighting manipulation to a primary negotiating objective and provides the administration more tools to tackle the practice.

However, if the United States begins unilaterally levying tariffs, our trading partners will no doubt do the same, leading to a very dangerous cycle. This would undermine the very purpose of trade agreements: to break down barriers and to open economic freedom. More importantly, this would hurt American competitiveness and hurt our jobs.

I am also concerned that pursuing a unilateral approach could cause the United States to be a target for retaliation by countries like China, harming our businesses and their employees, and risk putting the United States in violation of international obligations and out of WTO compliance.

And the administration agrees.

□ 1845

Earlier this year, Secretary Lew sent a letter to Congress stating that the administration would oppose legislation that would use the countervailing duty process to address currency undervaluation because it would raise questions about consistency with our international obligations and that it would be counterproductive to our ongoing bilateral and multilateral engagement as well as to our efforts to

promote greater accountability on currency policies in the context of the Trans-Pacific Partnership.

Mr. Speaker, the United States has a unique responsibility as a world reserve currency. This type of measure puts our standing at risk.

Mr. Speaker, I reserve the balance of my time.

Ms. KUSTER. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, this motion is the next step in fast-track consideration of Asian trade agreements and perhaps other trade agreements.

The fast-trackers know that the only way they can sell this agreement to the American people is to rely on stealth as much as possible to hide the agreement, as they have, for as long as possible; and then, even at the present time, not to give full information about all aspects of this agreement, such as the alleged $18,000 tax cuts being provided foreigners, without indicating what tax cuts are available for Americans or what the effect of these tax cuts might be. And now, today, under this new, more inclusive House that we have heard so much about with the new Speaker, we are provided less than an hour's notice for the fast-trackers to strike again.

In moving to go to conference on a bill to attempt to fix a defective fast-track proposal, they have done so under a procedure that cut off all debate. We were not permitted to say a word about the customs bill as a whole, and the only way that we are able to comment about what is happening here at all is thanks to the gentlewoman from New Hampshire who has offered a nonbinding motion about one of the many questionable provisions in this customs bill. It is a very important provision concerning currency manipulation that allows some foreign trading partners to use their currencies and adjust them to get what they cannot do through normal trade procedures and greatly disadvantage American manufacturers and hurt American jobs.

I applaud the gentlewoman's consideration and offering of that amendment. Even though it will not bind the conference committee, it is a way for the House to speak out about that issue.

But this is not the only flaw that exists in the customs bill. Indeed, the first provision included in this customs bill as passed by the House—ironically, brought up today, as countries with good will are struggling with the issue of how we address climate change in Paris—instructs that no trade agreements can obligate the United States with respect to global warming or climate change.

So the bill that is being sent to conference, as approved in the House, is designed to prevent our acting concerning climate change, which is the great threat—perhaps one of the major national security threats, and certainly the greatest environmental threat of our time. We can see the effects all around us when we are not surrounded by climate change deniers, of which there are many in this House who refuse to accept science and prefer mythology and ideology to science. Hence, this provision in a bill in a trade negotiation that began considering ways to address climate change now has a prohibition against doing it.

A second problem—I am all for trade. I voted for trade or supported trade with most of the countries that are in the Trans-Pacific Partnership. One of those countries, however, believes in turning a blind eye to trading women, trading children, trading indentured workers, and that country is Malaysia.

Until the last couple of months, Malaysia was in a category with North Korea and a handful of other countries as a country that was doing the least and had the worst record when it comes to human trafficking. So the United States Senate approved a provision to address that concern with Malaysia. And when that provision was in the Ways and Means Committee in markup, I specifically asked then-Chairman RYAN to ensure that we had any human trafficking amendment language from the Senate committee in this customs bill or in his TPP bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. KUSTER. Mr. Speaker, I yield the gentleman an additional 2 minutes.

Mr. DOGGETT. He told me in the course of that hearing that he would oppose truly conforming the House bill with the Senate bill because ''it would make it more difficult to negotiate TPP,'' this Asian trade agreement.

So we put the desire for trade over our principles. I think it is possible to have more trade and support a 21st century trade policy without sacrificing our values as Americans.

What has happened in the meantime is a reclassification of Malaysia, all designed to get the trade there without getting Malaysia to do what it should about human trafficking, which I think is really tragic.

Then there is the third issue addressed in this customs bill, and that is the question of enforcement. Of course, when it comes to protection of the environment, when it comes to standards so that we are not in a race to the bottom with our American workers versus foreign workers, say in Vietnam working for 60 cents an hour, this United States Trade Representative's office has been asleep at the wheel. That is the name of a great Texas swing band, but it is not a very good policy when it comes to enforcing the law. Unfortunately, these enforcement provisions which are part of this customs bill leave it to USTR to proceed as it has in the past.

I think, instead of going to conference, what we should be doing is going back to the drawing board in the committee, looking at the enforcement provisions, and asking why it is that, though it has had responsibility to enforce environmental and labor guarantees, it has not brought successful actions to accomplish either.

And specifically with regard to the environment, in addition to the climate change provisions, one of the most troubling developments as far as both climate and the environment is the question of logging in the Amazon region and other sensitive areas. USTR was charged with seeking audits of that logging and seeing that we acted under agreements that were approved during the Bush administration. It has failed to do so.

So, for one reason after another, going to conference is a mistake. I applaud the motion. I hope it is adopted, but it is tragic that we are moving in this direction.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

People often ask: How do you end the gridlock in Washington? The answer is found in the Constitution. The House of Representatives passes its best idea on how to solve a problem, the Senate does the same, and then you go to a conference committee to try to find common ground and to try to find solutions that advance the principles of both parties to try to solve big problems.

The motion we passed earlier tonight was to start that open and transparent process of going to a conference committee and having representatives of the House and Senate, Republicans and Democrats, come together to try to work out these issues. The underlying bill passed the House and the Senate earlier this summer. There have been a lot of, I think, very healthy discussions between both Chambers and both parties in how we find common ground.

So this motion is to instruct those conferees; but in truth, what we are seeking is that open, transparent, I think, constitutional process where we listen to the ideas of, for example, the gentleman from Michigan (Mr. LEVIN), a member of the Ways and Means Committee whom I respect, where we listen to the ideas of Senate Republicans and Democrats and we, again, try to find common ground on a couple of things: one, how do we streamline the time and the cost and efficiency of America trading its goods as we work to sell America throughout the world, working through issues that were raised in trade promotion authority by both parties.

These are legitimate, sincere issues. We have got an opportunity at conference to discuss them. Then, hopefully, we will find common ground and bring that solution back to the House and to the Senate for final approval. This is simply what we are trying to do.

Again, this motion to instruct goes after an issue we all agree on: currency manipulation. The key is to do it the right way so that it doesn't boomerang on America but actually gets to this

issue. We are going to have this discussion in the conference committee.

Mr. Speaker, I reserve the balance of my time.

Ms. KUSTER. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. I thank the gentlewoman for yielding, and congratulations on your motion to instruct.

First, let me just say, in terms of process, I do think it is important that, before there is a motion to go to conference, there be some notification to the minority; because there have been discussions underway about the customs bill for a long time, and no one on our side, including our leadership, was given any notice of the motion to go to conference today. I think that is a mistake, and I hope it won't be repeated. I say that in good faith and with some good cheer. It is a bad precedent, and I hope it won't be followed.

Let me just say a word about currency. We have been working on this for years. We passed several bills through this House directly relating to currency, and it never became law. Instead, there has been interminable talk about doing something. So, finally, there was placed in the Senate bill the proposal of CHUCK SCHUMER. We have an almost similar bill in the House. What is happening here is, I think, that the House bill is going to eliminate the Schumer amendment.

So for all the talk on currency, we are essentially going to be back to where we were and have been for years. There are no teeth in the amendment that was proposed by my colleague from Michigan (Mrs. MILLER). There are no teeth in it. It is kind of all gums. The same is true of the other language in the Senate bill on currency, with all due respect. It just doesn't face up to the issue.

We have proposed some ideas to try to add strength to what has been a weak structure, and essentially what happens now is, instead of further discussions, we are going to conference. I think it is now preordained that the Schumer amendment will be eliminated. It will be left with essentially empty language in terms of real strength to it.

So I congratulate my very distinguished colleague from New Hampshire for not only bringing this up, but for your eloquence. We lost millions of jobs because of currency manipulation by Japan in the nineties and by China thereafter. The estimate is 2, 3, 4 million jobs. What more does this institution want?

Let me just say a couple of words about two other provisions.

The House bill essentially added language to TPA that said that there must be assurance that trade agreements do not require changes to U.S. law or obligate the United States with respect to global warming or climate change.

□ 1900

So here we are going to conference one of the days of the Paris conference, and we face the language in the House that eliminates any meaningful opportunity in trade agreements to address climate change.

It may take me a little longer. I may have to ask for a minute, but I want to say something about our previous action.

We put in May 10 provisions relating to Peru and the Amazon. Why? In part, because it was displacing people who were living there, but also because the Amazon conditions affect the climate throughout the Americas.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. KUSTER. I yield an additional 2 minutes to the gentleman from Michigan.

Mr. LEVIN. And if this language were in place when we did May 10, we would not have been able to have that provision that is part of American law proudly. So we are headed in the wrong direction.

Let me just say a last word about human trafficking. The State Department reports on human trafficking in Malaysia are very clear. The ink could not be darker. That is that there has been massive human trafficking and, essentially, what the House language did was to weaken the proposal of Senator MENENDEZ.

Then the State Department, I think, essentially did not face up to the realities within their own reports and moved Malaysia from tier 3 to tier 2 so that they could continue to be part of the negotiations.

I don't see how people can look in the mirror and not say to themselves that we have to take into account human trafficking.

So I finish with this. There are some positive provisions within the Customs bill, but there are also these very difficult and I think, in some respects, dangerous, in the case of currency, worse-than-innocuous provisions because, in currency, it retreats from the little step of meaning that we were going to take.

So I congratulate the gentlewoman who is such a noble warrior on so many issues for bringing up this motion to instruct, and I urge strong support.

Mr. BRADY of Texas. Mr. Speaker, I reserve the balance of my time.

Ms. KUSTER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, Customs bills in the past have been positive. They have been useful in trade enforcement packages.

However, the majority in this body has baked into this legislation harmful provisions that make the fast-track law even worse.

It fails to protect Dodd-Frank and financial regulations, consumer safeguards. It stops our trade agreements from doing anything to address immigration. It strips out provisions tackling currency manipulation, an abuse that is costing millions of Americans their jobs.

Don't take my word for it. Listen to the Peterson Institute. Listen to what they have to say, no left-leaning organization. It says that, as a result of currency manipulation, the United States has lost up to 5 million jobs.

Why would we go down this road again? Why wouldn't we make currency manipulation prohibitive, instead of using language that is not even in the bill, but in a forum that they have put together around the TPP that says that countries should refrain from currency manipulation, they should avoid currency manipulation?

Avoid? Refrain? What kind of tough enforcement language is that? It is not.

What do countries do when they manipulate their currency? They drop the cost of their currency. Their goods become cheaper. Our goods are more expensive. We don't sell them abroad.

You know what happened in Mexico with NAFTA. They talked about all the beautiful provisions, all the tariffs dropping, et cetera. When they devalued the peso, it was all gone.

This is without strong, tough—and it won't be strong and tough because of the Senate language. But this is a good faith effort to deal with currency.

But, in fact, the lack of currency enforcement here is going to cause ruination in terms of American jobs and it is going to lower their wages. And already Malaysia has devalued its currency, as has Vietnam.

This agreement bans the United States from making commitments on climate change in trade agreements. My colleagues have spoken about this, provisions that are necessary to ensure that our trade policy does not negate our climate goals.

You have got—what is it?—I don't know—200 countries assembled in Paris to look at how we bring some sanity to climate control and what we do. We have the President there. These efforts are more important now than ever, and we will be able to do nothing about dealing with the issue of climate.

This is a massive step backward for the already weak environmental obligation in our trade agreements. This bill contains no funding support for the enforcement and monitoring of our trade agreements. Lack of enforcement has plagued our trade deals for decades.

Despite environmental rules in the U.S.-Peru free trade agreement, the overwhelming majority of timber from Peru is illegally logged. Despite the labor rules in the Colombia free trade agreement, over 118 Colombian trade unionists have been murdered.

The SPEAKER pro tempore (Mr. BABIN). The time of the gentlewoman has expired.

Ms. KUSTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut.

Ms. DELAURO. Within the last week, Vietnam, one of the partners in this agreement, arrested labor activists. 118 Colombian trade unionists were murdered. Vietnam will not allow organized labor, and in the agreement they

get a free pass for 5 years while our jobs are just being drained away.

Now the Congress is reviewing the TPP, the largest free trade agreement of its kind in history. It does include countries like Vietnam and Malaysia, where labor and human rights abuses are rampant.

My colleagues have talked about Malaysia and trafficking and forced labor. Where are the values of this Nation when we can take Malaysia that traffics in young girls and say that they have gotten better and they go from a tier 3 country to a tier 2 country just so that they can be part of this agreement?

Where are the values of the United States of America? They are not present here. We can't afford more free trade agreements without adequate enforcement.

Worst of all, this bill weakens protection in so many areas. We are dealing, as I said, in trafficking. It is modern slavery. That is what that is all about.

Democrats have been clamoring for years and years for our government to include enforceable labor standards and enforceable environmental provisions, and it has fallen on deaf ears.

This motion to instruct—and I say to my colleague thank you for doing this—should pass. It will pass tonight or tomorrow, but it really should not go to conference. There are so many flaws in the underlying bill and in the Trans-Pacific Partnership agreement as well, and this should not go to conference.

In fact, put a gloss on a piece of legislation that is one of the worst pieces of legislation that has hit this floor of the United States House of Representatives.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume, and I am prepared to close if the gentlewoman from New Hampshire is prepared to do so as well.

The value of a country's currency is a complex issue. It is determined by a number of factors: how much a country saves, how much it invests, the strength of its economy, its trade flows in and out. It is a complex issue.

Where Republicans and Democrats and the White House find common ground is the desire that countries don't manipulate their currency in order to give themselves an unfair trade advantage.

The difference is how best to go about it. And because it is a complex issue, there are some very good ideas on all parties' sides on how best to do that.

This motion essentially says to forget those discussions and don't have Republicans and Democrats from the House and Senate work together through this complex issue and find a common solution. This motion simply says to forget all that. There is only one solution, and we insist upon it. End the discussion.

I don't think that is the right way to go about it. I think, frankly, there are real serious concerns not just from Republicans, but from the White House on insisting on this one solution.

I think our country is better served and those who want to stop currency manipulation are better served by bringing our best ideas together in this conference committee.

That is what I am determined to do. That is what the American public wants us to do, an open, transparent, regular process that brings about the very best solution for America.

That is why I urge a ''no'' vote on this motion to instruct.

Mr. Speaker, I yield back the balance of my time.

Ms. KUSTER. Mr. Speaker, I yield myself such time as I may consume.

I want to say to my colleague, the gentleman from Texas, I think that we do agree to part of this about the danger of currency manipulation and the millions of jobs that are lost here in our country.

That is why I rise this evening to offer this motion to instruct the conferees to include in the conference report language to combat currency manipulation from the Senate-passed version of this bill.

I also want to associate myself with the comments of my colleagues because these are bipartisan issues. I have worked with my colleagues across the aisle on human trafficking, and I know that my colleagues share my values and are appalled at the egregious efforts that have gone down in Malaysia to traffic in young girls.

These are not American values that are being expressed at this historic moment, as countries across the world gather in Paris to protect our society, our whole humankind, from the ravages of climate change.

So, Mr. Speaker, I rise this evening to support my motion. I will be asking for a recorded vote.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. KUSTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1915

CLIMATE CHANGE DEBATE NOT SETTLED

(Mr. LAMALFA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMALFA. Mr. Speaker, recently, President Obama declared climate change to be the number one adversary of the United States.

He has proposed wide-ranging regulations to fight this supposed enemy, regulations that not only drastically increase the scope of government but could only irreparably damage our economy. Today, we voted to reject those policies.

While he concentrates on crony capitalism disguised as feel-good policies, our true enemy has grown in strength and struck one of our oldest allies. We know this enemy: a radical form of Islam that has sworn to destroy Western civilization, that abuses and enslaves women, that seeks victory through suicide attacks and terrorizing civilians.

From manufacturing fake data to fit computer temperature models, to manipulated actual temperatures being rounded up to fit the narrative, and the resistance by government entities to reveal their methodology and internal biases show that, indeed, the debate on climate change is far from settled.

Mr. Speaker, it is time for the President to wake up, recognize that no nation should willingly choose to damage its own economy, as he proposes. It is time he recognized the United States' responsibility to the free world and end the self-destructive cycle that his policies would initiate.

RADICAL ISLAMIC TERROR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Mr. Speaker, just to follow up on the eloquent 1-minute speech by my friend, DOUG LAMALFA, that it is extraordinary to think that the President of the United States—some say he is the leader of the free world—would actually say publicly and, even worse, at a conference of world leaders that, in effect, the worst blow we could hit ISIS with is for the leaders to come together on climate change?

It is hard to believe the leader of the free world would make such a statement. Maybe it was just something that was given to him to read and he read, maybe it was in a teleprompter, or maybe he didn't have time to think about what he was saying. Because I have talked to too many people in all parts of the world who have dealt directly with radical Islamist terrorists, and they make clear that radical Islamist terrorists know nothing and respect nothing but power. Incredible. Just incredible.

Growing up, it would have been akin to bullies beating up and taking from smaller students on the playground and the teacher gathering all the students and other teachers together and saying, ''I am going to teach the bullies a lesson by just ignoring them and

reading you a lovely story from our library.'' Who wouldn't understand that the next day the bullies would be beating people up again and robbing again? It is incredible.

Such insanity followed a terrible event, a shooting in Colorado Springs. As a judge, a former judge, a former prosecutor, the man that did this needs to be punished. It is wrong, and no one should use any excuse to go in and shoot other people, whether it is an Islamic terrorist or whether it is a deranged, mentally unstable person thinking they have some kind of score to even with people they don't even know, shooting people about whom they know nothing.

This story from November 30, Fox News, about the three people killed in Colorado, FoxNews.com:

''The two civilians killed in Friday's shooting at a Colorado Planned Parenthood clinic were identified by authorities and family members on Sunday.

''Jennifer Markovsky, 35, was accompanying a friend to the Colorado Springs Planned Parenthood clinic when she was killed in the shooting rampage, her father told The Denver Post.

''John Ah-King said she grew up in Hawaii and met her husband, Paul, before the couple moved to Colorado when he was stationed here for the military.

''Ah-King told the Post from his home in Hawaii that Markovsky was a kind-hearted, lovable person with two children.

''The second civilian killed was identified as Ke'Arre Stewart, 29, Amburh Butler, a lifelong friend and family spokeswoman told the Associated Press.

''Butler said that Stewart was accompanying someone to the clinic, and leaves behind two girls, 11 and 5, who live in Texas.

''Stewart served in the Army's Fourth Infantry Division and was deployed to Iraq, where Butler said he would often send her letters describing the horrors he saw on the front lines.

'' 'He would tell me how terrible it was, how many guys he watched die. It was terrible for him,' Butler told the Associated Press. The Army stationed Stewart at Fort Carson in Colorado Springs in 2013 before he was discharged from the military the following year. 'He went someplace where people expect to die, only to come back . . . and be killed.' ''

She also said, ''He was just a standup guy, he would take a bullet for you. He was the most sincere person I'd ever met.''

''Markovsky and Stewart's identities were confirmed by officials, who said a full identification would be provided once autopsies were completed Monday.

''The third victim was Garrett Swasey, who worked as a police officer at the University of Colorado, Colorado Springs, and was called to assist with an active shooter at the nearby clinic.

''Swasey was married with two children and a co-pastor at Hope Chapel, where he was remembered Sunday by parishioners who watched a video of him ice skating.

'' 'We are learning that eyewitnesses confirm that the man who will be charged with the tragic and senseless shooting that resulted in the deaths of three people and injuries to nine others at Planned Parenthood's health center in Colorado Springs was motivated by opposition to safe and legal abortion,' Planned Parenthood Rocky Mountain CEO Vicki Cowart said.''

Well, that is from Vicki Cowart. That does not appear to be official. And it always seems if it works better—for example, I would hope that the President has learned by now that he shouldn't give opinions about shootings until he knows more about them. Don't condemn a policeman when it turns out the policeman was entirely justified because, by doing so, you help stir up and divide this Nation that needs to come together.

So there are so many questions. When I was a prosecutor, when I was a judge, I wanted to know motive. I wanted to know what caused people to do what they did.

We know why Islamic terrorists do what they do. They think that that is contributing to the caliphate. If they happen to die, just as Thomas Jefferson was told—it was reported that Jefferson asked why the Barbary pirates kept attacking American ships when they weren't a threat to that Muslim area. He was reportedly told, ''We believe we go to paradise if we are killed while we are fighting infidels like you.''

So we know what motivates most Islamic terrorists. Either they think they are going to go to paradise—what a surprise they are going to get—or they think they are contributing to bringing the world under a totalitarian domination by one theocrat, like the Ayatollah Khamenei or al-Baghdadi, who is head of ISIS.

So, with that tragedy just in our rearview mirror, unfortunately, once again, the President, in front of a massive group, spoke without thinking about what he was saying.

I don't know whether it was on a teleprompter again and he just hadn't thought about what he was reading to the public, maybe somebody put something in front of him, or maybe he was talking off the cuff and hadn't really thought about what he was saying.

But this article from Alex Griswold, dated today, says, ''While giving a press conference in Paris, President Barack Obama told reporters that the mass shootings that plague the United States just never happen in other countries. 'With respect to Planned Parenthood, obviously, my heart goes out to the families of those impacted,' Obama said in response to a reporter's question. 'I mean, I say this every time we've got one of these mass shootings; this just doesn't happen in other countries.' ''

He is in Paris, France, where they have just buried one of the 130 people, mostly from mass shootings. I mean, they probably just finished the funeral services for the victims of the Islamic terrorists, and the President says in front of the world so insensitively that these shootings, like the three people in Colorado Springs, never happens in any other countries, as he is standing in a country where it just had 130 people killed, mainly in mass shootings.

In fact, the article says that ''the majority of the 130 deaths were in mass shooting attacks, where the ISIS-affiliated terrorists attacked public places with automatic rifles. Nearly one hundred people alone were killed in just one mass shooting at the Bataclan Theater.''

''Earlier this year, Paris was also the victim of a terrorist attack targeting the satirical magazine Charlie Hebdo. The Al Qaeda-affiliated terrorists wielded assault rifles, killing 11 innocent people.'' That was in Paris.

□ 1930

Now, I do realize this article says the 11 people with Charlie Hebdo, the publisher of the magazine, that those 11 people, it says here, were innocent. But, obviously, again, a leader of the United States, our Secretary of State, John Kerry, addressed on video for the world to see this issue and basically was saying we can understand why the Charlie Hebdo people were killed.

I mean, for goodness' sake, those people used the idea that they had the freedom to speak any way they wanted to; and, apparently, radical Islamic terrorists were insulted, even though the President has said repeatedly and John Kerry has said repeatedly and Hillary Clinton has said repeatedly, and continues to say, that these terrorist attacks by radical Islamic terrorists have nothing to do with Islam.

Well, that is a head-scratcher, because if the terrorist attacks on Charlie Hebdo had nothing to do with Islam, then why did John Kerry think there may have been some justification for Islamic terrorists to kill these satirists, these magazine employees, because they said something offensive about Islam? If it wasn't about Islam, then why were the terrorists killing these magazine employees because they said something about Islam? That is a head-scratcher.

And then when we look at what the media is saying about the Colorado Springs shooting and we look at what people in the mainstream media, whether it is ''The View'' or other places, talk about, yeah, Hitler was a Christian. No, he wasn't. And, yeah, McVeigh, was a Christian. Well, I am sure that would be a surprise to him. He seemed to brag late in life about being agnostic. Hitler certainly wasn't a Christian.

So if the President, Hillary Clinton, and John Kerry are right that, gee, we need to worry as much about Christians—actually, our State Department

seems to think, in their reports, that we need to worry more about Christians than we do about Islamic terrorists, even though there is no indication that the Colorado Springs shooter was a Christian.

I can absolutely assure you, Mr. Speaker, no matter what he says his religious affiliation is, he certainly was not a Christian, because he certainly was not following the teachings of Christ. The Bible makes clear that we are known by our fruits, and if he has gone in and killed other people in this way, illegally, then he is certainly not following the teachings of Christ. He is not part of the government. There is no justification. There has been no trial.

But it does also raise issues about the effects of the lawlessness of this administration, having had whistleblowers come to me, law-abiding, moral, ethical people you want to know. We have seen that the Justice Department will go after and destroy any honest, moral, ethical whistleblower that may reflect poorly on the administration. We have seen reports of the acting inspector general at Homeland Security changing IG reports. We get word that in the intelligence community reports have been changed from truth to something that would not make the administration look bad, reports now coming out about, and apparently former intelligence leader Flynn talking about this, how the truth that was coming from intelligence in 2012 did not match up with this administration's reelection campaign so they just changed the reports.

I mean, what effect does an administration lying and being lawless have on what traditionally has been a majority law-abiding country? Can it create helplessness, a feeling, or a need that perhaps we need to take the law into our own hands? I would tell anyone that is never justified. You do it through lawful means, through the government. Of course, Thomas Jefferson might say otherwise.

But what effect does it have when the law of the land, the Federal administration governing, ruling over the country, required by the Constitution to follow the laws that have been passed by Congress and signed by other Presidents, this President may not agree with and he just disregards the laws, say, on amnesty, disregards the laws about governing the EPA, so they just make up new regulations, and you just create 79,000 pages of new regulations as if you are a dictator in chief? I mean, if, hypothetically, that were happening, what effect would it have on people who believed in having a law-abiding country when the administration over the country becomes so lawless? It seems surely it would create a feeling of desperation.

What do you do? I have talked to whistleblowers who had that feeling. What do you do? I can't go to the Justice Department with the truth about what is going on because they will prosecute me. They will destroy my family. I will never be able to make a living again. I have seen what they do to whistleblowers who just want the administration to be honest and follow the law. What do you do? Where do you go?

I would submit that the place you go is not to Russia to give away our utmost secrets because that is treason, but it is bound to be mitigating when an administration makes it so tough to just come forward and state the truth.

We found out that this administration had known about General Petraeus' affair for most of a year, but they waited until General Petraeus was in a position to destroy the election possibilities, reelection possibilities for President Obama, and they flowed out about the affair they have known about for most of the year, and he is destroyed. They prosecute him because apparently, as I understand it, he provided a calendar to his biographer and searched as they might for anything that they could hang around his neck of being a lawless activity. As I understand it, they found something in his calendar that could have been said to be classified, so he agreed to plead to that.

And we find out yesterday there apparently have been 1,000, around 1,000 Hillary Clinton emails so far that contain classified information. If Chuck Colson gets a year and a half for having information he is not supposed to, Petraeus' life, his livelihood, is ruined because they are finally able to find something that might have been classified that he pleads guilty to having turned over to his biographer. How long do you get for doing that a thousand times? I am just asking, Mr. Speaker.

But if, let's say, hypothetically, it were true what President Obama, John Kerry, and Hillary Clinton keep saying, that you should not say anything negative about the terrorists who claim to be Islamic and who say, Praise be to Allah, ''Allahu Akbar,'' and then they kill innocent people, you can't say anything that that is related to radical Islam because that only makes matters worse. Well, if they really believe those things they have been saying, and if it were even true, and if Homeland Security is right that we need to worry about evangelical Christians or people that belong in the authority of the United States Constitution, then shouldn't the President, Hillary Clinton, and John Kerry, be worried that they are going to stir up another crusade by besmirching and maligning Christianity and Christians as routinely as they do, saying these Christian terrorists are so bad or pointing out we have got bad Christians, we have got the Crusades?

Well, if Christianity is as big a threat to commit violence as people who say they are Islamic terrorists or jihadists, then I am just asking, Mr. Speaker, wouldn't that indicate that the President, Hillary Clinton, and John Kerry are actually going to be responsible if a Christian goes and does something violent? I mean, using their own logic, if they are out there running down Christians as a threat to violence while saying you can't say anything negative about radical Islam and a Christian has done something wrong, well, if you are saying we stir up radical Islamic terrorists by talking about them, then wouldn't you be responsible if you—generic indefinite ''you''—be responsible for saying bad things about a Christian if a Christian then does something violent? I am just asking, applying the President's own logic or lack thereof.

There is an article from 4 months ago by Kyle Becker that said, after the tragic Charleston shooting that left nine Americans dead, President Obama said the following: ''But let's be clear: At some point, we as a country will have to reckon with the fact that this type of mass violence does not happen in other advanced countries. It doesn't happen in other places with this kind of frequency.''

□ 1945

The President said that 4 months or so ago, and he says it again now, while he is in Paris, where 130 people were just killed in a mass attack.

But this article was written 4 months ago, and it actually charts it. And it reads, ''Since most statistics on mass shootings in the world compare apples and oranges by not correcting for population, let's get a chart that makes sense, shall we?'' Between 2009 and 2013, the author goes through and charts.

The loss of even one life should not be occurring. As someone who has looked a defendant in the eye and has ordered him to be taken and held by the Texas Department of Criminal Justice until he is put to death and has signed the order requiring a multiple-murderer or a kidnapping murderer-torturer be put to death, I know every life matters. Every life matters. Every little baby who is cut up and sold for parts matters.

How about the lawlessness of seeing the Planned Parenthood videos and not only not be offended or finding those grotesque and inhumane but actually having the Department of Justice stand ready to be the criminal defense firm for Planned Parenthood and stand by Planned Parenthood in these alleged horribly egregious violations of humanity? Would that invoke helplessness? It shouldn't invoke anybody to violence, but could it?

According to this article by Kyle Becker, between 2009 through 2013—these are rampage shooting fatalities per 1 million people—Norway had 15.3, Finland had 1.85, Slovakia had 1.47, Israel had 1.38, Switzerland had .75, and the United States had .72.

Even one is too many, and the perpetrator should and must be punished. But if someone has committed crimes in Planned Parenthood, shouldn't we have an administration that believes in enforcing the laws and in at least doing

a proper investigation on whether what was said in the videos were true, which certainly indicated orally that there were apparent crimes committed?

Since every life matters, every Black life matters, not just the Black lives that are needlessly taken by a White person, but every Black life matters no matter who takes the life.

This article from the Chicago Tribune reports, ''Holiday toll: 8 killed, 20 wounded over Thanksgiving weekend.'' It seems rather callous.

The article reads, ''Eight people were killed, including a 16-year-old boy, and at least 20 others were wounded in shootings over the Thanksgiving weekend in Chicago, an increase over last year as the number of gunshot victims rose above 2,700 for the year.''

There were 2,700 gunshot victims in Chicago, when Chicago has such strong gun control laws in place? How could that be? Is it possible that having the toughest gun control laws, like Washington, D.C., has had, doesn't stop violent murders?

In fact, is it possible that places that have the strictest gun control have become murder capitals? It certainly appears so in Chicago and in Washington, D.C.

This article from the Chicago Tribune reads:

''Mysean Dunnin, 16, was among the first victims of the long holiday weekend. He was shot in the head a few minutes before midnight just west of Kedzie Avenue on Van Buren Street in East Garfield Park, about a block from his home.

''Police said two people walked up and fired at Dunnin. He was pronounced dead at the scene.

''Four other people were wounded between 3 p.m. Wednesday and 2:30 a.m. Thursday.

''Two men were killed and four others were wounded from 1:20 p.m. on Thanksgiving Day to 3:15 a.m. Friday.

''A 36-year-old man was killed and two people, including a 14-year-old boy, were wounded between Friday afternoon and early Saturday morning.

''The most violent stretch occurred Saturday into Sunday, when three men were fatally shot and at least four other people were wounded.

''Father of three, home for the holidays, dies in Back of the Yards shooting.

''Between Sunday afternoon and early Monday, an eighth person was killed and six other people were wounded.

''The toll during last year's Thanksgiving weekend'' in Chicago ''was 5 killed and 14 wounded. That included a fatal shooting inside the Nordstrom's store on North Michigan Avenue.''

With the President's precious ideas on gun control that certainly his former chief of staff, Rahm Emanuel, would have in place in Chicago since he has such power to effectuate the passage through the city leaders of ordinances for tough gun control, how could this be?

The number of homicides is 444. ''So far this year, there have been at least 2,740 shootings in Chicago, up more than 400 from the same time last year. The number of homicides is 444, an increase of 42 from last year.'' That is tragic.

An article by Charles C.W. Cooke on November 23, 2015, reads, ''Anyone who would use terror as an excuse to subvert the Second Amendment should be tarred and feathered.'' A rather interesting position.

An article from Charlie Spiering of 30 November 2015 reads, ''In his inaugural speech at the COP21 climate change summit in Paris, President Obama acknowledged the terrorist attacks that occurred in the city earlier this month, but warned his fellow leaders not to be distracted from focusing on the looming threat of global warming.''

The President was quoted as saying, ''What greater rejection of those who would tear down our world than marshaling our best efforts to save it.''

Ignoring the violent terrorism that the Islamic jihadists are infecting upon the world and talking about climate change—and, obviously, I mean, most thinking people know it is called ''climate change'' now because ''global warming'' hasn't really been supported for many years now, and, certainly, it is not provable that it was manmade.

I do believe in climate change. We have it four times a year in east Texas, where I live, so I know climate change is a fact. We know that the weather normally works in cycles.

We had a witness before our Natural Resources Committee who knows a great deal about the climate, and I asked him, is it true that planet Earth had to have been warmer during the days of Leif Eriksson's crossing the North Atlantic when the Norse came to Greenland? Is it true that planet Earth was warmer then? It turns out, according to his testimony, the planet was much warmer then.

Now, we don't know what kind of fuel, what kind of carbon emissions those Norse boats were putting into the atmosphere, but I guess you would have to figure those Norse must have really been putting out some pollution from those ships with the sails on them to have created a warmer planet back then than we have now.

Apparently, they were growing crops in places on Greenland where you can't anymore.

My friend Ben Shapiro has an article in the Daily Wire entitled, ''Five Reasons Obama's Climate Change Agenda is Dangerous—'', and part of the words are blacked out after that.

One reason he has highlighted is because ''we have no idea to what extent the Earth is warming.'' And he sets out some data and facts there, resources there or other.

Two, ''We have no clue how much human activity causes climate change,'' and I would add ''if any.''

Of course, we call it ''climate change'' now because the data did not support the ''global warming'' that was being used in a fear-mongering fashion to scare people. By changing from ''global warming'' to ''climate change,'' that would allow them to say in the seventies, as they did, that we are at the beginning of a new ice age and then 30 years later say that we are heading toward cataclysmic global warming that will destroy all life on planet Earth.

Now, after the long pause in warming that seems to be inexplicable to scientists and after the release of private emails and information from the University of East Anglia some years back, it indicated data was being manipulated so that it reflected things that weren't true about so-called global warming or climate change.

Ben Shapiro's third point: ''We have no idea how much climate change impacts human life.'' It has discussions and references there.

Then, the fourth: ''We have no idea what level of de-development would be necessary to maintain our current climate.''

The fifth: ''The solution—destroying carbon-based fuels and capitalism—is the problem.'' He writes, ''The left is in an all-out war with the two greatest forces for fighting poverty in history: cheap, carbon-based energy and capitalism.

□ 2000

''The same people celebrating the end of the Industrial Revolution economic model seem to forget that that economic model, boosted by carbon-based fuels, have led to a massive drop in global poverty; in 1990, 1.9 billion people lived under $1.25 per day, as opposed to 836 million in 2015. That's because of the dominance of capitalism and the increased efficiency of technology. It's certainly not because of governmental environmental regulations.

''Some on the left seem eager to try out their theory that we can maintain our current standard of living while hopping in a time machine back to less usage of carbon, without reference to market efficiencies. This is foolishness. We have time machines; they're called airplanes. Folks on the left ought to fly to countries where people don't have coal or oil or natural gas or free markets, and watch them burn cow chips for heat to see how lovely and natural that lifestyle actually is.

''But President Obama has his goals. How many people will have to suffer or die globally because of them isn't really the issue. After all, to question him would make us 'cynical,' he assures us. If cynicism means saving lives, then perhaps we all ought to be cynical of his world-conquering, unscientific, redistributionist nonsense.''

Going back to February 7, 2015, an article from Christopher Booker from The Telegraph titled ''The fiddling with temperature data is the biggest science scandal ever,'' he said: ''Two weeks ago, under the headline 'How we are being tricked by flawed data on

global warming,' I wrote about Paul Homewood, who, on his Notalotof peopleknowthat blog, had checked the published temperature graphs for three weather stations in Paraguay against the temperatures that had originally been recorded. In each instance, the actual trend of 60 years of data had been dramatically reversed, so that a cooling trend was changed to one that showed a marked warming.

''This was only the latest of many examples of a practice long recognised by expert observers around the world—one that raises an ever larger question mark over the entire official surface-temperature record.

''Following my last article, Homewood checked a swathe of other South American weather stations around the original three. In each case he found the same suspicious one-way 'adjustments.' First these were made by the U.S. government's Global Historical Climate Network (GHCN). They were then amplified by two of the main official service records, the Goddard Institute for Space Studies (Giss) and the National Climate Data Center (NCDC), which use the warming trends to estimate temperatures across the vast regions of the Earth where no measurements are taken. Yet these are the very records on which scientists and politicians rely for their belief in 'global warming.'

''Homewood has now turned his attention to the weather stations across much of the Arctic, between Canada (51 degrees W) and the heart of Siberia (87 degrees E). Again, in nearly every case, the same one-way adjustments have been made, to show warming up to 1 degree C or more higher than was indicated by the data that was actually recorded. This has surprised no one more than Traust Jonsson, who was long in charge of climate research for the Iceland met office (and with whom Homewood has been in touch). Jonsson was amazed to see how the new version completely 'disappears' Iceland's 'sea ice years' around 1970, when a period of extreme cooling almost devastated his country's economy.

''One of the first examples of these 'adjustments' was exposed in 2007 by the statistician Steve McIntyre, when he discovered a paper published in 1987 by James Hansen, the scientist (later turned fanatical climate activist) who for many years ran Giss''—or the Goddard Institute for Space Studies—''Hansen's original graph showed temperatures in the Arctic as having been much higher around 1940 than at any time since. But as Homewood reveals in his blog post, 'Temperature adjustments transform Arctic history.''

Wow, Mr. Speaker, I need to read that again. I had not seen that.

''Hansen's original graph showed temperatures in the Arctic as having been much higher around 1940 than at any time since.''

''Homewood's interest in the Arctic is partly because the 'vanishing' of its polar ice (and the polar bears) has become such a poster-child for those trying to persuade us that we are threatened by runaway warming. But he chose that particular stretch of the Arctic because it is where ice is affected by warmer water brought in by cyclical shifts in a major Atlantic current—this last peaked at just the time 75 years ago when Arctic ice retreated even further than it has done recently. The ice-melt is not caused by rising global temperatures at all.

''Of much more serious significance, however, is the way this wholesale manipulation of the official temperature record—for reasons GHCN and Giss have never plausibly explained—has become the real elephant in the room of the greatest and most costly scare the world has known. This really does begin to look like one of the greatest scientific scandals of all time.''

Mr. Speaker, I am wondering if it might be possible that there is a mainstream media reporter out there—with the New York Times, Washington Post, ABC, NBC, CBS, CNN, one of those that have lost so many of their viewers and readers—that might someday, against all of the criticism like Galileo got and others received, pick up that mantle and do a true investigation from a mainstream media outlet, facing the belittling and the criticism of all of the Chicken Littles that are in the mainstream media currently and actually gather accurate data, show the fraud, show the wasted money, show the lost lives, show the suffering by running up the price of energy so high, and show just what Christopher Booker talks about as he finished his article. This really does begin to look like one of the greatest scientific scandals of all time.

As the great philosopher Rush Limbaugh once said, ''Follow the money.'' Many others have said it. If you hear someone saying, ''Let's bring Syrian refugees in'' when we know there is no adequate data to be assured of who they are, where they are really from, follow the money. See if they are part of those dividing up the 1 billion-plus dollars being paid to people to bring refugees into the United States.

Well, Mr. Speaker, when this administration goes about driving up the prices of energy as it has, despite its best efforts, gasoline prices came down. The last I saw, they had dropped their approval of production from Federal land to about 40 percent of grants that had been approved during the Bush administration's 8 years.

Less production is being authorized by this administration. They are siccing the EPA now with these new regulations on the oil and gas industry, which will ultimately—if they are successful and Congress isn't able to stop them as we should, the price of gasoline will skyrocket as the President said he wanted coal-produced power to skyrocket.

As one of my senior citizen constituents had told me—I think she said she was 80—she was born in a home that only had a wood-burning stove. Because of the way the cost of energy has gone up, she is worried that she may leave this world in a home that only has a wood-burning stove. The trouble for her is, if this administration has its way, she can't have a wood-burning stove even.

You see the cost of home energy going up as dramatically as this administration has forced it and you realize that doesn't really hurt the rich in America to have higher prices for energy. It does hurt business. It absolutely does. It means they can't give raises because they are spending that money on higher bills. So people are not keeping up with what they should.

Then we found out during this administration the unthinkable occurred, and the President even admitted it on camera. For the first time in the history of this country ever, after this President's policies had been fully implemented for 5 years, 95 percent of the Nation's income went to the top 1 percent.

The President, who had talked so much about helping the middle class and helping the poor, has presided over policies that have made the rich—put them in a position where 95 percent of income is going to the top 1 percent. It had never happened before this President's policies, which have made life difficult for people in America.

I mean not for the people that have all the cronyism, crony capitalism, General Electric and all those friends of the President. I am talking about the distance between the rich and the poor has gotten farther with fewer people in between. That is tragic.

So countries swarm to the global warming conferences. Just watch. Follow the money. They hope to leave with an agreement by the United States that will punish American residents and cause them to have to pay more taxes that will be paid to countries around the world.

Of course, they flock to these global warming climate change conferences because they think the President is going to do what he is hoping to do and start sending checks from the American taxpayers to all of these other countries, places where their policies have stifled growth or they don't have the energy we do. How about sending them some energy? Send them some coal. They will be far better off.

In closing, Mr. Speaker, let me just remind that you don't have to pay people to hate you. They will do it for free. We don't have to be sending that money overseas.

I yield back the balance of my time.

□ 2015

UKRAINE UNDER SIEGE

The SPEAKER pro tempore (Mr. ABRAHAM). Under the Speaker's announced policy of January 6, 2015, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 60 minutes as the designee of the minority leader.

Ms. KAPTUR. Mr. Speaker, as Western Europe strains with more than 1 million refugees fleeing war in the Middle East and enduring terrible conditions, I rise tonight to address another growing humanitarian crisis in Eastern Europe, in Ukraine.

The free world has experienced time and again what happens when it fails to support innocents caught by fate under the brutal grip of war and oppression. Today that reality looms largely over Europe and surely over Ukraine, a nation of freedom-seeking people under siege outnumbered and outgunned due to Russia's invasion on Ukraine's eastern front. So Europe in the western end as well as the eastern faces major displacement and humanitarian needs not seen since World War II.

Ukrainians are fighting to choose their own path, and surely America, with our moral leadership, can find a way to help the beleaguered people of Ukraine survive the siege and the onset of a bitter winter, with climates that can be unforgiving, with temperatures falling as low or more than 25 degrees below zero.

To not attend to Ukraine now risks Ukraine accessing to the free world. If one looks at the size of Ukraine in Europe, imagine if Ukraine could access to be part of greater Europe. That is all held in abeyance now and also risks millions more potential refugees fleeing from Ukraine to Western Europe for sustenance and more.

I call on the Obama administration to address the growing humanitarian crisis in Europe, not just on the western end, but on the eastern end in Ukraine. This is a challenge that can be met. America has done this before. The humanitarian need in Ukraine is immediate and growing.

I include in the RECORD evidence of this growing crisis by the major religious leaders of Ukraine from all confessions, representing, imagine, nearly 90 percent of the faithful of Ukraine. These denominations include Baptist, Pentecostals, Muslims, Reformed Church, the Lutheran Church, Jewish religious organizations, Evangelicals, the Autocephalous Orthodox Church of Ukraine, the Ukrainian Bible Society, the Ukrainian Greek Catholic Church, the Armenian Apostolic Church, the Seventh-Day Adventists, the Christian Evangelical Church. It is a very, very long list.

I am going to read this in the RECORD as well as place it in the RECORD. This was sent to President Obama. A delegation, over this last month, from Ukraine, of its top religious leaders presented the Obama administration with a request. Let me read it.

''We, the undersigned of the All Ukrainian Council of Churches and religious organizations and representing Ukraine's diverse religious community, appeal to you on behalf of the people of Ukraine to help address the humanitarian catastrophe, Mr. President, gripping our country. The needs are enormous, ranging from medical supplies to everyday items, such as food, water, and clothing.''

They don't even ask for new clothing. They are willing to take used shoes from the United States of America.

''While the global news media regularly reports on Russia's war against Ukraine, government reforms and financial challenges, there is rarely any mention of the extraordinary dimensions of the human suffering caused by Moscow's aggression. While Ukraine certainly needs greater military, financial, and political assistance, our focus here, as religious leaders, must be on the humanitarian aspect.

''As you know, according to the United Nations, over 5 million people''—5 million—''including 1.7 million children, are in desperate need of humanitarian assistance.''

I brought a chart to the floor that shows pictures of just a few of these children.

''8,000 people have died and over 17,000 have been injured and wounded. There are over 1,390,000 displaced people, including 174,000 children.''

Here is one child whose only dwelling has been in a bomb shelter since the time of his birth.

''The challenges of this human tragedy are overwhelming. Even the most conservative estimates show that over 65 percent of projected needs have yet to be met—even on the level of pledges.

''As representatives of the interfaith community, we witness on a daily basis the challenges and needs of people suffering because of this war. And with the onset of winter, an already dire situation will only get worse. We pray for their lives and for the future of our country.

''While we are grateful for the assistance provided by the United States Government to date, we know that the need is so much greater. Thus, we appeal to you,'' President Obama, ''to increase assistance and to activate the full potential of the National Guard State Partnership Program and the Partnership for Peace as instruments for alleviating the humanitarian catastrophe. One of the stated goals of the Partnership for Peace is to 'provide a framework for enhanced political and military cooperation for joint multilateral crisis management activities, such as humanitarian assistance and peacekeeping.' Ukraine was the first post-Soviet country to join the Partnership for Peace in 1993.

''In addition to the assistance provided by the US government, we, during our travels throughout the United States, have come to personally witness the great generosity of the American people expressed through numerous spontaneous initiatives to ship medical and humanitarian supplies to Ukraine.

''Time is of the essence, Mr. President.''

They are begging.

''The people of Ukraine need to know that they are not forgotten in their time for need. The instruments anticipated by the National Guard State Partnership and Partnership for Peace programs will allow the American people to more effectively and rapidly access and deliver already available medical and humanitarian supplies to Ukraine—literally within days. We each represent distribution networks''—through their various religious confessions—''that cooperate with each other; we now ask for the resources to meet the growing human needs.

''We pray that God grant you guidance, wisdom and bless you and the great American nation. God bless the United States and Ukraine. Sincerely.''

And I place all their names in the RECORD.

The people of the world must meet this moral imperative. The United Nations has reported that 2.6 million Ukrainians have been displaced by the current conflict in eastern Ukraine—so unnecessary—because of Russia's invasion. A staggering 5 million Ukrainians currently need humanitarian survival assistance.

I met with one religious leader who came to Washington. I said: What are you finding?

He said: Congresswoman, we are in Kharkiv. We need shoes, even used shoes, for the children.

Currently, less than half of those in need receive any assistance at all. If Russian aggression were to trigger a flight of these Ukrainians westward, it would also add to the dangerous, destabilizing stress to Europe's already-stretched refugee services as a result of what is happening with the immigration and refugee resettlement from the Middle East.

The situation in Ukraine is far from contained. According to a recent report by Refugees International, approximately 2 million Ukrainians live close to the cease-fire lines separating Ukrainian and Russian-backed forces.

It is hard to see some of these pictures that are on this chart, but what they basically show are bombed-out buildings, bridges that are completely destroyed, old women living in buildings where there are no roofs or windows in eastern Ukraine, children living in bomb shelters, and people just, unfortunately, killed because of Russian shelling.

A Ukrainian and Russian peace settlement likely will take a while, but another 2 million people are living under control of Russian-backed forces. The basic needs of these civilians go unmet daily. Shockingly, most international aid work has been suspended there, and there are hardly any news stories about this. Aid workers have been ejected from regions that are called Luhansk and Donetsk by the Russian-backed fighters.

Some refugees, torn from their villages and towns, have managed to stay in Ukraine and survive even after being driven from their homes by violence. How they are doing this, I simply don't

know. But these internally displaced are overwhelming the already limited resources of Ukraine's local governments, which are already stretched thin by Russia's invasion. These 1.5 million internally displaced Ukrainians lack durable housing or jobs to pay for food or support their families.

Don't forget, with Russia's invasion, the value of their currency has just plummeted. Everything is so much more expensive. How people are making it, I simply don't know.

We often talk about refugees in abstract numbers. But inside these numbers are the stories and faces of individuals. I just wish people could see the eyes of these parents looking into the future that is so uncertain and so daunting.

Ukrainian children in these conflict zones are being born under conditions that most Americans couldn't even imagine, never having lived without the imminent threat of death or loss. Many risk becoming stateless, as they have been unable to receive birth certificates, passports, and school certificates. In looking into the eyes of children, I am again reminded of the urgency of this crisis.

As freedom-loving nations grapple with the Ukrainian crisis, let us recall the nations of the European continent remain America's most enduring allies in liberty. To not measure up to meet the current internal challenge for Europe is to walk away from liberty's call at freedom's edge in our time.

Existing efforts to assist Ukraine's eastern regions face a daunting set of challenges. Roads leading to Ukrainians trapped in separatist-held areas are difficult to navigate. There is a photo here. I mean, they are walking across rubble, down very steep embankments.

Making matters worse, many of these routes are now scarred by the ravages of war. Roads and bridges have been completely destroyed. On roads running through conflict areas, Russian-backed fighters require registration by any humanitarian group seeking access to the region. Can you imagine? Can you imagine what life is like there?

The United Nations is the only aid group allowed to even enter the Russian-controlled areas of Ukraine. Even the U.N. was prevented from delivering aid to eastern Ukraine for 3 months as people suffered. And then on November 9, just a couple weeks ago, the U.N. was finally able to deliver a convoy of nine trucks carrying vital aid to the city of Luhansk, including 10,000 blankets, 10,000 towels, 5,000 buckets, and a similar number of jerricans and plastic sheets, cement and timber for shelter repairs, and other winterization need and domestic items. That was to one town, and it did not completely serve their enormous needs.

As the U.N. agency head for Ukraine said: ''This is a small drop in the ocean of needs . . . in these conflict-affected areas.''

Can you imagine, millions of people displaced but only 10,000 blankets? Millions of people, 10,000 blankets.

Delivery of basic medical supplies also faces obstacles. There is a shortage of medications that treat critical and common diseases.

After his organization was forced out of Donetsk by Russian operatives, Dr. Bart Janssens, director of operations at Doctors Without Borders, said the following: ''We are almost the only organization providing treatment for tuberculosis in prisons, insulin for diabetic patients, and hemodialysis products to treat kidney failure. Thousands of patients suffering from chronic, potentially fatal diseases will now be left with little or no assistance.''

□ 2030

This is the situation Ukraine faces in real time. What will the world do? What will the United States do with so many storehouses of used clothing, used blankets, or anything to help sustain life there?

As temperatures fall across that region, shelter assistance has to be delivered quickly to people living in buildings without windows, without doors, without roofs, and, most often, without heat. Thousands of displaced people need warm blankets, winter clothing, and shoes, as well as coal and heating fuels.

If the free world fails to act, it must prepare for the reality that, come spring, we will discover more elderly who are dead, more who are ill, more children who have fallen into illness and have probably died, simply cut off from assistance, who succumbed to starvation and the cold, needlessly adding to the over 8,000 who have already lost their lives in this Russian-directed invasion.

America, as a nation, has long been one of supporting freedom and economic stability across our world. Let me remind you that in a 1947 speech laying out what would become the Marshall Plan for Europe following World War II's devastation, war-weary America stood the test of liberty.

And one of our greatest Americans, a statesman, a general, and then Secretary of State, General George C. Marshall, observed the dire post-war economic conditions in Europe. And despite America's exhaustion from World War II, he urged American involvement and support of European recovery, noting that:

''It is logical that the United States should do whatever it is able to do to assist in the return of normal economic health in the world, without which there can be no political stability and no assured peace.''

Those words apply to Ukraine today, as they did to Western Europe after World War II.

General Marshall continued, saying, ''Our policy is directed not against any country or doctrine but against hunger, poverty, desperation, and chaos. Its purpose should be the revival of a working economy in the world so as to permit the emergence of political and social conditions in which free institutions can exist.''

He added that struggling nations must take the lead in their own rebuilding and that America's role should be a supporting one.

It was really remarkable to go back and look at the films of the brilliant airlift from World War II and see what this country did. This crisis is not commensurate with what happens after World War II, but we have a model. We know what to do; we know how to do it. Why aren't we doing it?

I include in the RECORD separate statements from three religious leaders who are begging the United States of America and its President to pay particular attention to the humanitarian needs of Ukraine: remarks by Patriarch Filaret, Ukraine Orthodox Church; the Archbishop of Ukraine, Sviatoslav Shevchuk, the Ukrainian Greek Catholic Church; and also Rabbi Yaakov Dov Bleich, head of the Jewish faiths that have presence in that country.

TRANSCRIPT OF THE SPEECH BY PATRIARCH FILARET AT THE NATIONAL PRESS CLUB ON NOVEMBER 9, 2015

(Translated live from Ukrainian)

Dear Friends, we just met with the staff of President Obama. We have handed him a letter signed by leaders of All-Ukrainian Council of Churches and International Organizations of Ukraine leaders of different religious denominations of Ukraine. First of all, I want to emphasize that the All-Ukrainian Council of Churches represents 85% of Ukraine's residence. So our statement is on behalf of all those people.

What is that letter about? We are discussing how the humanitarian aid that has been collected for the Ukrainian people here in the United States can be delivered to Ukraine. And we are asking President Obama to implement certain provisions of the Partnership for Peace program.

Why are we asking that? Because, today, Ukraine is defending democracy and freedom for the whole world. If Ukraine had accepted Russia's offer and desired to pull it into the Eurasian Union, there would be no war, but Ukraine would have lost its democracy and freedom—it would have become a totalitarian state.

The United States is the leader of democracy and freedom in the world. And, today, Ukrainians are giving their lives for this democracy and freedom. So do Ukrainians deserve such support from the United States and Europe in standing against Russian invasion and totalitarianism? I think Ukraine does deserve that.

This is why we are making this request for help. We are asking to help deliver the humanitarian aid that the people of the United States have already collected. And we are also asking to increase the levels of assistance of multi-sided assistance.

At this time, the war in Eastern Ukraine has not stopped—it only went down in intensity. Putin has diverted the world's attention by going into Syria—this does not mean that he has given up on Ukraine and military warfare may erupt in Ukraine with new strength anytime. So we are asking—please, help. We are giving away our live and you give us the resources, including the humanitarian assistance.

Thank you.

TRANSCRIPT OF THE SPEECH BY MAJOR ARCHBISHOP SVIATOSLAV SHEVCHUK AT THE NATIONAL PRESS CLUB ON NOVEMBER 9TH 2015

Dear Friends, I speak on behalf of Ukrainian Greek Catholic Church, which is present in Ukraine and worldwide. I would like to convey to you good news from Ukraine.

First good news is that Ukrainian nation is united as never before in its history. You see that righteous society of Ukraine, The Council of Churches and Religious Organizations, which represent 85% of the citizens of Ukraine, are united. Different religions, different churches, religious denominations, but we are the heart of Ukrainian civil society, and we are together.

The second good news is that we did not have a civil war in Ukraine. We are facing the foreign aggression against Ukraine. And again, that aggression is a catalyst of Ukrainian unity. Seventy percent of the soldiers who are defending free and independent Ukraine are Russian-speakers. And I think this very important sign, that even those who are in the occupied territories, as Rabbi Bleich mentioned, are not supporting war. Even people in Russia will not support a war. It is why Putin is trying to be silent about that the Russian troop and its presence on Ukrainian territory.

The third good news from Ukraine is outstanding solidarity. Today, we have more than two million refugees in Ukraine. But international society, until now, could only help four hundred thousand refugees. But what is happening to the rest? Their Ukrainian fellows are helping them. But our resources are short because economic crisis is striking us in Ukraine. Nevertheless, we are united in our desire to rebuild, to transform Ukraine.

The next good news from Ukraine, we all together are fighting against corruption, because corruption it not only political issue, is a deep moral issue. It is a part of the post-Soviet mentality. But we all together are trying to reform and transform the very heart of Ukraine. To transform the interpersonal relationships, because corruptions strike those kinds of relationships between person in Ukraine. But, nevertheless, we are here to be a voice of the millions who are suffering the biggest humanitarian crisis in Europe after the Second World War.

It is a pity that Ukrainian politicians until now did not declare the state of the humanitarian emergency in Ukraine. Until now we've received an answer that this is a political quest. Nevertheless, Ukraine needs worldwide international support, especially in order to solve the humanitarian situation in our country. So it is why we are here—to speak on behalf of those millions who will suffer terrible winter in few months.

But we have a hope in Ukraine. You know, politicians will come and go, presidents will come and go, all political visions will change, but Ukraine will remain, churches will remain. And today we are building our future fostering the reconciliation and cooperation between the nations.

Thank you very much.

TRANSCRIPT OF THE SPEECH BY RABBI YAAKOV DOV BLEICH AT THE NATIONAL PRESS CLUB ON NOVEMBER 9TH 2015

Thanks for coming and for showing some interest in what's going on in Ukraine. It is important for us in Ukraine to know that it's not only politicians that get together and talk about Ukraine, but that it interests civil society too.

First of all, the message comes from a coalition called the Council of Churches and Religious Organizations of Ukraine, which is a very unique organization anywhere in the world probably, where the Heads of all religions in the country get together and work for the benefit of all of the people of the country.

Our message is from civil society, from people to people. We spoke today with politicians because they can do things we can't do. But we can do a lot more than they can. We feel that civil society has an obligation to try help and do what they can. We come together with other NGOs in the United States trying to make things happen, change things. And I want to point something out: the help that we may get paying for transportation of containers of aid that was collected here to send to Ukraine is very very symbolic. The money is not the most important thing.

What is much more symbolic is that the people in the United States care about what's happening in Ukraine, they understand the war.

The need for help in Ukraine is a direct result of a democratic choice, a choice that the people of Ukraine made. They want to be a part of the western family of nations. They want democracy, they want to be free, they want to be a part of Europe, they want to live like people in the West live. Because of that they are suffering, and it's important for people in the United States to know that the front of the war between democracy, democratic life and brutality, communism, putinism, that front is taking place now in Eastern Ukraine. That fight, which is a fight of entire world for democracy, is taking place right there. It's not only a fight for Ukraine, not only a fight for Ukraine's freedom, it's a fight of freedom over putinism. This is our message.

You could see people who are willing to sacrifice themselves for their freedom. People who are sacrificing their lives on the front are not sacrificing for their freedom, they are sacrificing for the freedom of their country, for freedom of their people, for freedom of all peoples throughout the world to have that democratic choice, to choose how they want to live, and to be able to live the way we take for granted here, in the United States.

Today, actually, President Poroshenko signed a decree for organizing a committee for the 75th anniversary of Babij Yar. This is important! We don't have to talk about this now, but a year and a half ago we were still trying to counteract the propaganda that was coming out of Russia about the fascism in Ukraine and the anti-Semitism, which is a bunch of baloney. Basically, we won that war.

People, most people, understand that Ukrainian Government and Ukrainian people today are not fascists and anti-Semites, they are just people who want to live free, democratically, but part of that is that Ukrainian Government also coming through and showing time and again, proving as much as possible, as many times as possible that Ukrainian people are united no matter what ethnicity, no matter what their background, what their religion is. They want to be free, they want to be democratic. Even the Russian-speaking people want to be free. That was part of the failure of Putin in the east that he didn't have the support. He doesn't have the support of the people in Donbas to become a part of Russia. They are not interested in becoming a part of Russia. They want to be free as well. Everyone wants to be free.

Thank you.

Ms. KAPTUR. The United States has more than just a moral and strategic duty to the sovereign people of Ukraine. Twenty years ago, the United States, Ukraine, the Russian Federation, and the United Kingdom came together to sign the Budapest Memorandum.

This agreement reaffirmed the common commitment of those signatory nations ''to respect the independence and sovereignty and the existing borders of Ukraine.'' And in return for that promise of protecting those borders, Ukraine dismantled its vast nuclear weapons complex, the third largest in the world.

With that memorandum in hand, Ukraine did what it promised, but what about the other signatories to that agreement?

Today, the Budapest Memorandum appears to be a hollow promise. It comes as little surprise that Russia would break that promise, but it disappoints me to no end that the free world, led by the United States of America, seems reluctant to honor its promises to take a more effective role as a coalition of nations and civil society organizations to help Ukraine stand on its own in the face of internal carnage perpetrated by Russia.

NATO's Supreme Allied Commander in Europe, General Philip Breedlove, a man who knows an enormous amount about that continent, recently expressed his deep concern that our focus has been pulled away from Russia's proxy invasion of Ukraine. ''Folks have taken their eye off of Ukraine a little bit because of Syria,'' he said.

According to him, the situation is similar to how the world lost focus on the Russian invasion of Crimea, which the United States still considers Ukrainian territory, after Russia invaded eastern Ukraine and triggered the current war.

Fighting in the Donbass region of Ukraine has fluctuated, but skirmishes continue and Ukrainian territory remains under Russian occupation, with no withdrawal in sight.

Congress took initial steps to address Ukraine's need last year, just about a year ago, with the Ukraine Freedom Support Act—legislation we fought hard to pass and which most of our colleagues voted to support. However, conditions continue to worsen.

A report done by the Commissioner for Human Rights of the Council of Europe acknowledges that the fighting in the east, which began in the spring of 2014, has resulted in extensive damage to schools and medical facilities, leaving the local population increasingly dependent on outside aid. Assistance is needed to meet basic needs and access to clean water, which is a problem already for 1.3 million Ukrainians at a minimum.

Two weeks ago, I sent a letter to Assistant Secretary of State Victoria Nuland to call for the United States to work with the Ukrainian Government and Russia to restore access to humanitarian workers and to allow aid to proceed.

In particular, I identified a need for access to—and this is in working with the religious leaders of Ukraine across confessions for these items—winterization activities, including blankets, quilts, kerosene, heating stoves; direct

financial assistance to these religious groups to help them help others; water pumping station equipment to prevent freezing; electrical repair kits and tools; coal; batteries; clothing; and everyday necessities, including medical equipment, basic and specialized medicines, emergency medical kits, shoes, socks, long underwear, coats, mittens, hats; redevelopment assistance, including economic aid and tools as well as equipment to repair homes, bridges, and roads.

They don't even request new material. They just request help. I just think to myself, how much is thrown away in landfills across this country, items that still have good wear and good possibility? How much is thrown away at construction sites? And what we can do to help the people of Ukraine? These items are more than just objects to the people of Ukraine. They are life itself right now.

The people of Ukraine want desperately to stand on their own, access to the European continent, and to govern themselves in the light of liberty. I have seen it in their eyes. Let us help them weather this terrible storm now when they need it most.

My heavens, if the United States of America could lead the Berlin airlift after World War II in those old, tired planes, sending goods to the people of Europe, to the people of Western Europe, and to give them hope and sustenance, you mean to tell me that the America of the 21st century can't figure this out, especially when Congress has put money in the budget of the Department of Defense and the Department of State to carry this out, working in cooperation with organizations across this great land?

Last month, the All-Ukrainian Council of Churches and Religious Organizations, a globally unique coming-together of diverse religious faiths which represent 85 percent of the Ukrainian population, presented President Obama with a letter I referenced earlier, appealing on behalf of the people of Ukraine to help address the humanitarian catastrophe gripping that Nation.

Each is a daily witness to the challenges and needs of the people suffering because of this unnecessary, brutal war, where over 8,000 have already been killed; 17,610 wounded—that was a figure as of October—2.6 million people internally displaced; 5 million in need of aid, including 1.7 million children, and one in five homes of displaced families damaged or destroyed. Surely, the free world can figure this out.

I do have to say a word about this. A few weeks ago, I stood here in Washington with many distinguished Ukrainian leaders, including the First Lady of Ukraine, Maryna Poroshenko; His Holiness, the Patriarch of Kyiv and All Rus'-Ukraine Filaret; and my dear friend and fellow Ukraine Caucus co-chair, Congressman SANDER LEVIN of Michigan, to dedicate a memorial here in our Nation's capital to the 1932–1933 Soviet Union's forced starvation of between 2.5 million and 7.5 million Ukrainians whose names are lost to history forever.

I think America should also consider doing this humanitarian lift to Ukraine because, frankly, no place on Earth suffered more in the last century from brutal tyranny than did Ukraine. Perhaps something is owed to those sacrificial people for what they endured and for the spark of liberty that still breathes so strongly in their hearts and minds.

In marking the brutal tragedy of the forced famine, called the Holodomor, I am reminded of the importance of teaching about the cost of liberty, the need to fight for it, and the legacy of that sacrificial people.

Through this memorial, we seek to better guard against any oppressive regime that would seek to rule over any people, for, at that time, our Nation failed to reveal and respond to that ongoing brutality of forced starvation in Ukraine. Had the free world acted then, we might have changed the fate of millions, but that did not happen.

Let us not repeat the blindness of the past. America must act with dispatch to support the freedom-loving people of Ukraine. Time and again, in moments when the world has found itself at a crossroads, American leadership and action has made the difference.

We must be prepared to join with others in this effort to save the children, to save the families, to save the people of Ukraine, and, in doing so, to let liberty march forward. We must do the right thing for our brothers and sisters in liberty. America must act, and we must act as leaders. Ukraine is waiting. The world is waiting.

I call upon the President of the United States and the Obama administration to do what is necessary and achievable to meet the growing humanitarian crisis in Ukraine, to relieve the unnecessary suffering of their people, and to prevent a gigantic refugee crisis from spilling over and impacting European stability.

Mr. Speaker, the gentleman from Pennsylvania (Mr. COSTELLO), who could not be here tonight for this Special Order, supports these efforts. His formal statement includes the important role that the people of southeastern Pennsylvania have played in keeping a focus on Ukraine and this ongoing tragedy and what the United States of America can do at very little cost to the people here by the mobilization of the hearts of the American people to provide humanitarian assistance to help save Ukraine in our own time and day.

President BARACK OBAMA,

The White House, 1600 Pennsylvania Avenue NW., Washington, DC.

DEAR MR. PRESIDENT: We, the undersigned of the All Ukrainian Council of Churches and religious organizations, and representing Ukraine's diverse religious community appeal to you on behalf of the people of Ukraine to help address the humanitarian catastrophe gripping our country. The needs are enormous, ranging from medical supplies to everyday items such as food, water, and clothing.

While the global news media regularly reports on Russia's war against Ukraine, government reforms and financial challenges, there is rarely any mention of the extraordinary dimensions of the human suffering caused by Moscow's aggression. While Ukraine certainly needs greater military, financial and political assistance, our focus here must be on the humanitarian aspect.

As you know, according to the UN, over 5 million people, including 1.7 million children are in desperate need of humanitarian assistance. 8,000 people have died and over 17,000 have been injured and wounded. There are over 1,390,000 displaced people, including 174,000 children. The challenges of this human tragedy are overwhelming. Even the most conservative estimates show that over 65% of projected needs have yet to be met—even on the level of pledges.

As representatives of the interfaith community, we witness on a daily basis the challenges and the needs of people suffering because of this war. And with the onset of winter, an already dire situation will only get worse. We pray for their lives and for the future of our country.

While we are grateful for the assistance provided by the United States government to date, we know that the need is so much greater. Thus, we appeal to you to increase assistance and to activate the full potential of the National Guard State Partnership Program and the Partnership for Peace (PfP) as instruments for alleviating the humanitarian catastrophe. One of the stated goals of the PfP is to ''provide a framework for enhanced political and military cooperation for joint multilateral crisis management activities, such as humanitarian assistance and peacekeeping.'' Ukraine was the first post-Soviet country to join the PfP in 1993.

In addition to the assistance provided by the US government, we, during our travels throughout the United States, have come to personally witness the great generosity of the American people expressed through numerous spontaneous initiatives to ship medical and humanitarian supplies to Ukraine.

Time is of the essence, Mr. President. The people of Ukraine need to know that they are not forgotten in their time for need! The instruments anticipated by the National Guard State Partnership and Partnership for Peace programs will allow the American people to more effectively and rapidly access and deliver already available medical and humanitarian supplies to Ukraine—literally within days. We each represent distribution networks that cooperate with each other; we now ask for the resources to meet the growing human needs.

We pray that God grant you guidance, wisdom and bless you and the great American nation. God bless the United States and Ukraine!

Sincerely,

Antoniuk Valery Stepanovich—Chairman of the Union, Senior Bishop, All-Ukrainian Union of Churches of Evangelical Christians—Baptists; Panochko Michael Stepanovich—President of the Union, Senior Bishop, All-Ukrainian Union of Christians of the Evangelical Faith—Pentecostals; Ablaev Emirali—Chairman of the Spiritual Administration of Muslims of Ukraine, Mufti Spiritual Administration of Muslims of Crimea; Ahmad Tamim—Head of the Spiritual Administration of Muslims of Ukraine, Mufti of Zan-Fabian Alexander—Head of the Consistory of the SCRC, Bishop, Transcarpathian Reformed Church; Sergey Mashevskyy—Bishop, German Evangelical Lutheran

Church of Ukraine; Yaakov Dov Bleich—President of the Association, Chief Rabbi of Kyiv and Ukraine, Association of Jewish Religious Organizations of Ukraine; Peter Malchuk—Head of the Commission on the Relationship Between State and Church; Raichynets Vasiliy Fedorovich—Senior Pastor, Union of Free Churches of Christians of Evangelical Faith of Ukraine; Macarius (Maletich)—Primate of the Ukrainian Autocephalous Orthodox Church Metropolitan The Ukrainian Autocephalous Orthodox Church; Commandant Grigory Ivanovich—President, Ukrainian Bible Society; Sviatoslav (Shevchuk)—Archbishop, The Ukrainian Greek Catholic Church; Marcos (Oganesyan)—Bishop, Ukrainian Diocese of the Armenian Apostolic Church; Vyacheslav Horpynchuk—Bishop, Ukrainian Lutheran Church; Onufry (Berezovsky)—Metropolitan Ukrainian Orthodox Church; Filaret (Denisenko)—Patriarch Filaret, Patriarch of Kyiv and All Rus-Ukraine, Ukrainian Orthodox Church Kiev Patriarchate; Nosov Stanislav Viktorovich—President, The Ukrainian Union Conference of Seventh-Day Adventists; Padun Leonid Nikolaevich—Senior Bishop, Ukrainian Christian Evangelical Church.

The SPEAKER pro tempore. Without objection, all Members will have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the RECORD on the topic of this Special Order.

There was no objection.

Ms. KAPTUR. Mr. Speaker, I yield back the balance of my time.

Mr. COSTELLO of Pennsylvania. Mr. Speaker, I want to thank the gentlewoman from Ohio, Ms. KAPTUR, for organizing this Special Order this evening and bringing this important alliance with Ukraine to the forefront.

The Ukrainian heritage, and its people, play a critical role in the cultural fabric of Southeastern Pennsylvania.

Just this morning, I had the privilege to meet with Ukrainian Ambassador to the United States Valeriy Chaly and reaffirm our support for the sovereignty, territorial integrity, and freedom of Ukraine.

Mr. Speaker, our relationship with Ukraine is vital to our national security interest and we must continue to foster strong bilateral relations as Ukraine continues to face threats to its status as a sovereign nation.

So long as Russia continues to pose a destabilizing force at Ukraine's borders and supports rebel groups in Eastern Ukraine, Congress and the Administration must remain steadfast in our support for the Ukrainian people and their freedom.

The Administration must follow through on the commitment set forth in the Ukraine Freedom Support Act of 2014 to provide Ukraine with much-needed military aid, both lethal and non-lethal.

Reportedly, not even half the aid authorized last December has been delivered. Further, a recent article in the Washington Post noted that the quality of the U.S. supplied gear, including Humvees, is "little more than junk"—there is barely any protection on the windows and doors—while the non-lethal military aid provided to protect Ukraine military forces is obsolete.

Mr. Speaker, this is unacceptable and our allies deserve better.

In an effort to keep our nation safe and to provide assistance to our allies, the National Defense Authorization Act was recently signed into law. This includes an authorization for $300 million in military aid, including lethal, to support Ukraine.

And currently stalled in the House is bill H.R. 955, that would authorize the Secretary of Defense to provide assistance (including training, equipment, lethal weapons of a defensive nature, logistics support, supplies and services) to the military and national security forces of Ukraine through the end of the next fiscal year.

Mr. Speaker, I call on my colleagues to act on this legislation in an expeditious manner and bring it to the Floor for a vote.

We cannot let our Ukrainian allies on the frontlines defend their freedom and sovereignty without meaningful support. The Administration must follow through on our word.

Again, I thank Congresswoman KAPTUR for organizing tonight's special order and her unwavering dedication to Ukraine and the Ukrainian-American community.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 611. An act to amend the Safe Drinking Water Act to reauthorize technical assistance to small public water systems, and for other purposes.

ADJOURNMENT

Ms. KAPTUR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 45 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, December 2, 2015, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3576. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Nondiscrimination on the Basis of Disability Minority and Women Outreach Program Contracting (RIN: 3064-AE35) received November 24, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

3577. A letter from the Director, Office of Legislative Affairs, Legal, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Removal of Transferred OTS Regulations Regarding Safety and Soundness Guidelines and Compliance Procedures; Rules on Safety and Soundness (RIN: 3064-AE28) received November 24, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

3578. A letter from the Director, Office of Legislative Affairs, Legal, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Filing Requirements and Processing Procedures for Changes in Control With Respect to State Nonmember Banks and State Savings Associations (RIN: 3064-AE24) received November 24, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

3579. A letter from the Director, Office of Legislative Affairs, Legal, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Temporary Liquidity Guarantee Program; Unlimited Deposit Insurance Coverage for Noninterest-Bearing Transaction Accounts (RIN: 3064-AE34) received November 24, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

3580. A letter from the Director, Office of Legislative Affairs, Legal, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Removal of Transferred OTS Regulations Regarding Fair Credit Reporting and Amendments; Amendment to the ''Creditor'' Definition in Identity Theft Red Flags Rule; Removal of FDIC Regulations Regarding Fair Credit Reporting Transferred to the Consumer Financial Protection Bureau (RIN: 3064-AE29) received November 24, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

3581. A letter from the Secretary, Department of Education, transmitting the Department's final regulations — Program Integrity Issues [Docket ID: ED-2010-OPE-0004] (RIN: 1840-AD02) received November 24, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Education and the Workforce.

3582. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final rule — General Schedule Locality Pay Areas (RIN: 3206-AM88) received November 25, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Oversight and Government Reform.

3583. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final rule — Federal Long Term Care Insurance Program Eligibility Changes (RIN: 3206-AN05) received November 24, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Oversight and Government Reform.

3584. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [Docket No.: 150121066-5717-02] (RIN: 0648-XE242) received November 24, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

3585. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; 2015 Management Area 1A Seasonal Annual Catch Limit Harvested [Docket No.: 130919816-4205-02] (RIN: 0648-XE292) received November 24, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

3586. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Snapper-Grouper Fishery of the South Atlantic; 2015 Commercial Accountability Measure and Closure for South

Atlantic Yellowtail Snapper [Docket No.: 100812345-2142-03] (RIN: 0648-XE216) received November 24, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

3587. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No.: 141021887-5172-02] (RIN: 0648-XE269) received November 24, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

3588. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2015 Gulf of Alaska Pollock Seasonal Apportionments [Docket No.: 140918791-4999-02] (RIN: 0648-XE293) received November 24, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

3589. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Georges Bank Haddock Catch Cap Harvested [Docket No.: 130919816-4205-02] (RIN: 0648-XE266) received November 24, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KLINE: Committee on Education and the Workforce. H.R. 3459. A bill to clarify the treatment of two or more employers as joint employers under the National Labor Relations Act; with an amendment (Rept. 114–355). Referred to the Committee of the Whole House on the state of the Union.

Mr. MILLER of Florida: Committee on Veterans' Affairs. H.R. 189. A bill to extend foreclosure and eviction protections for servicemembers, and for other purposes (Rept. 114–356). Referred to the Committee of the Whole House on the state of the Union.

Mr. SHUSTER: Committee of Conference. Conference report on H.R. 22. A bill to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act (Rept. 114–357). Ordered to be printed.

Mr. MILLER of Florida: Committee on Veterans' Affairs. H.R. 3016. A bill to amend title 38, United States Code, to clarify the role of podiatrists in the Department of Veterans Affairs; with amendments (Rept. 114–358). Referred to the Committee of the Whole House on the state of the Union.

Mr. BURGESS: Committee on Rules. House Resolution 542. Resolution providing for consideration of the bill (H.R. 8) to modernize energy infrastructure, build a 21st century energy and manufacturing workforce, bolster America's energy security and diplomacy, and promote energy efficiency and government accountability, and for other purposes, and providing for consideration of the conference report to accompany the bill (S. 1177) to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves (Rept. 114–359). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MILLER of Florida (for himself, Mr. BRIDENSTINE, and Mr. COSTELLO of Pennsylvania):

H.R. 4138. A bill to authorize the Secretary of Veterans Affairs to recoup relocation expenses paid to or on behalf of employees of the Department of Veterans Affairs; to the Committee on Veterans' Affairs, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SINEMA (for herself and Mr. FITZPATRICK):

H.R. 4139. A bill to amend the Sarbanes-Oxley Act of 2002 to provide a temporary exemption for low-revenue issuers from certain auditor attestation requirements; to the Committee on Financial Services.

By Mr. GUINTA (for himself and Ms. SINEMA):

H.R. 4140. A bill to provide for a one-time supplementary payment to beneficiaries of Social Security and Veterans benefits, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Veterans' Affairs, Transportation and Infrastructure, Appropriations, Energy and Commerce, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BLACK (for herself and Mr. MEEHAN):

H.R. 4141. A bill to ensure that tax return preparers demonstrate minimum standards of competency; to the Committee on Ways and Means.

By Mr. AGUILAR:

H.R. 4142. A bill to amend the Trade Act of 1974 to increase the authorization of funds for trade adjustment assistance for firms; to the Committee on Ways and Means.

By Mr. DESANTIS:

H.R. 4143. A bill to temporarily restrict the admission to the United States of refugees from countries containing terrorist-controlled territory; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DUCKWORTH (for herself, Mr. MURPHY of Florida, Mr. JOHNSON of Georgia, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. CONYERS, Ms. WASSERMAN SCHULTZ, Mr. GRIJALVA, Mr. ASHFORD, Ms. SCHAKOWSKY, and Mr. ELLISON):

H.R. 4144. A bill to provide for a supplementary payment to Social Security beneficiaries, supplemental security income beneficiaries, and recipients of veterans benefits, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL:

H.R. 4145. A bill to require the Comptroller General of the United States to conduct a study of, and report to the Congress on, secure gun storage or safety devices; to the Committee on the Judiciary.

By Ms. LOFGREN:

H.R. 4146. A bill to authorize the Secretary of Education to provide grants for education programs on the history of the treatment of Italian Americans during World War II; to the Committee on Education and the Workforce.

By Ms. LOFGREN:

H.R. 4147. A bill to apologize for the treatment of Italian Americans during World War II; to the Committee on the Judiciary.

By Mrs. CAROLYN B. MALONEY of New York (for herself, Mr. GRIJALVA, Mr. JOHNSON of Georgia, Ms. MOORE, and Mr. CONYERS):

H.R. 4148. A bill to authorize assistance to aid in the prevention and treatment of obstetric fistula in foreign countries, and for other purposes; to the Committee on Foreign Affairs.

By Mr. RICE of South Carolina:

H.R. 4149. A bill to amend the Federal Water Pollution Control Act with respect to citizen suits and the specification of disposal sites, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. RUIZ (for himself and Mr. WENSTRUP):

H.R. 4150. A bill to amend title 38, United States Code, to allow the Secretary of Veterans Affairs to modify the hours of employment of physicians and physician assistants employed on a full-time basis by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. SIMPSON:

H.R. 4151. A bill to amend chapter 2003 of title 54, United States Code, to fund the Land and Water Conservation Fund and provide for the use of such funds, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROSKAM (for himself, Mr. DEUTCH, Mr. LIPINSKI, Mr. POMPEO, Mr. SHERMAN, and Mr. ZELDIN):

H. Con. Res. 100. Concurrent resolution expressing the sense of the Congress regarding the right of States and local governments to maintain economic sanctions against Iran; to the Committee on Foreign Affairs.

By Mr. TURNER (for himself, Ms. LORETTA SANCHEZ of California, Mr. MILLER of Florida, Mrs. WALORSKI, Mr. ROGERS of Alabama, Mr. DUNCAN of Tennessee, Mr. SHUSTER, Mr. KING of Iowa, Mr. YOUNG of Indiana, and Mr. ADERHOLT):

H. Res. 543. A resolution celebrating 135 years of diplomatic relations between the United States and Romania; to the Committee on Foreign Affairs.

By Mr. YOHO (for himself, Mr. GOSAR, Mr. WALKER, Mr. BENISHEK, and Mr. FITZPATRICK):

H. Res. 544. A resolution expressing the sense of the House of Representatives that the President should submit any binding and universal agreement on climate change adopted at the Conference of the Parties (''COP21'') of the United Nations Framework Convention on Climate Change to the Senate

as a treaty under article II, section 2, clause 2 of the Constitution; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of rule XII,

157. The SPEAKER presented a memorial of the Legislature of the State of Tennessee, relative to House Joint Resolution No. 548, requesting the Congress of the United States call a convention of the States to propose amendments to the Constitution of the United States; which was referred to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. MILLER of Florida:
H.R. 4138.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8 of the United States Constitution.

By Ms. SINEMA:
H.R. 4139.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 3; Article I, Section 8, Clause 18

By Mr. GUINTA:
H.R. 4140.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 18—The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this constitution in the govenunent of the United States or in any department or officer thereof.

By Mrs. BLACK:
H.R. 4141.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. AGUILAR:
H.R. 4142.
Congress has the power to enact this legislation pursuant to the following:
Article 1, section 8, clause 18 of the United States Constitution.

By Mr. DESANTIS:
H.R. 4143.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 of the United States Constitution.

By Ms. DUCKWORTH:
H.R. 4144.
Congress has the power to enact this legislation pursuant to the following:
The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8, Clause 18 of the United States Constitution which gives Congress the authority to ''make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Office thereof.''

By Mr. ENGEL:
H.R. 4145.
Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to:
U.S. Const. Art. I §1.

By Ms. LOFGREN:
H.R. 4146.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 18: To make all laws that shall be necessary and proper for carrying into execution the foregoing powers, and all powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

By Ms. LOFGREN:
H.R. 4147.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 5, Clause 2: Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

By Mrs. CAROLYN B. MALONEY of New York:
H.R. 4148.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8, Clause 3, which reads: To regulate Commerce with foreign Nations, and among the several States, and with Indian Tribes

By Mr. RICE of South Carolina:
H.R. 4149.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause I

By Mr. RUIZ:
H.R. 4150.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 of the United States Constitution.

By Mr. SIMPSON:
H.R. 4151.
Congress has the power to enact this legislation pursuant to the following:
''The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution, specifically clause 1 (relating to providing for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).''

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 158: Mr. LOUDERMILK and Mrs. KIRKPATRICK.
H.R. 188: Mr. DANNY K. DAVIS of Illinois.
H.R. 472: Mr. TAKANO.
H.R. 503: Mr. SAM JOHNSON of Texas.
H.R. 540: Mr. BEYER.
H.R. 551: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 646: Mr. HIMES.
H.R. 686: Mr. ROSS.
H.R. 775: Mr. RIBBLE, Mr. KENNEDY, and Mr. SHUSTER.
H.R. 800: Mr. YOUNG of Indiana.
H.R. 816: Mr. NEWHOUSE.
H.R. 855: Mr. BILIRAKIS.
H.R. 865: Mrs. LOVE.
H.R. 879: Mrs. LOVE and Mrs. BROOKS of Indiana.
H.R. 911: Mr. DAVID SCOTT of Georgia.
H.R. 986: Ms. MCSALLY.
H.R. 999: Mr. SCHRADER and Mr. SESSIONS.
H.R. 1061: Mr. LOWENTHAL, Mr. AGUILAR, and Mr. LEVIN.
H.R. 1076: Mr. DOLD, Mr. LARSON of Connecticut, Ms. MCCOLLUM, Mr. DESAULNIER, Mr. COHEN, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. NADLER, Mr. SCHIFF, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. PASCRELL, Mr. COURTNEY, Ms. ESTY, Mr. NORCROSS, Ms. BONAMICI, and Mr. KENNEDY.
H.R. 1145: Mr. PETERSON and Mr. NOLAN.
H.R. 1197: Mr. RUPPERSBERGER and Mr. TAKAI.
H.R. 1220: Mr. REICHERT.
H.R. 1282: Mr. CUMMINGS.
H.R. 1283: Mrs. NAPOLITANO.
H.R. 1288: Ms. BROWNLEY of California, Mr. MCCAUL, Mr. PASCRELL, Mr. LEWIS, and Mr. MURPHY of Florida.
H.R. 1454: Ms. BONAMICI.
H.R. 1519: Mr. DEFAZIO.
H.R. 1559: Mr. BLUM.
H.R. 1571: Mrs. BEATTY and Ms. DUCKWORTH.
H.R. 1591: Mr. GROTHMAN.
H.R. 1608: Mr. SCHRADER, Mrs. BLACK, Ms. KAPTUR, and Mr. MCHENRY.
H.R. 1671: Mr. KING of Iowa and Mr. GARRETT.
H.R. 1714: Ms. SCHAKOWSKY.
H.R. 1763: Mrs. KIRKPATRICK, Mr. TONKO, and Mr. FITZPATRICK.
H.R. 1786: Mrs. NOEM.
H.R. 1814: Mr. EMMER of Minnesota.
H.R. 1818: Mr. FRELINGHUYSEN.
H.R. 1942: Mr. HIGGINS, Ms. KELLY of Illinois, and Mr. COURTNEY.
H.R. 1945: Miss RICE of New York.
H.R. 1988: Mr. JOYCE.
H.R. 2050: Mr. ENGEL and Mr. COFFMAN.
H.R. 2058: Mr. NEUGEBAUER and Mr. SANFORD.
H.R. 2063: Ms. SCHAKOWSKY.
H.R. 2095: Mr. GRAYSON.
H.R. 2215: Mr. LABRADOR.
H.R. 2218: Mr. KATKO.
H.R. 2302: Mr. DANNY K. DAVIS of Illinois and Ms. SCHAKOWSKY.
H.R. 2460: Mr. DONOVAN and Mr. MEEKS.
H.R. 2513: Mr. CRAWFORD and Mr. BRIDENSTINE.
H.R. 2515: Mr. ROTHFUS, Ms. KUSTER, and Mrs. KIRKPATRICK.
H.R. 2540: Mrs. MCMORRIS RODGERS and Mr. RUSH.
H.R. 2568: Mr. ROYCE.
H.R. 2612: Ms. MATSUI and Ms. BONAMICI.
H.R. 2640: Ms. LINDA T. SÁNCHEZ of California.
H.R. 2641: Ms. DELAURO.
H.R. 2671: Mr. RYAN of Ohio.
H.R. 2672: Mr. RYAN of Ohio.
H.R. 2673: Mr. RYAN of Ohio.
H.R. 2674: Mr. RYAN of Ohio.
H.R. 2698: Mr. DUFFY.
H.R. 2715: Ms. ADAMS and Mr. DELANEY.
H.R. 2716: Mr. WILLIAMS.
H.R. 2739: Mr. CARTER of Georgia and Mr. KILDEE.
H.R. 2775: Mr. CAPUANO.
H.R. 2805: Mr. BEN RAY LUJÁN of New Mexico.
H.R. 2811: Ms. DEGETTE.
H.R. 2858: Mr. GIBSON.
H.R. 2880: Mr. CLYBURN, Mr. LOUDERMILK, and Mr. VEASEY.
H.R. 2894: Ms. LOFGREN.
H.R. 2896: Mr. ASHFORD.
H.R. 2900: Mr. MCDERMOTT.
H.R. 2903: Mrs. TORRES and Mr. DOLD.
H.R. 2911: Mr. RUPPERSBERGER, Mr. YOUNG of Indiana, Ms. ESHOO, and Mr. RIBBLE.
H.R. 2980: Mr. KILMER.
H.R. 2982: Mr. LANGEVIN.
H.R. 3026: Mr. VALADAO.
H.R. 3036: Mrs. MIMI WALTERS of California, Mr. ROHRABACHER, Mr. VELA, Mr. KNIGHT, Mr. SARBANES, and Mr. RANGEL.
H.R. 3046: Mr. HUFFMAN.

H.R. 3061: Mr. GARAMENDI.
H.R. 3222: Mr. HOLDING, Mr. PALMER, Mr. WILLIAMS, Mr. GOODLATTE, and Mr. RIGELL.
H.R. 3225: Mr. HUFFMAN.
H.R. 3229: Mr. PAULSEN, Mr. TONKO, Mr. DOGGETT, and Mr. DOLD.
H.R. 3238: Mr. WEBER of Texas.
H.R. 3314: Mr. HURT of Virginia.
H.R. 3316: Mr. AGUILAR, Mr. MEEHAN, and Mr. BEYER.
H.R. 3326: Mr. GRAVES of Georgia and Mr. TROTT.
H.R. 3339: Mr. FATTAH and Mrs. NOEM.
H.R. 3355: Mr. DOLD.
H.R. 3399: Ms. MCCOLLUM and Mr. WELCH.
H.R. 3426: Mr. FATTAH.
H.R. 3459: Mrs. LOVE and Mr. NEWHOUSE.
H.R. 3539: Ms. LINDA T. SÁNCHEZ of California.
H.R. 3556: Mr. DESAULNIER.
H.R. 3565: Ms. LOFGREN.
H.R. 3569: Ms. DUCKWORTH.
H.R. 3591: Mr. DOLD and Mr. JOHNSON of Georgia.
H.R. 3626: Mr. GOODLATTE.
H.R. 3632: Ms. ESHOO and Mr. SIRES.
H.R. 3638: Mr. DOLD.
H.R. 3640: Mr. KATKO.
H.R. 3666: Ms. KUSTER.
H.R. 3706: Mrs. MCMORRIS RODGERS and Ms. MICHELLE LUJAN GRISHAM of New Mexico.
H.R. 3722: Mr. AUSTIN SCOTT of Georgia.
H.R. 3741: Mr. MOULTON.
H.R. 3742: Mr. WITTMAN, Mr. STIVERS, Ms. KAPTUR, and Mrs. KIRKPATRICK.
H.R. 3764: Mr. GOODLATTE.
H.R. 3765: Mr. SCHWEIKERT.
H.R. 3784: Mr. FINCHER.
H.R. 3802: Mr. SCHWEIKERT.
H.R. 3808: Mr. WESTMORELAND, Mr. BUCK, Mr. BARR, Mr. TIPTON, Mr. MULVANEY, Mr. LUCAS, Mr. PITTENGER, Mr. PEARCE, Mr. DAVID SCOTT of Georgia, Mr. HULTGREN, Mr. LAMBORN, Mr. COFFMAN, Mr. MARCHANT, Mr. EMMER of Minnesota, Mr. BRIDENSTINE, Mr. KILDEE, Ms. JENKINS of Kansas, and Mr. POMPEO.
H.R. 3841: Ms. TITUS and Mr. SCOTT of Virginia.
H.R. 3845: Mrs. HARTZLER, Mr. ABRAHAM, and Mr. STIVERS.
H.R. 3848: Mr. UPTON.
H.R. 3863: Mr. SANFORD and Ms. LOFGREN.
H.R. 3878: Mr. RICHMOND and Mr. LOWENTHAL.
H.R. 3917: Ms. FRANKEL of Florida, Mr. PEARCE, Mr. OLSON, and Mr. HUDSON.
H.R. 3919: Mr. MCGOVERN.
H.R. 3940: Mr. HUELSKAMP, Mrs. NOEM, Mr. GUTHRIE, and Mr. BISHOP of Utah.
H.R. 4000: Mr. SHIMKUS, Mr. GUTHRIE, and Mr. COLLINS of New York.
H.R. 4007: Mr. BROOKS of Alabama.
H.R. 4008: Mr. GRIJALVA.
H.R. 4018: Mr. DIAZ-BALART and Mrs. BLACKBURN.
H.R. 4029: Mr. BRADY of Pennsylvania and Mr. GARAMENDI.
H.R. 4032: Mr. JODY B. HICE of Georgia, Mr. ROUZER, Mr. SAM JOHNSON of Texas, Mr. POSEY, and Mr. DESJARLAIS.
H.R. 4055: Ms. MATSUI, Ms. MOORE, Mr. MCDERMOTT, Mr. SERRANO, and Mr. Pascrell.
H.R. 4062: Mr. PASCRELL.
H.R. 4068: Mr. RYAN of Ohio and Ms. JACKSON LEE.
H.R. 4078: Mr. MILLER of Florida.
H.R. 4085: Mr. HARPER, Mr. JOYCE, Mr. RANGEL, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. COHEN, and Mr. AUSTIN SCOTT of Georgia.
H.R. 4087: Mr. HONDA and Mr. WILSON of South Carolina.
H.R. 4126: Mr. SMITH of Missouri.
H.R. 4135: Mr. FOSTER, Mr. NADLER, Mr. MURPHY of Florida, Mr. PERLMUTTER, and Mr. SWALWELL of California.
H. J. Res. 22: Mr. PAYNE and Mr. DESAULNIER.
H. J. Res. 47: Mr. HUFFMAN.
H. J. Res. 74: Mr. ROE of Tennessee.
H. Con. Res. 97: Mr. LOUDERMILK and Mrs. MIMI WALTERS of California.
H. Res. 12: Mrs. LOVE.
H. Res. 32: Ms. ESTY.
H. Res. 54: Mr. ROYCE, Mrs. LOVE, and Ms. SEWELL of Alabama.
H. Res. 318: Mr. DELANEY.
H. Res. 398: Mr. HUELSKAMP.
H. Res. 467: Mr. DAVID SCOTT of Georgia and Ms. VELÁZQUEZ.
H. Res. 508: Ms. LOFGREN.
H. Res. 534: Mr. GOSAR, Mr. SCHRADER, Ms. DELAURO, Mr. DUNCAN of Tennessee, Mr. BEYER, Ms. SLAUGHTER, Mr. GRAVES of Louisiana, and Ms. HERRERA BEUTLER.
H. Res. 535: Mr. HONDA.
H. Res. 537: Mr. HUELSKAMP.
H. Res. 540: Mr. MCDERMOTT, Mr. SERRANO, and Ms. JUDY CHU of California.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. UPTON

The Manager's amendment to be offered to H.R. 8, North American Energy Security and Infrastructure Act of 2015, by Representative Upton Michigan, or a designee, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. KLINE

The Conference Report to the bill S. 1177 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *114th* CONGRESS, FIRST SESSION

Vol. 161 WASHINGTON, TUESDAY, DECEMBER 1, 2015 *No. 173*

Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of grace and glory, on Your people place Your power. As we turn our hands and hearts in grateful praise to You, use us for Your glory.

Touch our Senators. Lift them from valleys of pessimism as You fill them with Your abiding hope. Prepare them to receive Your best gifts, helping them to remember that You are able to do more than they can ask for or imagine.

Thank You that You are the beginner of our yesterdays, the mystery of our today, and the hope for our tomorrows.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. COTTON). The majority leader is recognized.

RESTORING AMERICANS' HEALTHCARE FREEDOM RECONCILIATION ACT

Mr. MCCONNELL. Mr. President, when Washington Democrats passed ObamaCare over the objections of the American people, they were confident Americans would soon warm up to this new law, but more than 5 years later, the American people continue to oppose this unprecedented Democratic attack on their health care. Is it any wonder? When Americans think ObamaCare, they think increased costs, runaway premiums, surging deductibles, and tax hikes on the middle class. When Americans think ObamaCare, they think decreased choice, fewer doctors, far-away hospitals, and a frightening scarcity of options for too many when they get sick. When Americans think ObamaCare, they think broken promises and endless failure, imploding State-based exchanges, collapsing co-ops, insurers eyeing the exit door, fewer jobs, and the lie of the year: If you like your health care plan, you can keep it. It is not as though ObamaCare's structural failures are just going to go away. They are baked right into the law. They only seem to get worse as time moves along.

Just as we have seen costs rise, choices narrow, and failures mount, we have seen congressional Democrats block attempts to start over with real health care reform. Well, this week we finally have a chance to vote to end ObamaCare's cycle of broken promises and failures with just 51 votes. This week we will take up the Restoring Americans' Healthcare Freedom Reconciliation Act of 2015 that already passed the House of Representatives. It is a bill that will take the first steps necessary to build a bridge away from ObamaCare. By building upon the House's good work, this bill will also save billions in spending and eliminate more than a $1 trillion tax burden on the American people.

By employing the same tactics Democrats used to help get ObamaCare across the finish line, this bill will not be subject to a filibuster. In other words, it cannot be blocked by defenders of ObamaCare's failed status quo. In other words, the President cannot be shielded from the weighty decision he will finally have to make when this measure lands right on his desk. When the President picks up his pen, he will have a real choice to make. He may decide to stick to his rhetoric that the law is working better than even he intended and veto the bill, but he should instead decide to finally stand with the middle class that has suffered enough from this failed law and actually sign it. We will see. It is a choice the President has never faced before. It is a choice he is going to face after Senate action this week.

ACCOMPLISHMENTS OF THE NEW SENATE

Mr. MCCONNELL. Mr. President, on another matter, the new Republican Senate has been working hard to get Congress back to work over the past year. We have obviously had a lot of success. As I noted yesterday, the new Republican Senate will soon pass two very significant bipartisan bills for a second and final time: the bipartisan multiyear highway bill and the bipartisan replacement for No Child Left Behind. We will send them to the President for his signature.

These are the latest examples of a new Congress that is back to work on behalf of the American people. They are hardly the only examples we will be talking about. Take another important issue that languished for too long but passed the new Senate: cyber security. By a vote of 74 to 21, we ended years of Senate inaction on this issue by passing an important bipartisan cyber security bill that even the White House has endorsed. That bill was the product of a lot of hard work by the top Republican and the top Democrat on the Intelligence Committee. I am glad that the new, more open, and more inclusive Republican Senate made their cooperation possible because even though the old forces of gridlock tried to trip that bill up several times along the way, we kept moving forward, and we always knew we were doing the right thing for the American people.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

My hope is that we can ultimately get this bill into conference and send it to the President closer to its current form because the challenges posed by cyber attacks are real and they are growing. A cyber attack can be a deeply invasive attack on personal privacy. The voluntary information sharing provisions in the bill we passed are key to defeating cyber attacks and protecting the personal information of the people we represent.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

CYBER SECURITY

Mr. REID. Mr. President, my friend the Republican leader talked about the old forces of gridlock when he talked about cyber security. He and his caucus were those old forces of gridlock. We tried for 5 years to pass a cyber security bill; it was filibustered every time. The bills, quite frankly, that were filibustered were very strong, good, in-depth bills. We passed a cyber security bill—better than nothing, but that is about it. It was not really a resoundingly good effort to go after the problems we are having with cyber security, but we finally got it done because the problems on the Republican side disappeared.

AFFORDABLE CARE ACT

Mr. REID. Mr. President, my friend the Republican leader has an obsession with the Affordable Care Act, ObamaCare. He cannot give up on this obsession. The share of Americans without insurance is at the lowest point in history. And one need look no further than renowned Republican—Republican—columnist of the New York Times, David Brooks. Here is what he wrote. I am sorry to take so much time reading something that was written by this man who is a Republican columnist for the New York Times. Here is what he said. Regardless of what the Republican leader may claim, the Affordable Care Act continues to work. It is increasing quality health care coverage and improving care, and there is no question about that. Brooks noted that health care costs are rising at the lowest rate in years. He said:

> The good news is that recently health care inflation has been at historic lows. As Jason Furman, the chairman of President Obama's Council of Economic Advisers, put it in a speech to the Hamilton Project last month, ''Health care prices have grown at an annual rate of 1.6 percent since the Affordable Care Act was enacted in March 2010, the slowest rate for such a period in five decades—
>
> Fifty years—
>
> and those prices have grown at an even slower 1.1 percent rate over the 12 months ending in August 2015.''
>
> As a result of the slowdown in health care inflation, the Congressional Budget Office keeps reducing its projections of the future cost of federal health programs like Medicare. As of October, projections for federal health care spending in the year 2020 were $175 billion lower than projections made in August 2010. That would be a huge budget improvement.
>
> ''Historic lows'' and hundreds of billions of dollars saved by the Federal Government tell me that ObamaCare is working.

Enough of this haranguing about ObamaCare from my Republican friend. One need only go home and people come up to you and say: You know, ObamaCare is so good.

My daughter, who could never get health insurance because she was a diabetic—now she can get it. No one with a preexisting disability can be denied insurance. Young men and women struggling to finish their college education can stay on their parents' health insurance until age 26. That is important. That is part of ObamaCare. Community health centers around this country are booming. Why? Because of the Affordable Care Act, we put $11 billion in there to provide for those essential community health centers.

I will have more to say about this because I am sure the Republican leader is going to come and talk about what a great victory it was on this reconciliation, which is an anomaly that we face every year. They are passing something that is just to satisfy the haranguing about ObamaCare. It means nothing substantively. It will pass and go to the President. He will veto it in about 10 seconds, and, of course, the veto will certainly be sustained.

Even in Kentucky—here is what one article said in Kentucky:

> In a state of 4.4 million people, 500,000 people gained coverage because of [ObamaCare in that State]—4 in 5 through Medicaid. The effects were particularly dramatic in one Appalachian county, where many coal jobs have vanished and the poverty rate is 23 percent. From 2013 to 2014, the proportion of residents lacking health coverage plummeted by half—from 13 percent to 6.6 percent.

Half a million Kentuckians are using the Affordable Care Act. That is more than 10 percent of the State's population.

There are all kinds of personal accounts of how this has literally saved people's lives. One account is of an uninsured mother and daughter. This is from a news article:

> Amid the coal fields of eastern Kentucky, a small clinic that is part of the Big Sandy Health Care network furnishes daily proof of this state's full embrace of the Affordable Care Act.
>
> It was here that Mindy Fleming handed a wad of tissues to Tiffany Coleman when she arrived, sleepless and frantic, with no health insurance and a daughter suffering a 103-fever and mysterious pain. ''It will be all right,'' Fleming assured her, and it was. An hour later, Coleman had a WellCare card that paid for hospital tests, which found that 4-year-old Alexsis had an unusual bladder problem.

Quoting another Washington Post story:

> [Dennis Blackburn] has a hereditary liver disorder, numbness in his hands and legs, back pain from folding his 6-foot-1-inch frame into 29-inch mine shafts as a young man, plus an abnormal heart rhythm—the likely vestige of having been struck by lightning 15 years ago in his tin-roofed farmhouse.
>
> Blackburn was making small payments on an MRI he'd gotten at Pikeville Medical Center, the only hospital in a 150-mile radius, when he heard about Big Sandy's Shelby Valley Clinic. There he met Fleming, who helped him sign up for one of the managed-care Medicaid plans available in Kentucky.

So the facts never seem to get in the way of my Republican friend when it comes to ObamaCare—anything he could do to denigrate this system that is helping 17 million people.

NOMINATIONS

Mr. REID. Mr. President, one need only watch the news to see how our Nation is facing threats abroad. We are doing the best we can, but as the world grows more dangerous, Senate Republicans continue to block and obstruct the President's national security. They are blocking the very people who could help us respond to these threats.

Take, for instance—for week after week after week—Azita Raji, who has been nominated to be our Ambassador to Sweden. Nearly 300 Swedish citizens have left to fight in Syria or Iraq, making this nation the second largest country of origin per capita for foreign fighters in Europe. The Swedish Government is on heightened alert for an attack. Yet the United States doesn't have a Senate-confirmed Ambassador to represent us in Stockholm.

Similar to Sweden, Norway is also dealing with the growing threat of terror, and some of their citizens have joined the radical ranks of foreign fighters, but due to Republican obstruction, our Nation does not have a confirmed Ambassador in Norway.

Sam Heins, a Minnesota attorney nominated by President Obama, has been pending on the floor since July. We are now in December. So I personally applaud the Presiding Officer today for finally removing the holds on these two good people. I appreciate it very much. He and others have held up these nominees, and it is unfortunate. It is gone. I am pleased. In the wake of the Paris attacks and threats across the continent, it is imperative that we have Ambassadors working with European governments at the highest levels.

Perhaps the most egregious example of Republican obstruction is the nomination of Adam Szubin. This man would lead—if he were approved in the Senate—a team within the Department of State that disrupts terrorist financing networks, cutting off money for terrorists so they cannot finance their attacks. Hand in hand, they work with the Treasury Department. You would think that such an important nominee would be quickly confirmed, but Mr. Szubin's nomination has been pending

for more than 200 days. Remember what he does—remember what he would like to do, I should say. He would lead a team that disrupts terrorist financing networks, cutting off money for terrorists so they can't finance their own evil deeds.

The chairman of the banking committee, the senior Senator from Alabama, has previously called this position ''a vital position in the effort to combat terrorist financing,'' but in spite of this, the committee on banking continues to block Szubin, despite his qualifications. I am sorely disappointed so many Republican Senators have decided that scoring political points is more important than confirming these national security nominations.

Two weeks ago, I asked the senior Senator from Iowa to put an end to his partisan investigation of Secretary Clinton. For months, the senior Senator blocked more than 20 Foreign Service promotions. In fact, for a day it was some 600 nominations, just simply people who were in the Foreign Service who were entitled by law to a promotion. Well, he blocked these people for a long time, talking about how he wanted more documents from the State Department. I told the senior Senator that I thought it was a mistake to target career promotions, so I was surprised, happily so, when he appeared to change course and allow these good public servants to get the promotions they earned and deserved.

Unfortunately, though, just as he took one step forward, he immediately took another step back. Although he allowed the list of 20 Foreign Service promotions to proceed, he doubled down on his obstruction by placing a hold on Tom Shannon, President Obama's nominee to serve as Under Secretary of State for Political Affairs, an extremely important position that is not filled now. Ambassador Shannon is a career member of the Foreign Service, with more than 30 years of experience. He served as our Nation's Ambassador to Brazil, he worked on the National Security Council in the last Bush administration, and his experience will help the State Department strategy in combatting ISIS, but he can't do that because we were not able to approve him because of the holds.

The Senator from Iowa continues to block other important nominees, such as David Robinson to be Assistant Secretary of State in the Bureau of Conflict and Stabilization. He is a 30-year veteran of the Foreign Service. This is a man who has served the Nation in Afghanistan, Bosnia, and many other places around the world.

Brian Egan has been nominated to be the State Department Legal Advisor, their lawyer. He has been a senior member of the legal team in the State Department, Treasury, and the National Security Council at the White House, but he has been held up since June without a vote, all because of Republican obstructionism.

Remember, it would be nice if the State Department had a lawyer, but as the senior Senator from Iowa will tell you, he has nothing against Tom Shannon, David Robinson or Brian Egan. Senator GRASSLEY has expressed no substantive objections to these nominees or questions about their capabilities. Senator GRASSLEY is blocking these important nominations for the sake of his committee's political crusade against former Secretary of State Hillary Clinton—who as we all know is running for President. This good woman scares Republicans because she will likely win. It is all part of the disturbing trend of the Judiciary Committee to politicize the oversight process.

It appears the constitutional duties of the Senate are taking a backseat to a political hit job on a Democratic candidate for President. Just look at what he and his committee are doing; that is, the chairman and his committee. They are requesting transcribed interviews from the Clinton staff. They have asked for timesheets. The committee investigation has gone so far as to ask for the maternity leave records of one of Secretary Clinton's closest aides, Huma Abedin. It appears that until the senior Senator from Iowa gets the maternity leave records he has requested and everything else he has requested, he is going to continue to block State Department nominees. I am disappointed my friend from Iowa refuses to do what I believe is the right thing. He should drop these unwarranted holds. I am disappointed he continues—under the guise of oversight—his anti-Hillary Clinton crusade, which is hurting American security. Each day this investigation continues, we can see what a waste of taxpayer resources this has become.

Last month, when given the opportunity, my friend from Iowa refused to address the significant amount of resources his committee is spending to investigate Secretary Clinton. Why? If he is so confident of the work his committee is doing, why not readily acknowledge the amount of taxpayer resources that are being used? But aside from the wasting of taxpayer dollars, I am troubled by the way his committee staff is operating. The press reports have suggested the Republican Judiciary Committee staffers are selectively leaking confidential information. For example, in September, the State Department gave the committee information that Senator GRASSLEY requested, with specific instructions that the documents remain confidential. That is because the information shared with the Judiciary Committee contains sensitive information or other personal information from State Department employees. Included in the State Department's response to Senator GRASSLEY was a big warning in bold capital letters across the page—in very large bold letters: ''US DEPARTMENT OF STATE PRODUCTION TO THE SENATE JUDICIARY COMMITTEE ONLY; NOT AUTHORIZED FOR PUBLIC RELEASE.''

The email reproductions from the State Department also contained a watermark in red capital letters saying the emails were not for public release. It was across the entirety of that document. It had the watermark and the large bold letters.

Within 24 hours, that information was public and reporters began calling with questions. Within 48 hours, stories were published based on the emails given to the Judiciary Committee that falsely created the appearance of impropriety by Ms. Abedin—and I mean false. A reporter forwarded the watermark emails meant only for the Judiciary Committee to her and to her legal team for comment. How did the reporter get documents that were solely in the possession of the Judiciary Committee staff?

As I have said before, Ms. Abedin is an American success story. She has reached the highest levels of politics, as an aide to Secretary Clinton for decades, through her hard work and loyalty. Senator JOHN MCCAIN said that Ms. Abedin is ''an honorable woman, a dedicated American, and a loyal public servant.'' She doesn't deserve the treatment that has come from the Judiciary Committee. Republican investigators on that committee cannot stop their fixation on Ms. Abedin, even going so far to request her maternity leave records. As a result, her personal information, including Social Security number and payroll records, has been given to the press.

Violating the privacy of hard-working staff members—and in particular a staff member—to score political points against Secretary Clinton is unbecoming of the world's greatest deliberative body. The Senate has been through difficult times in the past when confidential information has been leaked. Senator GRASSLEY and I were both here in the 1990s when then-Senate Majority Leader George Mitchell came to the floor to address this disturbing trend. He said:

> The unilateral decision by a Member or employee to release confidential committee information is inconsistent with the Senate's practice of making such decisions openly and collaboratively. Arrogation of this responsibility by individuals can destroy mutual trust among Members and be harmful to this institution.

That is an understatement. Senator Mitchell's quote gets to the heart of the matter. Leaking information undermines the institution of the Senate and the trust between its Members. In the Republican fervor to target Secretary Clinton over Benghazi, we should not lose sight of the rules that govern our behavior in the Senate. The Benghazi report on her is now over $5 million. It is wrong to target a former Clinton aide with invasive requests about her maternity leave and pass her personal information on to members of the press.

It is wrong to politicize the legitimate oversight role of Congress ahead

of the 2016 Presidential election. Sadly, the improper disclosure of sensitive materials related to Secretary Clinton's aides only demonstrates the underlying political position of the Judiciary Committee's oversight. Going forward, I hope my Republican colleagues will exercise greater restraint in the relentless pursuit of Secretary Clinton, but, more importantly, I hope Senate Republicans take their constitutional responsibility more seriously to offer their advice and consent on the Presidential nominees. I hope they take them very seriously. It is shameful that the Republicans are blocking critical, national security nominees for political purposes. I would ask them to please change course because the American people are watching.

ROSA PARKS AND MONTGOMERY BUS BOYCOTT ANNIVERSARY

Mr. REID. Mr. President, 60 years ago today Rosa Parks boarded a city bus in Montgomery, AL. She had worked hard all day. She was riding a bus. She was asked to give up her seat by the busdriver, who was a White man. She was sick of having to give up her seat and she was tired, but she refused to give up her seat, so she was arrested.

On that day at that moment of courage, Rosa Parks sparked a movement that would end the legal segregation of public transportation, the Montgomery Bus Boycott. That boycott lasted from December 5, 1955, to December 20, 1956—almost 1 year, becoming the first large-scale demonstration against segregation in our country's history. The Supreme Court ultimately ordered Montgomery to integrate its public bus transportation system.

Rosa Parks went on to become a pillar of the civil rights movement, a lifelong freedom fighter who changed the course of history.

In 2013, a bronze statue of Ms. Parks was unveiled in Statuary Hall in the Capitol. In the decades since Rosa Parks refused to give up her seat on that bus, our Nation has made tremendous progress in the defense of civil rights for all Americans, but we have much more to do. Today, 60 years after Rosa Parks took a stand for equality, the fight for equal justice rages on. Just like Rosa Parks, many Americans across this country are very upset with the status quo, and they are taking a stand against injustice and discrimination.

As we remember the valiant actions of Rosa Parks, may we be inspired by her character and her determination. May we follow her example and continue the work of the civil rights movement.

Mr. President, what do we have the rest of the day?

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Georgia.

RECOGNIZING THOMAS G. COUSINS

Mr. ISAKSON. Mr. President, last Thursday was Thanksgiving in America. Like every Member of the Senate and every American, I paused to give thanks for the many blessings we have in the country, the blessings I have as a father and grandfather, and the blessings we enjoy from all those who serve in harm's way around the world who keep us safe and in peace.

I also took a second to participate in some charitable activities for those less fortunate and, in doing so, stopped to pause and give thanks for those people who on the day of Thanksgiving were giving of their time and their money to make the lives of those less fortunate better.

One of the people in my State I want to talk about who has done exactly that for five decades is a man by the name of Thomas G. Cousins, a real estate developer greatly renowned in Atlanta and, really, around the world, and who amassed millions and millions of dollars in the Cousins Foundation and invested that money in trying to solve the problems of poverty, crime, unemployment, and health care.

Thomas G. Cousins founded the Cousins Foundation to see to it that Atlanta, GA, and the State of Georgia were a better State. But he became frustrated. He recognized that of the 72 million children in the United States of America, 40 percent of them lived in poverty. He became frustrated because he found that isolated neighborhoods of concentrated poverty created unemployment, poor performance by students, and greater crime rates in the city of Atlanta. Worst of all, he found that the entrepreneurial gifts of charity trying to alleviate these problems often got consumed but never made a fundamental change. He thought it was time for his charitable money to become entrepreneurial, not just a giveaway. So in the decade of 1990, Tom Cousins decided to do something about making the Cousins Foundation investment make a meaningful difference in the lives of Americans around the country. He did exactly that.

He heard Dr. Todd Clear, a professor at Rutgers University, give a speech in New York City, where he had done research on the prison population of the State of New York and researched where they came from to find, amazingly, that three out of every four prisoners in the New York State prison system came out of eight neighborhoods in New York City. Concentrated poverty created concentrated crime and concentrated criminals. There was a never-ending cycle of crime, poverty, and poor educational performance in those neighborhoods.

So Tom Cousins decided that, instead of giving his money away in small, incremental bits to make a minor difference, he would become a charitable entrepreneur. He would go to a neighborhood of concentrated crime and poverty and try to make a meaningful difference. He found a neighborhood called East Lake Meadows in the 1990s in Atlanta, GA. It was the home of Bobby Jones and Charlie Yates, famous golfers of the 1920s, but had gone to seed, was dilapidated, and became a neighborhood of crime. In fact, it had become known as the Little Vietnam of Georgia. Police would not enter the area because of the crime rate. Drew Elementary School was the worst performing elementary school in the State of Georgia.

Tom Cousins came to the State board of education—and I know this because I was the chairman—and asked us to go to the city of Atlanta to get them to issue a charter for Drew Elementary School and a 99-year lease to the Cousins Foundation. Tom Cousins went in and built a new Drew Elementary School, hired Georgia State University to bring in a professor to be the principal there and manage the education of those children. Drew Elementary School went from being one of the worst performing schools in the State of Georgia to one of the best.

But he didn't stop with the school. He improved the neighborhood. He improved the facilities. He built a YMCA. He took a holistic approach to East Lake Meadows and turned it into a shining city once again in the State of Georgia. But he didn't do it just because he gave money. He did it because he invested his money in the lives of these people.

I will give some idea of the changes made in East Lake Meadows and Drew Elementary School. Drew Elementary went from 5 percent of its fifth graders reading and performing in math levels where they should, to where 90 percent of the fifth graders exceeded the math standards of the State of Georgia. Where the median income of the families in East Lake Meadows was $4,536 when Tom Cousins went in, 15 years later it was $17,260. There was a 90-percent reduction in the crime rate, to the point where it was 50 percent lower than the city's overall crime rate. He transformed the neighborhood because he invested his money entrepreneurially in trying to solve the problems and the poverty of these people.

He went to Warren Buffett, a leading entrepreneur of America, and formed a new organization called Purpose Built Communities, which is based on three fundamental discoveries they made at East Lake Meadows. No. 1, it can be done. How many times have people walked by declining neighborhoods of poverty, crime, and failing schools, and said: There is nothing we can do; we

cannot solve that problem. Tom Cousins proved that any problem, no matter how great, is solvable if you are willing to dedicate yourself to doing so.

Second, it takes a holistic approach—not just schools, not just playgrounds, not just housing, not just jobs but everything. The transformation of East Lake Meadows was a holistic approach for the entire community. Lastly, mixed-income housing was important to bring employed people back into the neighborhood. So they had mixed-use housing all throughout East Lake Meadows.

The result was a purpose-built community that is now home to the PGA FedEx Championship, a restored East Lake Golf Club, and a community that is proud of itself and one of the shining stars of the city of Atlanta.

Because a man with purpose, Thomas G. Cousins, invested his money, public purpose-built communities are now all over the country being started as renovation projects in Indianapolis, New Orleans, and in cities around the United States of America.

So we should all pause to give thanks for those who have done so much to make our States and our country better. I pause to thank Thomas G. Cousins for the great investment he made in the city of Atlanta, the children of our State, and the United States of America.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

OBAMACARE

Mr. CORNYN. Mr. President, this week the Republican-led Senate will keep a promise we made to the American people. If they entrusted us with the leadership and the majority in the last election, we told them we would vote to repeal ObamaCare—the largest Federal overreach in recent history. It has been disastrous to thousands, if not millions, of people.

Unfortunately, the President's ill-advised health care law and the partisan push that made it law came with a lot of burdensome regulations. Both the law and those regulations have hobbled the American economy because they simply added additional burdens onto the small businesses that we depend upon to create the jobs so people can find work and provide for their families. It has hobbled those small businesses by burdening them with unmanageable costs, and it has failed the American people at every turn.

When the President said ''If you like what you have you can keep it,'' that was not true. Millions of Americans lost their preferred health insurance providers and the doctors who accepted that coverage. Instead of providing people with more affordable access to health care, millions of people faced higher premiums and higher deductibles. For all practical matters, the higher deductibles that come along with most ObamaCare health care policies make millions of Americans effectively self-insured.

More than 5 years after it became law, it is no surprise that a recent poll found that only 37 percent of the respondents approved of ObamaCare. ObamaCare is a textbook example of how bigger government does not necessarily lead to more choices or real solutions. Indeed, what it demonstrates is that it can lead to higher costs, inefficient health care delivery, and millions of Americans being let down by a system that was a partisan vote here in the Senate.

I remember being here on Christmas Eve in 2009 at 7 o'clock in the morning when Senate Democrats pushed through the ObamaCare legislation in the Senate. Again, without any sort of bipartisan commitment to actually improve health care choices and make health care more affordable for the American people, it was purely a partisan undertaking.

This bill that we are voting on to repeal ObamaCare will not only provide relief and more choices and the opportunity for the market to give people the health care they want at a price they can afford, but it also represents keeping a promise we made to the American people that we would deliver on if they gave us the majority. We will do that this week.

HUMANE ACT

Mr. CORNYN. Mr. President, there is another subject I want to raise because it is a matter of great concern. It is not only because I come from Texas and we see thousands and thousands of unaccompanied minor children continuing to cross our border, but you will recall in the summer of 2014, I believe the President himself talked about the humanitarian crisis as a result of the thousands and thousands of unaccompanied children—some with a single parent—who were streaming across the border in an overload of the capacity of local communities in the Rio Grande Valley and elsewhere to be able to deal with these children in a humane and acceptable sort of way.

While the memory here in Washington, DC, may have faded about this humanitarian crisis, I can tell you that most Texans remember it vividly. The picture was stark: tens of thousands of unaccompanied children coming from Central American countries that had set out to cross Mexico and to cross the border into the United States. Virtually all of these children had seen their lives placed in the hands of violent criminals to get here. To say the journey was a perilous one is a gross understatement.

We recently had a hearing of the international drug enforcement caucus in the Senate. I asked one of the witnesses: Isn't it the case that the same criminal organizations that smuggle people into the United States for economic reasons are the same people who smuggle children for human trafficking purposes, that these are the same people and the same organizations that smuggle illegal drugs and perhaps dangerous and other hazardous materials into the United States? Without hesitation, the witness said yes.

It may have been some bygone era when an individual coyote, as we call them in South Texas, smuggled people in for the fee they could charge, but now this is big business. This is a business model that is being exploited day in and day out by the transnational criminal organizations, but that all seems to be lost on the administration.

I saw how this tragedy was unfolding firsthand in McAllen where I visited these children who made the journey—sometimes alone—only to end up here in this country by themselves, looking for a friendly face or somebody who might help them. It was heartbreaking to see young children without their parents and extremely heartbreaking to hear the horrific stories about the trips they made. Again, coming from Central America, across Mexico, perhaps on the back of a train they called The Beast, physically assaulted, some murdered and many robbed and otherwise mistreated.

The pressing question in that summer of 2014 was, Why now and why here? Why was all of this happening? How could we stem the tide of this seemingly endless migration of unaccompanied children from Central America?

You don't have to look much further than the President's own Department of Homeland Security. One internal memo analyzing the surge of child and female migrants flooding the southwest border stated: ''The main reason the subjects chose this particular time to migrate to the United States was to take advantage of the 'new' U.S. 'Law' that grants a 'free pass' or permit.'' I think they call them permisos in Spanish. In other words, they came here because of the widespread perception that these unaccompanied children and women traveling with children would be allowed to stay here in defiance of our immigration laws, even after they crossed the border illegally.

A similar study by the Department of Homeland Security's Office of Science and Technology Directorate concluded that the unaccompanied minors ''are aware of the relative lack of consequences they will receive when apprehended at the U.S. border.'' Apparently, at the time, these minors and their parents believed there would be no or little consequence to illegally

coming into the United States, and tragically, sadly, they were right.

In the wake of that crisis last summer, it became clear that the President's failed immigration policies, including his deferred action program and his overall lack of seriousness when it came to immigration enforcement, played a role in inducing thousands of families to risk their lives to travel to the United States.

Until recently, we had perhaps been lulled into the misconception that this flood of migrants had stopped. But over the weekend, I was startled by news reports—perhaps I shouldn't have been surprised but I was—that suggest this downward trend has started to reverse and in a big way. According to these reports, smugglers were again bringing hundreds of women and children into the United States across the Rio Grande.

One from the New York Times noted that according to official data, ''border Patrol apprehensions of migrant families . . . have increased 150 percent'' from last year. The number of unaccompanied children has more than doubled.

The bottom line is that, clearly, there is virtually nothing being done to deter these children and their families from illegally crossing the border and little or no consequences when they do.

I have to point out that the administration has done virtually nothing to make sure these children are not exposed to the same criminal organizations operating in this country. In fact, current law requires these children to be released by the Department of Health and Human Services to sponsors without any assurance or systemic protections that they are being sent to a safe environment. There are no criminal background checks. They are not required to be actual family members, and they could well be some extension of the same criminal organizations that smuggled them into the United States in the first place.

It is shocking to me that the Senate would not be moved to act on this because, of course, we passed a large anti-human trafficking law this last spring with a 99-to-0 vote. But to sit quietly while these children continue to stream across our border and are placed in the hands of potentially dangerous individuals is unacceptable.

Earlier this year, four individuals were indicted for their involvement in a trafficking ring that smuggled unaccompanied Guatemalan children into the country and forced them into slave labor at a farm in Ohio. These children were not only forced to work long hours, but they were abused and threatened and exploited. Many of them could have been spared if the Federal Government and Health and Human Services had an adequate system for screening and vetting the sponsors of these unaccompanied minors.

We have to do a better job of protecting these children, which is why I recently joined a letter with the chairman of the Senate Judiciary Committee demanding answers from the Department of Homeland Security and the Department of Health and Human Services.

It is clear that the Federal Government needs to step up and create a more effective review process before releasing these children to strangers and perhaps criminals. Our government has a duty to protect them once they are here and to ensure that they are no longer preyed upon by criminals and human traffickers.

Given the administration's inability to deter illegal immigration and the Federal Government's failure to deal with them reasonably, rationally, and humanely when they get here, we have every reason to believe that illegal immigration surges of this nature will continue and will grow until we reform this system. That is why I intend to introduce a piece of legislation called the HUMANE Act, which will reform the system to end the practice of automatic catch-and-release to nongovernmental sponsors. It would enhance the screening of these children to determine if they are victims of crime or in need of some specialized care. It will make sure they get a swift and fair court determination on whether or not they are eligible for any protected status under our immigration laws.

The HUMANE Act would also help ensure that if these children are in need of humanitarian assistance, they will never be released to sex offenders, criminals, or others who will seek to harm them. Of course, preventing these surges is not just a humanitarian issue; it is a national security issue as well. By tying up our law enforcement, customs, and other security officials with humanitarian care obligations, the cartels and other transnational criminal organizations create an environment where it is much easier to traffic drugs, weapons, and other contraband.

We know there are increasing ties between terrorist organizations and drug cartels, so the threat that they will work together to exploit another humanitarian crisis is very real. For instance, last year before the Senate Armed Services Committee, SOUTHCOM's commander, John Kelly, stated that he was ''troubled by the financial and operational overlap between criminal and terrorist networks in the [Central American] region.''

He went on to say: ''Although the extent of criminal-terrorist cooperation is unclear, what is clear is that terrorists and militant organizations easily tap into the international illicit marketplace to underwrite their activities and obtain arms and funding to conduct operations.''

I am not just talking about economic migrants. I am talking about immigrants from around the world who can potentially get through our southern border virtually at will. I am talking about transnational criminal organizations determined to spread violence and import narcotics into the United States.

I hope the administration will take these most recent reports seriously, before we experience once again the horrifying humanitarian disaster we experienced in 2014. But nothing short of real improvements to border security and our laws will work.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

BURUNDI

Mr. CARDIN. Mr. President, I rise to call for urgent action to prevent widespread violence and mass atrocities in Burundi. Let us not allow Burundi to become the next Rwanda or Darfur. We are at a critical juncture. I call upon the Burundian Government and opposition to respect the spirit of the 2000 Arusha agreement and immediately stop all violence, disarm militias, including youth militia aligned with the government, and urge all legitimate stakeholders to agree to participate in an inclusive dialogue to determine a path forward for their country.

As my colleagues may know, the country has been in turmoil since April, when President Pierre Nkurunziza decided to run for a third term. His decision, which many feel violated the spirit of the very agreement that ended the Burundi 12-year civil war and the Burundian Constitution itself, has led to widespread violence. An attempted coup in May revealed an alarming split in the militia's military ranks, and I came to the floor in June to discuss my concern that the situation could escalate. Unfortunately, I was correct. It has. At that time, 90,000 people had fled the country, and now there are over 200,000 refugees. In June, an estimated 21 people had died during the protest. The U.N. now estimates that nearly 250 people have been killed since April, some at the hands of the security forces and others in a series of tit-for-tat targeted assassinations and killings.

The violence has taken on troubling overtones. Bodies of those who have been clearly victims of execution-style killings are found daily in the streets of Bujumbura, Burundi's capital. The families of political opponents are now being targeted and killed. Government officials have been murdered.

In November, Burundian officials engaged in alarming rhetoric reminiscent of language used to incite and carry out the genocide in Rwanda. The government was forced to issue a letter that claimed that the statements made by the President and the president of the senate were not intended to foment such actions. Intended or not, such comments are deeply disturbing.

The international community has engaged, but I fear our efforts may not be enough. I was very pleased to see the African Union Peace and the Security Council's October 17 communique, which urged dialogue, called for deployment of additional human rights monitors, and threatened targeted

sanctions against those who contribute to the escalation of violence and act as spoilers to a political solution. It sent a strong message to all parties that continued violence will not be tolerated and that an inclusive dialogue—one that includes the Burundian opposition that has taken refuge outside the country—is the only way to restore stability. The United Nations Security Council took a much needed step by approving a resolution in late November. The European Union has been forward leaning, imposing sanctions on government officials and requesting a dialogue with the government to discuss the current situation under the provisions of the Cotonou Agreement related to democracy and human rights.

The United States has been actively engaged in preventive action and diplomacy for some time. On November 23, President Obama issued an Executive order sanctioning four individuals whose actions have threatened the peace and security of Burundi. He also announced that as of January, Burundi will no longer be eligible for preferential trade benefits under the African Growth and Opportunity Act. Our Special Envoy for the Great Lakes, Tom Perriello, has been in the region numerous times. High-ranking officials, including our United Nations Ambassador and the Secretary of State have raised Burundi with our international partners on numerous occasions. Ambassador Power has traveled there herself, and I applaud the administration's consistent attention to the concerns of Burundi.

However, the violence continues. We must redouble our efforts to support a political solution to this current crisis. Let me be clear. There is no substitute for a commitment by the Burundians themselves when it comes to finding a way forward. They themselves must choose the path of peace, but I firmly believe we, in cooperation with our international partners, can provide the right incentives for them to do that. We can take other meaningful actions in pursuit of an agreement.

First, we must help the African Union to finalize contingency plans for an African-led mission to prevent widespread violence in the country.

Second, I call upon the AU to convene a meeting with special envoys from the United Nations, African Union, United States, European Union, and Belgium, as well as representatives from the East African community, to discuss coordination among donors, the United Nations, the AU, and the Security Council's recommendations and to identify ways that the international actors can support the increased number of human rights monitors and military observers authorized by the AU in October.

Third, it is imperative that we help put in place mechanisms for accountability for those who have engaged in extrajudicial killings during this period of time. Those who have committed these atrocities must be held accountable. The international community must be firm about this. We cannot allow those who perpetrate these crimes to go unpunished.

The United States has made a promise to actively prevent the commission of mass atrocities. As the unrest continues, people are suffering in refugee camps or living in fear in their homes, afraid to go out. Violence is on the rise, the economy is in a downward spiral, and civil space is closed. Every day that goes by without a civil solution the probability of atrocities increases. Preventing widespread violence and mass atrocities is everyone's business. Diplomatic engagement to prevent political violence that has the potential to become ethnically based killing is exactly what we and the rest of the international community must focus on addressing.

I submit to you that acting to prevent this from happening is all of our collective business, and I urge continued action to do so.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FLAKE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OBAMACARE

Mr. THUNE. Mr. President, 5 years ago, days after President Obama signed the Affordable Care Act into law, the senior Democratic Senator from New York went on ''Meet the Press'' to discuss the bill. He told the host: ''Well, I think as people learn about the bill, and now that the bill is enacted, it's going to become more and more popular.'' I don't need to tell anyone that never happened.

Five years after ObamaCare was enacted, a majority of Americans disapproved the law, and that is a pattern we have seen since the law's passage. Why has the law failed to earn the support Democrats predicted? For one simple reason: The law is just not working as President Obama promised it would. The Affordable Care Act was supposed to lower health care premiums. It didn't. It was supposed to reduce health care costs. It didn't. It was supposed to protect the health care plans that Americans wanted to keep. It didn't. The law was sold as a health care solution, but it turned out to be yet another health care problem.

Five years after the law's passage, here is where we are: Americans with job-based insurance are paying more for their health care, with the average employee seeing a $400 increase in his or her deductible since 2010. Small business employees have fared even worse, with average deductibles now close to $2,000. And Americans are paying more for their premiums as well. An average annual premium contribution for family coverage is currently $12,591, up from $9,773 in 2010. That is nearly $3,000 in additional premium costs or another $250 a month. For many families, that comes on top of an increase in their deductible. Meanwhile, thousands of part-time workers have lost their job-based insurance thanks to ObamaCare mandates that encouraged several large employers to stop offering health benefits to part-time employees.

The situation with the exchanges is no better. Exchange premiums will rise once again this year, with many Americans facing rate increases in the double digits.

Over the past few months, I have heard from numerous constituents wondering how they will be able to afford the massive premium increases they are facing. One constituent in Wessington, SD, wrote to tell me that her and her husband's health care plan is going from $17,194 this year to a staggering $25,370 next year. That is an annual increase of more than $8,000. What family can afford an $8,000 increase in expenses from one year to the next?

Another constituent of mine wrote to tell me this:

> We just received our rate increase for our family health insurance. We have been paying $1,283 a month and the $557.45 increase will bring it up to $1,841.26. This amount has gone from 26 percent to 37 percent of our income. It is over twice of our house payment. . . . After having insurance coverage for the past 38 years, we are faced with dropping coverage, which is ironic since that is not the purpose of the Affordable Care Act. We are considering dropping insurance and facing the penalty just so we can continue to live in our house, pay our bills, and buy groceries.

That is from a constituent of mine in South Dakota.

I have received far too many letters like these from individuals who are facing enormous premium increases.

Another constituent wrote to me and said they are facing a 69-percent premium increase—69 percent. She and her husband are facing a $22,884 insurance bill. She could buy a brand-new car for less than that.

So it is no surprise that a recent survey from the Robert Wood Johnson Foundation found that nearly 80 percent of uninsured Americans who have looked for insurance report that they cannot find or cannot afford to buy health insurance. The grim reality for millions of Americans is that the Affordable Care Act is anything but affordable.

Unfortunately, higher health care costs are just one of the problems with this law. ObamaCare has already reduced Americans' health care choices. Faced with expensive ObamaCare mandates, insurance companies have chosen one of the few methods left to them to control costs, and that is restricting consumers' choice of doctors and hospitals. Americans were promised they could keep the doctor they liked, but for many Americans, that is not true.

Then there are the taxes imposed by the law. Because the administration did its best to hide the true cost of ObamaCare, many Americans don't realize that the law hiked taxes by $1 trillion. In fact, the law imposed almost a dozen new taxes, including an annual tax on health insurance that is passed on to consumers in the form of higher premiums, a tax increase on flexible spending accounts and health savings accounts, and a tax on wages and self-employment income. President Obama promised not to raise taxes on those making less than $250,000, but, as we all know, he broke that promise many times over when ObamaCare was signed into law. Many of these taxes directly impact low- and middle-income families.

Additionally, the law's tax on the makers of lifesaving medical devices, such as pacemakers and insulin pumps, which went into effect in 2013, has already eliminated jobs in the medical device industry and driven up the price of essential medical equipment.

The medical device industry is not the only industry in which ObamaCare is costing jobs. ObamaCare's requirement that employers provide their workers with government-approved insurance or pay a tax has made employing full-time workers more costly, which has discouraged employers from hiring. Workers in the retail and restaurant industries, many of them younger, less skilled workers, have been hit particularly hard. In all, the Congressional Budget Office has predicted that ObamaCare will result in the equivalent of 2 million fewer full-time jobs in 2017 and 2.5 million fewer full-time jobs by 2024. That is not good news for our already sluggish economy.

All Americans remember the President's claim that under ObamaCare, ''If you like your plan, you can keep it''—a claim that was named, interestingly enough, PolitiFact's ''Lie of the Year'' in 2013 after ObamaCare eliminated the health care plans of 4 million Americans. Now hundreds of thousands of Americans will be losing their ObamaCare health care plan after a number of the health insurance co-ops established under the law proved unsustainable. In all, 12 of the 23 health care co-ops established by the President's health care law have collapsed, resulting in the loss of billions in taxpayer dollars, in addition to the loss of Americans' health plans. Taxpayers have also lost more than $1 billion spent on failed or failing State exchanges, such as the failed exchanges in the States of Oregon, Hawaii, Vermont, Maryland, and Massachusetts.

Four years after telling ''Meet the Press'' that ObamaCare would become ''more and more popular,'' the senior Senator from New York admitted that the Democrats had made a strategic error by focusing on ObamaCare. Americans, he admitted, were ''crying out for an end to the recession, for better wages and more jobs; not for changes in their health care.'' The senior Senator from New York is right.

Americans didn't want ObamaCare then, and they certainly don't want it now. ObamaCare is broken, and Americans know it. It is time to repeal this law and start moving toward the kind of health care reform Americans are actually looking for: an affordable, accountable, patient-focused system that gives individuals control of their health care decisions.

This week the Senate will take up a repeal bill that will begin the process of lifting the burdens ObamaCare has placed on Americans. I look forward to debating the bill and working with my colleagues to begin building a bridge to a better health care system for hard-working families across the country. It is time to give the American people the real health care reform they deserve.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

AMERICAN SECURITY AGAINST FOREIGN ENEMIES ACT

Mr. KAINE. Mr. President, I rise today to speak about the American Security Against Foreign Enemies Act of 2015. This act was passed by the House shortly before we recessed for Thanksgiving—an act dealing with the refugee crisis from Syria and Iraq. It is an act that is sort of pending before the body now as we try to decide whether to take up the House bill or take up the topic of the House bill as part of the deliberations in which we are engaged.

First, I think everyone in this body and everyone in the House acknowledges the security needs of America in this challenging time as we are engaged in a battle against ISIL. As we have seen in recent weeks, the reach of ISIL—whether it is a passenger aircraft in Sinai, a neighborhood in southern Beirut, or multiple neighborhoods in Paris, ISIL's strength is expanding and mutating, and we have to take those concerns seriously.

I applaud the work that has already been done to try to make sure the vetting process for refugees who entered the United States is pretty intense. Four million refugees left Syria during the course of the Syrian civil war. Of those 4 million who have left and registered with the U.N., after a fairly extensive review process, the U.N. has referred 20,000 to the United States for possible consideration to be refugees. Of those 20,000, after an 18-month vetting process, we have allowed approximately 2,000 into the United States. So the vetting process for refugees is pretty intense. If we can make it better, we need to do that, but it is already fairly significant. I also applaud efforts the administration announced yesterday and that other colleagues, including the Presiding Officer, are working on to ensure that the visa waiver program we currently have, which allows citizens from 38 countries to come to the United States without visas, is tight. We have to do our best in a careful and deliberate way to make sure our security in the midst of this battle against ISIL is strong.

I rise today to speak particularly about this act because I think it is problematic, and I think it is problematic from the very title of the act. I think it raises some questions we have to be very careful about.

Syrian and Iraqi refugees are not foreign enemies. Refugees are not the enemies of the United States. We have an enemy. The enemy is ISIL. We are coming up on the start of a 17-month war against ISIL that Congress has been unwilling to debate, vote on, and declare. ISIL is an enemy, and we would all acknowledge that, but the refugees who are leaving Syria and Iraq are not our enemies. They are victims. They are victims. I think before we go down the path of quickly—and this bill was passed in the House in just a couple of days—painting with a broad brush as our enemies these poor people who have suffered so much, we really need to reflect on what they have been through.

This refugee crisis in Syria has been called by most NGOs and other organizations like the U.N. the greatest humanitarian crisis since World War II.

In a country of between 25 and 30 million people, 4 million have had to flee because of the atrocities of the Assad regime and the atrocities of the civil war carried out by ISIL and other terrorist organizations.

Four million had to leave their homes and 8 million more had to leave their homes and move to other places in their country where they would prefer not to live because their homes are unsafe because of the civil war.

Nearly 300,000 Syrians have been killed in this civil war, and the atrocities are horrible. The Assad regime uses barrel bombs in civilian neighborhoods to kill innocents without any rhyme or reason as to where or when they are going to fall, creating psychological terror as well as physical danger. ISIL in Syria is carrying out beheadings and the forced subjugation of people and selling them into sexual slavery. It is the oppression of religious minorities, virtually any religion other than that of the Sunni extremists who would fit within ISIL's narrow definition of who they think true believers are. This is what people are fleeing from.

This Senator emphasizes this point: Refugees are not our enemies. They are not foreign enemies. They are victims who deserve compassion.

This is a fairly famous photograph from a suburb of Damascus, Yarmouk, that is filled with Palestinian refugees who have been waiting for food. The Assad regime had cordoned them off and would not allow humanitarian aid because they thought there were opponents to the regime in this neighborhood.

This was a photo that was taken in January of 2014 when the U.N. could finally come in to try to deliver humanitarian food aid to these folks. You can see the tens of thousands of people who are waiting in the midst of their bombed-out neighborhood for a delivery of basic food aid, which has been very episodic during the course of this war. This neighborhood has gone back under blockade, and it has been extremely difficult to get them the food they need.

These are not enemies; these are people who are worthy of the compassion of any person and especially of a nation as compassionate as the United States.

More recently, we were all stunned to see this horrible photograph of a 3-year-old Syrian boy who, with his family and a group of 12 Syrians, tried to make it across water to Greece, fleeing atrocities in the battle between Kurds and ISIL in northern Syria. Twelve members of this family in a boat were killed and drowned, including this 3-year-old and his 5-year-old brother. These are not enemies.

To have an act that purports to deal with this refugee crisis and to call this an act that is an act about foreign enemies—they are not enemies. There is no way we should allow the kind of tar brush approach that would paint these poor unfortunates who are victims of the worst humanitarian crisis since World War II as if they are somehow enemies. We should have a compassionate response that protects American security but is nevertheless compassionate.

These photographs really grab me, and the rhetoric surrounding these refugees—that they are enemies—when this act passed really grabbed me. I found myself thinking about it not so much even in just a policy way—what is the right policy, what is the right mixture of things to keep the country safe? That is very important, but these pictures make one think about something more fundamental: Why does this happen?

Since the beginning of time, human beings have asked: Why is there suffering of this kind? Why must hundreds of thousands be huddled into a bombed-out neighborhood and be nearly starved to death to wait for a delivery episodically from the United Nations? Why would a family have to flee from their home, with their children killed, to try to get away from atrocities? If you are a student from California State University, on a semester-abroad program in Paris, sitting in a cafe, why are you gunned down by ISIL terrorists? If you are a tourist coming back from a vacation in the Sinai with your family, why is your plane suddenly bombed out of the sky?

Humans have asked this question since the beginning of time. Why do these things happen? There are two conventional answers to the question of why these things occur, and there is a nonconventional answer that is a challenging one that we as a body and as a country really have to grapple with. The two conventional answers as to why there is horrible suffering such as this is obviously there is evil in the world and there is evil within. There is evil out in the world and there is evil within and we make mistakes. Clearly there is evil in the world. ISIL is evil. Refugees are not evil.

I think it is interesting that one of the bodies here could come up with a piece of legislation, draft it, debate it, and vote on it in a couple of days to label refugees as ''foreign enemies'' when we have been at war for 17 months against ISIL and we haven't been able to have a debate in this body to authorize military force and declare that they are an enemy. There is evil in the world, and part of what we must do is call it out and be willing to stand against it.

The great Irish poet Yeats talked about a situation where the best lack all conviction and the worst are filled with passionate intensity. I worry that this legislative body has not shown the conviction to call out evil in the way that we should call it out, and mistakenly we are calling people evil who aren't evil but who are deserving of compassionate help from us and from other nations. That is the first explanation of why evil occurs. There is evil out in the world, and ISIL is evil, the atrocities of Assad are evil, and we ought to call it out.

The second explanation is our own weakness. When bad things happen, whether to yourself or to your country, you have to look in the mirror and ask: Did we do anything wrong? And I have a concern that when the chapter on the Syrian refugee crisis is written, neither the United States nor other nations are going to look that good. It is going to be like looking into the 1990s and looking at why the United States was able to intervene and stop atrocities in the Balkans and chose not to in Rwanda. The answer to why we did in one instance and not the other—I don't think that looks good in retrospect. I worry with respect to this refugee crisis, the 4 to 8 million killed, these children and their families—we have to look in the mirror and ask ourselves whether we have done enough or whether we can do more.

Last, there is a nonconventional explanation of why suffering like this occurs that is a challenging one. It is in the Book of Job. There is a Bible on the Presiding Officer's desk. It is there because it is a book of wisdom. I know you know the story. It is an interesting story, as we grapple with suffering like this and we have to ask why it occurs. Job was an upright and righteous man. He was a blameless person, a person of integrity.

The story was written in about 500 BC and posits this debate between God and Satan. God is talking about how great Job is. Satan says that he is great because he is wealthy and has a great family, and if he lost that, he would cease being so faithful.

God says: I think he would be faithful anyway.

Satan says: Let's have a wager and see what happens.

That is how the Book of Job begins. This upright and blameless man who has everything proceeds to very quickly lose everything. He loses his wealth, he loses his family, he loses his health—not because of his own sin, his own weakness, or his own error, his own mistakes, and not because of evil in the world; he suffers because he is being tested. That is the reason he suffers.

As the story goes on, he is tested. He is tested. He argues with God, he fights with God, he fights with the faith, but he doesn't let go of his faith. At the end of the story, this Book of Job—and this is a book which is not only in the Old Testament and studied by Jews and Christians alike, this is in the Koran. This is a story which all the Abrahamic faith traditions have grabbed on to because it has a fundamental piece of wisdom to it.

Sometimes when suffering such as this occurs, it is not just because there is evil in the world or because of our own sin, it is because bad things happen to test us as individuals. Bad things happen and sometimes test us as a country.

I look at this refugee crisis as a test. It is a test on whether we, like Job, will be true to our principles or whether we will abandon them. Job was true to his principles, and things came back to him multiplied. Are we going to be true to our principles?

My State of Virginia began when the English who were starving were helped out by Indians down near Jamestown Island. There was the extension of a hand to strangers in a strange land that enabled them to survive, unlike earlier parties who had been wiped out by starvation or battles with Indians.

My people came from Ireland in the 1840s. They were chased out by oppression. They were chased out by hunger. My people have the same story that virtually everybody who came to the United States has. Some came under much worse conditions, brought over in slavery and servitude.

The nation of France recognized the United States for what it was—a beacon of liberty for people from around the world—when France gave to the United States the Statue of Liberty, which we planted in New York Harbor right next to Ellis Island, where so many people came into this country. Nobody who came here had it easy. People faced signs that said ''No Irish need apply'' or they faced discrimination or oppression, but they didn't face a door being shut in their face and being told they were foreign enemies when they were really refugees looking for a better situation in life.

As I think about what we are grappling with and what we may be called to vote on in the next 10 days in this body, I think about this massive scale of human suffering that is going on

with respect to Syria, and I think about that wisdom from the Book of Job, which is that sometimes suffering and adversity is to test us. Are we going to abandon our principles? Are we not going to be the Statue of Liberty nation? Are we not going to be the nation that will extend a hand of welcome or friendship for those who suffer? Are we going to be true to our principles?

Again and again in our Nation's history and in the history of nations, it has been shown that if you are true to your principles—especially true to them during times of adversity—then you are worthy of respect. You teach important lessons to your kids and to the generations that follow, and usually things work out. I think our Nation's principles are solid. They are rock solid. In the heat of the moment, we shouldn't abandon them, and we shouldn't abandon people who have suffered and are suffering with the kind of hot legislative language that would label them as ''foreign enemies'' when they are just refugees in the same way that people throughout history have been refugees needing a compassionate response from others.

Thank you, Mr. President.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that I be permitted to complete my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIGIOUS LIBERTY

Mr. HATCH. Mr. President, last week families across the Nation gathered in gratitude to celebrate Thanksgiving—the holiday we commemorate in remembrance of our Pilgrim ancestors. With humble appreciation, we venerate the sacrifice of America's early settlers. We remember their fortitude in leaving family and home to colonize a new wilderness. Facing disease, starvation, and even death, these brave men and women endured tremendous hardships to secure the blessings of religious liberty.

Freedom of religion—so precious and so prized by our Pilgrim forebears—is the legacy we enjoy as a result of their sacrifice. Today, I wish to honor the Pilgrims' legacy by speaking once again on the topic of religious liberty. Over the past several weeks, I have addressed this subject at length. In so doing, I have explained the critical importance of religious freedom and its centrality to our Nation's founding. I have also debunked the erroneous notion that religious liberty is primarily a private matter that has little place in the public domain. More recently, I have detailed the many ways freedom of conscience is under attack—both at home and abroad.

You might wonder why I devote so much time and attention to this vital subject. After all, this is the seventh in a series of speeches I have given on the topic of religious liberty. When there are myriad other issues facing our country, why do I feel so compelled to speak out about religious freedom? Because, Mr. President, no other freedom is so essential to human flourishing and to the future of our Nation. Indeed, religion is not only beneficial to society but also indispensable to democracy.

I begin by discussing the most tangible benefits religion brings to society. History provides many examples. Indeed, many of our Nation's most significant moral and political achievements are grounded in religious teachings and influences.

First, consider the role of religion in the formation of our most basic rights. America's Framers were well versed in both religion and philosophy, and in drafting our Founding documents, they drew inspiration from both sources.

Take for example, the unalienable rights identified in the Declaration of Independence: life, liberty and the pursuit of happiness. These rights are a synthesis of both religious and philosophic teachings. The rights themselves stem from the theories of the philosopher John Locke, but the concept of inalienability—the idea that these rights are inviolable because they are ''endowed [to men] by their Creator''—is religious in nature.

By invoking the divine and linking our rights to a moral authority that lies above and beyond the state, America's Founders insulated our freedoms from government abuse. Philosophy helped articulate our fundamental rights, but religion made them unassailable. Thanks to the moral grounding provided by religion, we exercise these rights free of state control.

In addition to undergirding the establishment of our God-given rights, religion directly benefitted American society by catalyzing the two greatest social movements in our Nation's history: abolition and civil rights.

Abolition traces its roots to the Second Great Awakening, when preachers such as Charles Grandison Finney and Lyman Beecher rose to prominence with their revivalist teachings on social justice and equality. Many of the earliest pro-abolition organizations coalesced around Christian evangelical communities in the North. Emancipation was a religious cause first and a political movement second.

Most abolitionists were deeply religious themselves, including two of the movement's most vocal leaders, William Lloyd Garrison and John Greenleaf Whittier. The Christian doctrine of moral equality was especially crucial in generating the grassroots support that eventually made emancipation possible.

Religion was equally influential in guiding the civil rights movement. We speak today of Dr. Martin Luther King, but we sometimes forget that before he was a doctor he was a reverend. In 1967, the year before his death, Reverend King proclaimed:

> Before I was a civil rights leader, I was a preacher of the Gospel. This was my first calling and it still remains my greatest commitment. . . . [A]ll that I do in civil rights I do because I consider it a part of my ministry.

Reverend King recruited other religious leaders to his cause when he convened a meeting of more than 60 black ministers in what would eventually become the Southern Christian Leadership Conference. This coalition of evangelical leaders was instrumental in organizing both the Birmingham campaign and the March on Washington. For these ministers and many other men and women who participated in the civil rights movement, religion provided the initial impetus for their advocacy.

Today, religion continues to benefit society by contributing to our Nation's robust philanthropic sector. The importance of charity and helping the poor is nearly universal across all faiths. Every year, religious organizations throughout the United States feed the hungry, clothe the naked, give shelter to the homeless, and care for the sick and afflicted.

Without these religious groups, our government welfare system would be overwhelmed.

Charitable organizations are irreplaceable because they often step in where the state cannot. Consider some of the largest, most well-respected religious charities in operation today, such as the Salvation Army, Catholic Charities, World Vision, or LDS Humanitarian Services. These organizations are motivated by more than a mere humanitarian impulse; they are driven by a sense of duty both to God and to man. Every year, they lift millions from despair, offering not only material assistance but also spiritual direction to help individuals lead more prosperous lives. This is a critical service that no government program could ever provide.

It is clear that religion has benefitted our society in several meaningful ways. First, as a result of religious teachings, we have unfettered claim to the natural rights delineated in our Nation's founding documents. Second, thanks to religious leaders from John Rankin to Martin Luther King, we freely exercise civil rights today that were once denied millions of Americans. Third, by virtue of religious teaching on charity, we have a humanitarian sector that is unparalleled in its ability to respond to crisis, bless the poor, and lift the needy.

But my purpose in speaking today is not merely to recite a list of blessings brought about by religious liberty. Religion is not simply beneficial to society; it is an indispensable feature of any free government. Without religion, liberty itself would be in danger and democracy would devolve into despotism.

The nexus between religion and democracy involves the relationship between morality and freedom. Freedom

is a double-edged sword; it can be used for good or for evil. Statesmen may use freedom to defend justice, but tyrants can abuse it for their own corrupt ends. Morality is necessary to ensure that individuals exercise their freedom responsibly.

Religion provides free individuals with the moral education necessary to exercise freedom responsibly. It instills the very virtues that lead to an engaged citizenry, including a concern for others, the ability to discern between right and wrong, and the capacity to look beyond the mere pursuit of present pleasures to the good of society.

President George Washington identified the link between morality and religion. According to Washington, ''Reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.'' For Washington, morality presupposed religion, and both virtues cultivated a healthy society. Perhaps this why he said that ''[o]f all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports.'' That was George Washington.

John Adams was of the same mind. He argued that without religion and morality, our government could not stand because, ''[a]varice, ambition, revenge and gallantry would break the strongest cords of our Constitution, as a whale goes through a net''; hence, his most famous observation that the Constitution ''was made only for a moral and religious people.''

For Washington, Adams, and many others who helped to establish our constitutional system of self-government, religion, morality, freedom, and democracy are necessarily interlinked. Without the moral sensibilities that religion that can provide, freedom is all too easily corrupted, endangering the very foundation of democracy.

Our Founding Fathers were not alone in calling attention to the inextricable connection between religion and a healthy democracy. The renowned political philosopher Alexis de Tocqueville offered his own analysis on the subject. After spending several months observing American Government and society, Tocqueville wrote his famed ''Democracy in America'' in an attempt to explain American political culture to his French counterparts. When Tocqueville published his work in the early 19th century, the United States was a burgeoning democracy and unique as one of the only countries in the world that guaranteed religious liberties to its citizens.

At this intersection of democracy and religion, Tocqueville made his most compelling observations. Like Washington and Adams, Tocqueville believed that religion was essential to the success of the American political experiment. Without the moral strictures of religion, the Nation's democracy would collapse on itself. In Tocqueville's own words:

> Despotism may be able to do without faith, but freedom cannot. . . . How could society escape destruction if, when political ties are relaxed, moral ties are not tightened? And what can be done with a people master of itself if it is not subject to God?

In other words, Tocqueville asked how the experiment of self-government could succeed if individuals refused to submit to any moral authority beyond themselves. By posing this question, Tocqueville argued that democracy needs religion and morality to ensure that citizens exercise their freedom responsibly. Democracy needs religion to help refine the people's moral responsibility and instill the virtues of good citizenship that make democracy possible in the first place.

Tocqueville also taught that democracy needs religion to temper the materialistic impulses of a free-market society. By setting our hopes and desires beyond imminent, temporal concerns and turning our hearts instead toward those in need, religion engenders charitable behavior and saves democracy from its own excesses.

In Tocqueville's view, the free exercise of religion is not just a condition of liberal society; it is a precondition for a healthy democracy. Without religion and the moral instruction it provides, freedom falters, and democracy all too easily dissolves into tyranny.

In this regard, religion is not merely a boon to democracy, but a bulwark against despotism. Laws alone are incapable of instilling order and regulating moral behavior across society. As LDS Apostle Dallin H. Oaks has observed, ''Our society is not held together just by law and its enforcement, but most importantly by voluntary obedience to the unenforceable and by widespread adherence to unwritten norms of right . . . behavior.''

Of course, religion and a basic sense of morality help induce such voluntary obedience to the unenforceable that Elder Oaks describes. George Washington conceded that individuals may find morality without religion, but political society needs the spiritual grounding that only religion can provide. In this regard, religion complements law in cultivating a moral citizenry.

Both law and religion are necessary to engender good citizenship. As the influence of religion diminishes, governments must enact more laws to fill the void to maintain a moral citizenry. So the consequences of less religious activity are not greater human freedom but greater state control.

Religion, then, acts as a check on state power. It cultivates morality so governments don't have to through the cold, impersonal machinery of law.

By acting as a shield against state overreach, religion is a friend to both democracy and freedom. Expanding religious freedom empowers democracy, but limiting religious freedom weakens our democratic institutions. In the most extreme case, eliminating religious freedom altogether results in tyranny and human suffering on a massive scale.

Consider the catastrophic state of affairs in countries that have explicitly outlawed religion. The Soviet Union, Communist China under Mao, the Khmer Rouge in Cambodia, and North Korea are prominent examples. In each of these countries, leaders committed unspeakable atrocities to enforce their own godless morality. In the absence of faith, there was no religious horizon to keep political ambitions within limits. Unencumbered by the moral restraint of religion, dictators systematically killed millions of their own people to establish their own secular vision of Heaven on Earth. These illustrations of totalitarianism, torture, and genocide demonstrate that a society without religion is a society without freedom.

I raise these grievous examples to reiterate my initial point: Religion is central to human prosperity. Society needs religion to keep political ambitions in check, and democracy needs religion to maintain morality so that freedom can flourish.

I had the privilege of serving for 2 years in three States—Ohio, Indiana, and Michigan—as a missionary for the Church of Jesus Christ of Latter-day Saints. We served without pay, without compensation. I lived on $55 to $65 a month, and I traveled all over those three States, helping other missionaries be able to teach the Gospel of Jesus Christ. I am glad I had the freedom to be able to serve that mission in three States in this beautiful, wonderful country, where religious freedom is a revered right and a heralded concept.

Those 2 years were the most important years of my life because they led to a wonderful marriage with Elaine, 6 children, 23 grandchildren, and 16 great grandchildren, and those are all I know about at this time. I have to say that they led to a better life in every way, even though my life has been hard.

I was raised in Pittsburgh, PA. My father was a building tradesman. Sometimes there wasn't work. We lost our home shortly after my birth. It was a little band-box frame home in Homestead Park, PA. My dad borrowed $100 to purchase an acre and then tore down a burned-out building to build us a home that was black on three sides, and the fourth side had a Meadow Gold Dairy sign that he had apparently torn down and put up just exactly the way it was. We didn't have indoor facilities.

It was an acre of ground, and we raised quite a bit of our food. We actually raised chickens. I was in charge of the chickens, taking care of the chicken coop, feeding them, cleaning up after them, collecting the eggs every day, selling the eggs, and delivering the eggs, from 6 years old on. I am glad I had that experience.

I am glad that my family went to church and was religious. The Mormon Church at that time in Pittsburgh was very small, but the people were all patriotic and loved America. Why did they? Many of them were from other

countries. They loved America because they were free. I didn't know any better, but I knew I was free, and that was important—not just to me but to my parents and to many others as well.

Elaine and I are so grateful that we have been able to raise our six children, all of whom are married now, all of whom have children, and many of whom have our great-grandchildren.

The thing that tied us together more than anything else was religion in this freest of all nations. I am so grateful for this country. I am so grateful for the freedoms that we all take for granted. I am so grateful for my parents, who were just humble people, neither of whom had received any education beyond the eighth grade, but both were brilliant in his or her own way. The thing they taught us was religion and doing good to our fellow men and women.

I am so grateful for this great country. I am so grateful for all of the many blessings we have from religious freedom, and I don't want to see us lose that in the realm of political correctness.

In closing, I urge all of my colleagues to consider the state of religious liberty in the United States today. Only by strengthening this fundamental freedom can we secure the future of our own democracy and keep the rest of our freedoms alive and viable.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRUZ). Without objection, it is so ordered.

WASTEFUL SPENDING

Mr. COATS. Mr. President, I am here for my now 28th ''Waste of the Week.'' I have been coming to the floor of the Senate for 28 weeks pointing out government waste.

Some in this Chamber say we can't cut a penny more. We are down to the bone. We are far from it. This is just a small effort, having been shot down, in terms of anything larger to do to deal with our fiscal situation, because the White House simply does not want to engage in it. We at least ought to be able to take steps as a body to eliminate the kind of wasteful spending that takes place on a daily basis in Washington.

I have come down once a week to do this. I could come down every day, I could come down every hour and point out something in this vast array of Federal Government that never stops growing that simply falls in the category of waste, fraud, and abuse. So far we are well over our $100 billion goal of accumulated waste. Today, this is No. 28. Specifically, this particular waste of the week is facilitator fraud in the Social Security disability insurance fund.

What is the facilitator fraud? Facilitator fraud is when individuals with specialized knowledge use system as a means to fraudulently, illegally qualify people to receive SSDI benefits. They look for claimants either by putting out ads or using social media or word of mouth: Look, you too can get checks from the Federal Government even if you are not disabled because we have figured out how to qualify you. We will help you process these forms. We have connections with doctors and medical providers who will be able to give us written information, even though it is fraudulent and illegal, that you can use to justify with the Social Security Administration to qualify for Social Security disability.

Then, when those payments start, the facilitators get a percentage of that or they have worked out some kind of agreement that you will pay us this amount of money if we can get you the claim. Once disability payment is made, financial compensation to the facilitator is in place, and there is a vicious cycle of fraud and abuse. So instead of robbing Peter to pay Paul, Peter and Paul are robbing the Federal Government together and reaping the benefits.

Over the last 5 years, the Social Security Administration has seen an amazing increase in fraudulent activity associated with facilitators. The estimate is potentially 1 percent and perhaps even more—we haven't tied this down yet—of SSDI payments are affected by facilitator fraud. We have taken a rough estimate of what this would amount to over a 10-year period of time and dropped $.4 billion. We think at least $10 billion over 10 years is a conservative estimate of the waste of taxpayers' dollars through fraudulent, illegal means.

Last month the Social Security inspector general, Patrick O'Carroll, testified before the Joint Economic Committee, which I chair, and shared his concerns about this question. He said, ''There are people out there in positions of trust that the agency relies on for information. . . .'' as to determining whether a claim is a legitimate claim for coverage. He said, ''And if those people [whom we rely on] decide to defraud the government''—by sending in false claims, backed up by false medical support, the taxpayer is being taken to the cleaners. ''We have found that in some cases the former Social Security employees''—that have left the employment of the Federal Government—''that understand the way the system works then go into conspiracies with unscrupulous medical providers and attorneys, where they will use improper information and facilitate getting in so that a person will get on benefits,'' and they get the payment and the rewards.

Last year, a San Diego-area psychologist confessed to charging his patients $200 each to fabricate medical evidence to support their disability claims.

Imagine getting up in the morning, going to your desk, you have the credentials of a doctor—in this case a psychologist—to issue an opinion as to what the claimant's medical condition is, and then participate in this cycle of fraudulent activity and be paid for it. That is his job. That is what he does every day. Fortunately, we caught him, and that is how we know about this.

In August of 2013, Federal law enforcement officials and the Puerto Rico Police Department arrested 75 people in Puerto Rico and dismantled a large-scale disability fraud scheme involving physicians and a claimant representative who is also a former Social Security Administration employee.

So not only are individuals doing this, but there are groups of individuals who are working through a system. These are just two small examples of what is happening. To give some credit, the discovery of this has produced some progress in terms of addressing this problem. The most recent budget deal reached in the Senate included increased funding for what is called the Cooperative Disability Investigation Units, which investigate suspicious disability claims and hopefully prevents fraud before it happens. Additionally, the Social Security Administration's regional Disability Fraud Pilot Program works specifically on facilitator fraud across the country trying to identify those high-dollar, high-impact cases involving third-party facilitators conspiring with claimants to defraud the Social Security Administration. It is a pilot program. I don't know why we haven't had that program in place from its very inception. Every agency distributing funds for individuals should have as a component of that agency an investigative process for fraud, waste, and abuse because—you name the program writing checks to claimants, and I believe we will be able to find those that are fraudulently taking money out of taxpayers' wallets.

We are going to keep coming here every week putting the spotlight on waste, fraud, and abuse. Today we add another $10 billion to the total, which keeps growing and growing. Now it is a total of $128,812 billion of documented waste, fraud, and abuse. This is not something we make up. This is not something we read about in the paper. This is something where agencies of the Federal Government, which have accountability and responsibility to try to dig in and find this abuse, provide information on a regular basis, but it is something taxpayers simply cannot afford, should not be obligated to pay, and highlights the fact that we have a government growing beyond its means.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. COATS. Mr. President, I ask unanimous consent that morning business be extended until 3 p.m. today, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. COATS. Mr. President, I ask unanimous consent that the Senate stand in recess as under the previous order.

There being no objection, the Senate, at 12:28 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

The PRESIDING OFFICER. The Senator from Utah.

REMEMBERING GOVERNOR OLENE WALKER

Mr. LEE. Mr. President, I rise today to pay tribute to Governor Olene Walker, Utah's 15th Governor, who passed away on Saturday, November 28, 2015, at the age of 85. She was the first woman to serve as Utah's Governor, worked as Lieutenant Governor for over 11 years, and was a member of the Utah Legislature for 8 years.

Olene Walker will be remembered and revered by Utahns not because of the many firsts she pioneered in politics but for her commitment to leave a legacy of public and, more importantly, private service based on principles that truly last. Olene Walker's life and career were centered in the principles of lifelong learning, selfless service, and making a difference through civil discourse and meaningful dialogue.

Governor Walker believed that the best way to open a mind was to read a book. Immediately upon becoming Governor, she launched her Read With a Child Program, focused on getting adults to read with a child for 20 minutes every day. She knew that 20 minutes of daily reading would not only transform children across the State by getting them to read at or above grade level, but it would transport them to magical places, big ideas, and brighter futures. Because she became Governor at the age of 73—and as a grandmother—I think she also recognized that 20 minutes of reading with a child would inspire the adults in the State of Utah as well.

Governor Walker was never far from a book or a group of children to read to, often choosing her personal favorite from Dr. Seuss, ''Oh, the Places You'll Go!'' Governor Walker went many places in her public service but sent thousands and thousands of Utah children on adventures never to be forgotten in the wonderful world of good books. She was living proof that books expand the mind and that a mind expanded, especially the mind of a child, could never return to its original state. I was inspired when reading her obituary that the last line, in typical Olene Walker style, stated: ''In lieu of flowers, please read with a child.'' Her commitment to the principle of lifelong learning is a legacy in and of itself.

Governor Walker also understood that it didn't really matter where she served, but how she served. Whether working alongside her husband in the family's snack business, in the legislature or in the Governor's office, Olene Walker knew that her time on this Earth would never be measured by the titles she held but by the impact and influence that she had on others. She understood and lived by the adage: ''We are to live our lives not by days, but by deeds, not by seasons, but by service.'' After leaving the Governor's mansion, she participated in literacy forums, served an LDS mission with her husband in New York, and at an age when most people slow down, Olene Walker took on a new and, many would say, daunting challenge of leading dozens of 3- to 11-year-old children for 2 hours every Sunday in her LDS congregation.

Governor Walker served with confidence, charisma, and charm that was elevating and at the same time enlightening. National political players, rural farmers, business executives, and children were equally inspired by her energetic approach, and they responded to her invitation to engage because they sensed that what they were about to experience was not about Governor Walker; it was about them.

In an age of egomaniacs and narcissists, Olene Walker's example of selfless service in high office is a model for all to follow—a model that all people should try to emulate. Governor Walker also understood the principle that mean-spirited arguments produce little, while meaningful dialogue creates much. She was known for her disarming style and for her corresponding ability to pull people into a conversation. She believed and lived by a motto that my office is committed to. The solution to any and every problem begins when someone says: Let's talk about it. Olene Walker challenged political candidates, elected officials of both parties, and young people in particular to transcend the talk-radio style bombast in personal attacks in favor of civil, serious, and substantive discussions. The Olene S. Walker Institute of Politics & Public Service, at her beloved Weber State University, is a testament to her commitment to make a difference through a more meaningful and deeper dialogue.

A picture of Olene Walker taken inside the Governor's mansion contains an interesting image that illuminates much of what Olene Walker was really all about. Resting on a desk in the background of the picture is a statue of a vibrant, energetic, pioneering Brigham Young. He is walking swiftly, leading with staff in hand, eyes set on a bright future as he began the audacious endeavor of being the first to establish a lasting legacy in the tops of the Rocky Mountains. In the picture, the statue of Brigham Young almost appears to be trying to keep up with Governor Walker. Only Olene Walker could get a trailblazing Brigham Young to pick up the pace. Governor Walker, likewise, was a pioneer and a trailblazer, moving swiftly, leading with a clear vision of a better society, and guided by her principles of lifelong learning, selfless service, and civil dialogue. Her life of many firsts will be celebrated and emulated for generations to come because it was founded on and inspired by such principles—principles that will truly last.

The PRESIDING OFFICER. The Senator from Colorado.

TRAGEDY AT PLANNED PARENTHOOD CLINIC IN COLORADO SPRINGS

Mr. BENNET. Mr. President, I am here to reflect on the tragedy that occurred in Colorado Springs last week. There, a gunman attacked a Planned Parenthood clinic, killing three people and injuring nine others. Colorado is mourning the losses of the three who were murdered, all of whom were parents in the prime of their lives and all of whom represented the best of our State.

Officer Garrett Swasey was one of the first officers to arrive at the scene. He had served as an officer at the University of Colorado Colorado Springs Police Department for 6 years. Garrett had been married to his wife Rachel for 17 years. He leaves behind his two children—Faith, who is only 6, and Elijah, who just turned 11 on Sunday. His wife said:

> His greatest joys were his family, his church, and his profession. We will cherish his memory, especially those times he spent tossing the football to his son and snuggling with his daughter on the couch.

She went on to note:

> Helping others brought him deep satisfaction and being a police officer was a part of him. In the end, his last act was for the safety and well-being of others and was a tribute to his life.

Officer Swasey's actions last Friday spoke to his extraordinary courage and selflessness. As a university police officer, he wasn't under any obligation to respond when he first heard of the incident through emergency radio. He could have looked the other way. Yet he was one of the first to arrive at Planned Parenthood, which is 4 miles away from the university.

His good friend and copastor said that Officer Swasey often responded to dangerous calls off campus and that he put other people's lives before his own.

The University of Colorado Colorado Springs police chief said:

There was no way any of us could have kept him here. He was always willing to go. . . . He had an enthusiasm that was hard to quell.

Officer Swasey is truly a hero in every sense of the word. Before joining the university police force, Officer Swasey was a Junior National Champion ice skater. Upon hearing the news of the tragedy, his skating partner, with whom he won that championship, observed:

Garrett was selfless, always there to help me, always my wingman. He was my brother and my partner. I could always count on him.

After his competitive career, Officer Swasey continued to teach skating. He also served as a copastor at Hope Chapel, which he and his family attended since 2001. At church he led care groups and taught Scripture and guitar. At services on Sunday, a fellow pastor at the church described how he felt. ''You don't realize how much you love someone until you can't tell him anymore.''

Our State is also mourning the loss of Ke'Arre Marcell Stewart. He was only 29 years old. Here is how his family and friends have described Ke'Arre: ''a good friend and an amazing listener''; ''one of the most caring men I've ever met''; ''someone you could just sit and talk to about life''; ''caring, giving, funny and just a damn good person.''

Those traits were on display Friday when he was at Planned Parenthood accompanying a friend. He served our country in the Army and was deployed to Iraq between 2005 and 2006. Last week he died as he was trying to save others. According to reports, after being shot outside of the building, Ke'Arre ran back inside to warn others to seek safety. His family credits his military training and instinct for how he responded. Ke'Arre wasn't a native of Colorado. He was born in Texas, where he was a three-sport athlete, playing football, basketball, and running track. His friends say he moved to Colorado because he was stationed at Fort Carson and stayed, like so many of us, because he loved our beautiful State. Ke'Arre had two children, both daughters. They are 11 and 6 years old. His friend observed that ''he loved his daughters to death. He would do anything for them.''

Finally, the third victim, Jennifer Markovsky, was also accompanying a friend to the clinic on Friday. Jennifer grew up in Hawaii, where she met her husband who was serving in the Army at the time. About a decade ago—in a story similar to Ke'Arre's—they moved to Colorado when he was reassigned. Jennifer's family described her as a loving wife and mother to a young son and daughter. Her sister-in-law told the Colorado Springs Gazette: ''She lived for her kids.'' She said Jennifer often took her children, who are 10 and 6, on hikes and spent time with them baking and working on crafts. Her father, who had just wished her a happy Thanksgiving one day earlier, called her ''the most lovable person . . . kind-hearted . . . always there when I needed her.''

Yesterday her husband said:

She was a very caring and compassionate person and patient and understanding parent. She was deeply loved by all who knew her. She was always helping the kids do homework and reading books with them. We will miss her; her cooking, crafting and adventurous spirit.

Three young parents who woke up last Friday morning with long, bright futures ahead of them, with the chance to raise their children and watch them grow and learn, with the chance to contribute, as they had before, to our community and our country but instead whose lives were violently ended in a hail of gunfire—three strangers to each other, now joined together in our fondest memories. Nine others were wounded, and our thoughts and prayers are with them and their families as well.

We should also honor and thank the Colorado Springs Police Department and other local law enforcement agencies that responded so swiftly and effectively. Five officers were wounded in the attack.

I wish to also recognize the employees at Planned Parenthood who worked tirelessly during the extended shooting and hostage incident to ensure that their patients were kept safe.

This is not the day to talk about how our country begins to emerge from this season of killing and violence, but let me simply say in recent years too many of our children and parents have had their lives stolen, and too many of the rest of us have lived to pursue the ordinary course of our lives—going to school, going to work, seeking health care—in the shadows of the question: Whose child will be next? Whose mom and dad will be next?

What we need today—instead of charged rhetoric and political tactics—is to find a way to at least begin figuring out how we can deal with these problems that we need to solve, how we can make things better.

I thank my colleagues for their comforting words this week, and I hope we will all take time in the days ahead to think of the families and victims involved in this tragedy. Take a moment to think of the kids who lost their mom or dad.

I have no doubt that the Colorado Springs community and our State will come together to heal during this difficult time. We could all take a cue from that here.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

OBAMACARE

Mr. ENZI. Mr. President, shortly we will be getting on a bill to repeal ObamaCare. It comes as a part of the budget operation. It is a special debate that can result in the passage of a bill with 51 votes in the Senate. There will be a limit on the debate of 20 hours—10 hours for each side—to convey any messages that Senators may have about the bill and also to handle any amendments. At the end of the process there could be another vote-arama if there are a lot of amendments left over. This is an amendable bill. It has quite a few rules that fall under the budget process that make this a bit more difficult than just a wide-open bill, so there are rules that have to be met in order for an amendment to not affect the outcome of the bill.

Many of you have heard of the expression, I am sure, ''caveat emptor,'' which means buyer beware. The President and the Democrats in Congress should have heeded this warning before forcing the country to purchase ObamaCare, which still remains unworkable, unaffordable, and more unpopular than ever. For millions of Americans the law today represents nothing more than broken promises, higher costs, and fewer choices.

It is no surprise that a Gallup poll published last month, more than 5 years after the law was passed and several years into actual implementation, shows that most Americans still oppose this unprecedented expansion of government intrusion into health care decisions for hard-working families and small businesses. Another poll I found interesting showed that more people were concerned about what has happened with health care than they do about climate change. That is appropriate for this week.

The law is saddling American households with more than $1 trillion in new taxes over the next 10 years. According to the Congressional Budget Office, ObamaCare will cost taxpayers more than $116 billion a year. In fact, on average, every American household can expect more than $20,000 in new taxes over the next 10 years because of this bill. ObamaCare's crushing regulations mean smaller paychecks for families while holding back small businesses from expanding and hiring new workers. For every American, ObamaCare has meant more government, more bureaucracy, and more rules and regulations, along with soaring health care costs and less access to care.

When we were debating this bill 5 years ago, I remember talking about 30 million people in the United States being uninsured. Today there are 30 million people in the United States uninsured, it is just a different 30 million people. The ones who couldn't be insured are insured and the ones who were insured can't afford the insurance. Of course, there was a lot of talk about health care companies gouging the insured. We put in risk corridors so those who were making an excess profit would put in money that would go to those who didn't figure on the right number of people or how healthy the people would be who they insured. We

now know that didn't work. The amount of money that went into the fund was rather insignificant, so those who undercharged aren't getting much and companies are going out of business.

Today we take a crucial step forward in beginning to lift the burdens and the higher cost of this law that has been placed on all Americans. As I mentioned, this is a special budget operation that only requires 51 votes. The House has already passed a bill with more than a significant majority.

By the time we are done, the legislation the Senate passes will eliminate more than $1 trillion in tax increases placed on the American people while saving more than $500 billion in spending. Most importantly, this bill begins to build a bridge from the President's broken promises to a better health care system for hard-working families across the country.

Let's talk about the broken promises. As a Presidential candidate, then-Senator Obama promised Americans they could keep their health plan if they liked it. When he was in office and the bill was there, he said: If you like your plan, you can keep it. Millions soon learned they can't. This is because ObamaCare has drastically reduced America's choice among health care plans through a Federal Government takeover of the insurance marketplace. In fact, the President's promise, ''If you like your plan, you can keep it,'' was named PolitiFact's ''Lie of the Year'' in 2013 after the health care plan cancellations were mailed to over 4 million Americans.

Let's talk about the higher costs. Americans were also promised lower health care costs, but even the administration admits ObamaCare is failing to address costs and said average premiums are expected to rise by 7.5 percent this year. Recent headlines from across the country actually show much more dramatic increases.

In Minnesota insurance policies on the exchange have rate hikes in the double digits—between 14 and 49 percent. In Oregon premiums for the benchmark plan on the exchange will go up about 23 percent. In Alaska the premium hike will be more than 31 percent for the benchmark plan. In Oklahoma the second lowest cost silver plan premiums will increase more than 35 percent. In Utah plans on the federally run exchange will be 22 percent higher next year.

The President of the United States himself promised that this bill was not a tax. In fact, this was one of the law's top selling points because Democrats knew it would never pass if they said it was a tax, but while they got the bill passed and signed into law, the Supreme Court later ruled it is a tax. This law was deceptively sold to the American people and now these hidden taxes are being passed on to hard-working families in the form of higher fees and costs. It is time for Democrats in Congress and the President to admit that ObamaCare is a $1 trillion tax hike that families and employers simply can't afford.

We can talk about fewer choices. ObamaCare's mandates and taxes on employer-sponsored health care plans are not only leading to higher out-of-pocket expenses but also fewer choices and services for 150 million Americans who have relied upon job-based health benefits for decades. It eliminated some of the competition, and competition is the real way to bring down prices.

I remember when we did Medicare Part D. I was a little concerned because there were only two companies that were providing the pharmaceutical benefit in Wyoming, and I thought they would maybe drop out of the program, but Medicare Part D increased competition. What did increased competition do? It brought down the price of the pharmaceuticals by 25 percent before it even went into effect.

ObamaCare didn't provide for more competition. According to the nonpartisan Kaiser Family Foundation, employees who have job-based insurance have witnessed their out-of-pocket expenses, on average for an individual, climb from $900 in 2010 to $1,300 in 2015. Employees working for small businesses now have deductibles of over $1,800. Since ObamaCare became law, several large employers have stopped offering benefits to part-time employees, including Walmart, Target, Home Depot, and Trader Joe's. The premiums have gone up and the deductibles have gone up. There are fewer choices and higher costs.

So this was supposed to build a bridge to better care. Over the past 50 years, our Nation has made great strides in improving the quality of life for all Americans, but these transformative changes were always forged in the spirit of bipartisan compromise and cooperation. These qualities are essential to the success and longevity of crucial programs such as Medicare and Medicaid.

Shortly before he retired in 2001, Senator Daniel Patrick Moynihan, a Democrat from New York, said:

> Never pass legislation that affects most Americans without real bipartisan support. It opens the doors to all kinds of political trouble.

Senator Moynihan correctly noted that the side that didn't support the law will focus on each and every misstep. More importantly, he predicted that the measure's very legitimacy would always be in doubt and that the majority of Americans would have trouble supporting it in the long run unless it unquestionably achieved all of its goals.

We have seen each of these scenarios play out over the past 5 years as the health care law has polarized America like nothing before.

Bipartisan support, of course, means that both sides get some things into the mix of the bill. That did not happen even though we had a very extensive amendment process in committee and on the floor. Essentially, the Republican ideas were all thrown out. Both sides weren't included, so it was not a bipartisan bill.

After passage of the bill, we had a special time at the Blair House where there were half Republicans and half Democrats who got to speak with the President for a day. The amazing thing at that meeting was that every time a Republican mentioned an idea, the President blasted it immediately. When the Democrats suggested an idea, those were all good. At the end of the day, it turned out to be very much a waste of time because not a single idea was even considered that was brought up at that time by the Republicans.

We still need health care reform, but it has to be done the right way—not comprehensive. In my opinion, ''comprehensive'' means so large that nobody can understand it, and that is kind of what happened with this bill. We have to do it step by step. They can be pretty big steps, but if we do it step by step, we can bring the American public along. They can understand it, and they can tell us the unintended consequences, and those can be fixed. It would be correctable. This bill hasn't been correctable. We have known the flaws. The President has put waivers on to keep us from noticing them sooner. We have offered to make corrections but have never been taken up on our offer.

Providing access to high-quality, affordable health care is something I am confident that Democrats and Republicans should be able to do. It is time to build a bridge from the broken promises to better health care for each and every American once and for all.

EXTENSION OF MORNING BUSINESS

Mr. ENZI. Mr. President, I ask unanimous consent that morning business be extended until 4 p.m. today, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Vermont.

BUDGET RECONCILIATION BILL

Mr. SANDERS. Mr. President, as the ranking member of the Budget Committee, I rise in strong opposition to the budget reconciliation bill we are debating today. In fact, this bill should tell every American just how far removed the Republican leadership here in Congress is from the realities of American life and the needs of the American people.

At a time when the United States is the only major country on Earth that does not guarantee health care to all people; when 29 million Americans today have no health insurance and even more are underinsured, with high

deductibles and high copayments; when we pay the highest prices in the world for prescription drugs and when one out of five Americans is unable to fill the prescriptions written by their doctors because drug prices are so high, what this legislation does is move us in exactly the wrong direction. It would throw more than 17 million Americans off of health insurance by gutting the Affordable Care Act. So we have a health care crisis, and this bill makes the crisis much worse.

Every other major country on Earth guarantees health care for all of their people as a right, but this bill would add 17 million more Americans to the ranks of the uninsured, creating a situation in which we would have 46 million Americans without any health insurance at all.

I think any sensible person would ask an obvious question: What happens to people who lose their health insurance? How many of those people will get much sicker than they otherwise would have because they are unable to go to a doctor when they need to go? How many of those people will not be able to get the prescription drugs they need? In fact, how many of those people will die? Let's be frank. When we throw 17 million people off of health insurance, people will die because they don't go to a doctor when they should and they don't go to the hospital when they should.

We know that before the passage of the Affordable Care Act, 45,000 Americans died each year because they lacked health insurance and didn't get to a doctor in time. I have talked to many doctors in Vermont and throughout this country who tell me that yes, of course, people walk into their door much sicker than they should have been.

When the doctor asks, ''Why didn't you come 6 months ago when you were sick?'' patients say, ''I didn't have any health insurance and I couldn't come.'' By the time they walk in the door, too often it is too late. That is not what should be happening in America, but that is what will increasingly happen if this legislation were to pass.

In the United States of America, when a person is sick, that person should be able to access health care and see a doctor. That is not a radical idea. And when a person goes to the hospital, that person should not end up in bankruptcy.

Instead of throwing 17 million Americans off of health insurance, what we should be doing is expanding on the improvements of the Affordable Care Act to make health care a right of all people, not just a privilege.

Further, let's be clear—and I think everybody here in the Senate understands this—the bill we are debating today is a complete waste of time. This is just another reason why the American people have so little respect for the Congress. There are major crises facing our country, and the Republican leadership is once again attempting to repeal ObamaCare. I kind of lost track of how many times this effort has been made. I think in the House it is over 50. I don't know how many it is here in the Senate. Let me break the news to my Republican colleagues, although I am sure they already got the news: President Obama is not going to sign a bill repealing ObamaCare. I think that is not likely to happen. And what we are doing today is just a waste of time.

Let's also be clear—this bill doesn't just gut the Affordable Care Act, it also eliminates funding for Planned Parenthood, which provides health care services to nearly 3 million women each and every year.

Last week three people were killed and nine were wounded at a shooting at a Planned Parenthood clinic in Colorado Springs, CO. While we still don't have all of the details as to what motivated the shooter, what is clear is that Planned Parenthood has been the subject of vicious and unsubstantiated statements attacking an organization that provides critical care for millions of Americans and, in fact, provides very high quality care.

I, for one, strongly support Planned Parenthood and the work it is doing. In my view, instead of trying to defund Planned Parenthood, we should be expanding funding so that every woman in this country gets the health care she needs.

It is also my sincere hope that people throughout this country, including my colleagues here in the Senate and across the Capitol in the House, understand that bitter, vitriolic rhetoric can have serious, unintended consequences.

Now is not the time to continue a witch hunt for an organization that provides critical health care services—from reproductive health care, to cancer screenings and preventive services—to millions of Americans. No one is forced to seek care at Planned Parenthood. It is a choice—a choice millions of women make freely and proudly.

This legislation is not only bad legislation and it is not only a waste of time because if it passes, it will be vetoed, but what it also tells the American people is that the Republican leadership is not prepared to discuss or to address the major crises facing our country.

Just today a report came out stating that the top 20 wealthiest people in this country own more wealth than the bottom half of the American people—20 people on one side and 150 million people on the other. The level of wealth inequality in America is grotesque and unacceptable. Not one word in this bill addresses that issue.

Today in America, millions of our people are working longer hours for lower wages. They are working two or three jobs just to survive. Yet 58 percent of all new income created is going to the top 1 percent. Is there anything in this legislation that would raise wages for millions of American workers who are struggling to keep their families solvent?

This is a bad piece of legislation. It is a piece of legislation that is not going to go anyplace because it is going to be vetoed, and it is a piece of legislation that I think speaks to why the American people are giving up in so many ways on the political process. People are struggling all over this country. They are hurting. They are working longer hours for lower wages. They can't afford to send their kids to college. They can't afford childcare. They are worried about high unemployment. This bill attempts to repeal ObamaCare. That is where we are.

I hope very strongly that this bill is defeated. If it is not defeated, I hope and expect the President will veto it.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for up to 30 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

OBAMACARE

Mr. ALEXANDER. Mr. President, let me take my colleagues back 5½ years to February 25, 2010, and the White House health care summit at the Blair House—the same place where Senator Arthur Vandenberg sat down with George Marshall. They met privately to discuss the postwar plans after World War II. The result of that discussion became the Marshall Plan. It was the perfect setting—it is the perfect setting for a serious, bipartisan discussion for how to improve health care for Americans.

Thirty-six Members of Congress went to the Blair House that day at the invitation of President Obama. We were there to discuss the health care bill passed by the Democrats, what is now known as Obamacare. We stayed there all day. The President stayed there too. It was televised continuously. Both then-Minority Leader Boehner and Republican Leader MCCONNELL asked me to lead off in speaking for Republicans.

I said to the President that day that I was there not only to represent the view of Republicans but that I was there also as a former Governor and that I would like to have a chance to speak for the Governors as well because Governors managing States had a big stake in all of this.

I also said that I was at the summit to represent the views of a great many of the American people who have tried to say in every way they knew how—through town meetings, through surveys, through elections in Virginia and New Jersey and Massachusetts—that they oppose the health care bill that was passed in the Senate in the middle of a snowstorm on Christmas Eve.

I warned the President then about the unfortunate consequences of Obamacare for millions of Americans. I said to the President that this would send an unfunded Medicaid mandate to States. I said:

''It will cut Medicare by about half a trillion dollars and spend most of that on new programs. . . . It means there will be about a half trillion dollars of new taxes in it. It means that for millions of Americans, premiums will go up, because when people pay those new taxes, premiums will go up, and they will also go up because of the government mandates.''

That is what I said 5½ years ago. I said directly to the President then that instead of this partisan plan passed without the support of a single Republican in the Senate, we Republicans were prepared to work with him to reform health care. I said 5½ years ago to the President that we need to start over and go step-by-step in a different direction toward the goal of reducing health care costs. I said then that this means working together in the way that General Marshall and Senator Vandenberg did following World War II, and it means going step-by-step together to re-earn the trust of the American people. Those were my words to the President of the United States at the health care summit 5½ years ago.

The President and the congressional Democrats listened all day, but they didn't take any of my advice and hardly any of the advice of my Republican colleagues about what the disastrous outcomes of Obamacare would be. So now, 5½ years after the law was passed and 2 years into its implementation, we can say one thing without question: The unfortunate reality for the American people is that they are struggling with Obamacare and that 5½ years ago Republicans were right.

Obamacare was and is an historic mistake. Republicans agreed with the President and his party that our health care system was broken. We agreed that it needed to be fixed, but we argued that the President was moving in the wrong direction. What Obamacare did was to expand a broken system that everyone knew was too expensive. Republicans said so at the summit in February of 2010, and the facts today show we were right.

Let's take a closer look at what Republicans said then, nearly 6 years ago, and what unfortunately came true. Let's look also at what Democrats predicted back then—or better put, what they promised—and which of their predictions and promises came true. Let's go through them one by one.

First, Medicaid. During my opening remarks at the Blair House at the summit, I said this: ''Nothing used to make me madder as Governor than when Washington politicians would get together, pass a bill, take credit for it, and send me the bill to pay.'' That is exactly what Obamacare does with the expansion of Medicaid. In addition, it dumps 15 to 18 million low-income Americans into a Medicaid program that none of us would want to be a part of because 50 percent of the doctors won't see new patients. So it is like giving someone a ticket to a bus line when the bus runs only half the time.

That is what I said 5½ years ago. Medicaid had already always been one of the Federal Government's biggest unfunded mandates, and expanding that mandate on States would only wreak more havoc on State budgets that, especially at that time during the height of the recession, were already struggling. Our former Tennessee Governor Phil Bredesen, a Democrat, said that the proposed Medicaid expansion under Obamacare would represent ''the mother of all unfunded mandates.''

When I was Governor of Tennessee in the 1980s, Medicaid made up only about 8 percent of Tennessee's State budget. By last year it was 30.6 percent. States paying more and more to expand Medicaid means having less to spend on other priorities like higher education, roads, and schools. In 2012, I said that over the prior 10 years, Tennessee's Medicaid costs had gone up 43 percent, forcing the State to decrease its funding to colleges and universities by 11 percent. As a result, tuition went up 120 percent over those 10 years.

According to the Congressional Budget Office, the law will add $14 million new beneficiaries to struggling State Medicaid programs by 2025, at an extra cost of $46 billion to States and $847 billion to Federal taxpayers by 2025. Why is that so bad? I said at the time—and it is still true today—Medicaid's reimbursement rates are so low that only about one-half of the doctors will even see Medicaid patients and many of those aren't accepting new ones. It is not hard to see why expanding a failed program isn't good for Americans who need better health care.

Another thing to consider is that States still haven't had to pay yet for covering the new Medicaid enrollees under the expansion. The Federal Government promised to pay 100 percent for the first few years, but starting in 2017—in just a couple of years—States will have to start paying 5 percent and eventually up to 10 percent in 2020. That may not seem like much in Washington terms, but it is a lot of money in State budgets. States may have to start raising income taxes or gas taxes or find some other place to find the money. Regardless of how it is paid for, expanding Medicaid puts a huge dent in State budgets. Does that mean less money for teachers' salaries? Does that mean tuition is going to have to go even higher at community colleges and State universities?

Tennessee hasn't expanded Medicaid, but in its proposal to expand the program called Insure Tennessee, Governor Haslam anticipated an additional $35.6 million in costs to the State in 2017. In Illinois, Medicaid expansion will cost the State $208 million in 2020. In Kentucky's expansion, the State will have to pay $74 million in 2017 and an estimated $363 million in 2021. Governor-elect Bevin hasn't started looking for ways to pay for that increase yet because he plans to try to repeal it. If you look at the figures you can see why he is thinking about it. We were right about Obamacare's enormous impact on Medicaid and in turn Medicaid's huge negative effect on State budgets.

Second, higher premiums. When my turn came at the White House summit, this is what I said directly to the President: ''The Congressional Budget Office report says that premiums will rise in the individual market'' as a result of Obamacare. The President turned to me and said I was wrong about that.

A little bit later in the day, I gave the President a letter from the Congressional Budget Office showing that they predicted I would be right, that new non-group policies would be about 10 to 13 percent higher in 2016 than the average for non-group coverage in that same year under the current law. In that same letter, I reminded the President, that his own Chief Actuary for the Centers for Medicare & Medicaid Services agreed with the Congressional Budget Office.

You might be thinking that things would have turned out better than what I, the Congressional Budget Office, the Joint Committee on Taxation, and the Chief Actuary for CMS had predicted, but we all, unfortunately, were right. We were all right. Obamacare's premiums were and are higher for Americans with individual health care plans. We are talking about nearly 16 million Americans who purchase these individual plans. They buy these policies for themselves, and the cost of these plans is going through the roof.

On June 1, 2015, the U.S. Department of Health and Human Services announced that nearly 700 individual and small-group health plans in 41 States plus the District of Columbia had requested double-digit premium increases for 2016. In Tennessee, the rate hike was 36 percent; in Maryland, 26 percent. On average, 2016 premium increases for Oregon's biggest insurer on the State health exchange will be over 25 percent; for some smaller providers, more than 30 percent; for South Dakotans, the will pay 63 percent higher premiums for health insurance through the exchange. The list of States experiencing health care spikes goes on.

A recent report of the National Bureau of Economic Research confirmed this, going back to the nonpartisan Congressional Budget Office, which predicted in 2010 the premiums would go up. They said recently that premiums on the Obamacare exchange will increase by 6 percent on average every year between 2016 and 2024. Yet 5½ years ago, the President and congressional Democrats told Republicans time and time again during the debate that we were wrong, that the law would decrease premiums, when in fact our predictions, the administration's own estimates, estimates from the National Bureau of Economic Research and the nonpartisan Congressional Budget Office, all confirmed premiums for individual policies are going through the roof.

Third, Republicans said 5½ years ago that Obamacare would increase taxes.

It did. Obamacare added 21 tax increases to the Tax Code. That is $1 trillion over 10 years, according to the Congressional Budget Office. A dozen of these target middle-income Americans, in clear violation of what the President had promised.

Then there was our fourth prediction: Obamacare will cost jobs. A few years after the law passed, I met with a large group of chief executives of restaurant companies in America. The service and hospitality industries are the largest employers in our country. Usually their employees are low-income, usually minority Americans.

In the meeting, the chief executive of Ruby Tuesday, Inc., which has about 800 restaurants, said to me—and said he didn't mind being quoted—that the cost to his company of implementing the new health care law was equal to or more than his net profit for that year, and as a result, he wasn't planning to build any new restaurants in the United States.

An even larger restaurant company represented at the meeting said that because of their analysis of the law, instead of operating their store with 90 employees, their goal would be to operate it with 70 employees. That means fewer employees and fewer jobs because of Obamacare.

More recently, another franchise business which has 550 employees told me: We have already begun cutting the hours of our employees to get well below the 30-hour threshold, and all of our new job postings are for part-time employees.

This has a bad effect on the employer-employee relations, and, as many Tennesseans have told me, 30 hours of work isn't enough to support a family. Those lost hours are because of Obamacare.

These are just a few examples of basic economics. It heaps costs on employers. They have less money to expand, so there is less money to hire workers. They heap on even higher costs. They cut hours. With higher costs, they lay off employees. We have seen all three as a result of the employer mandate that says employers with more than 50 full-time employees need to provide health insurance.

What is more, Obamacare went a step further and for the first time in our history defined ''full time'' as a 30-hour workweek. I asked the former Democratic chairman of our HELP Committee: Where did that come from? France? Nobody knew where that came from. Full-time work in the United States has not been typically considered 30 hours, but it is in Obamacare. It is causing large numbers of employees to work only 28 or 29 hours because their employers can't afford to hire them as full-time employees.

The Congressional Budget Office has projected that Obamacare will result in 2 million fewer jobs in 2017 and 2.5 million fewer full-time jobs by 2024. At least 450 employers across the Nation, including 100 school districts, have said Obamacare forced them to cut positions or reduce worker hours.

What we Republicans said would happen years ago was this: that Medicaid would destroy State budgets—it did; that premiums and taxes would go up—they have; and that jobs would be lost—they have. It has all, unfortunately, come true.

What did President Obama and congressional Democrats promise us about this law at about the time of the health care summit 5½ years ago? Were they right or were they wrong? One of the most infamous promises, which PolitiFact named—and I will use their words—as the 2013 ''Lie of the Year,'' was the President's ''If you like your plan, you can keep it.''

When Obamacare was fully implemented in 2014, millions of Americans learned very quickly that they wouldn't be able to keep the plans they liked.

In October 2013, I received a letter from a woman, Emilie, whom I met. She lives in Middle Tennessee, and she has lupus. She was one of 16,000 Tennesseans who were part of a plan called CoverTN. She wrote me about her chronic illness. She said she was deemed uninsurable and that the only way to insure her was through CoverTN. She was glad to have that coverage, and she was glad to hear about Obamacare. Then she learned the truth:

> ''I cannot keep my current plan because it does not meet the standards of coverage. This alone is a travesty. CoverTN has been a lifeline [for me].
>
> With the discontinuation of CoverTN, I am being forced to purchase a plan . . . that will increase [my costs] by a staggering 410%. My out of pocket expense will increase by more than $6,000.00 a year. Please help me understand how this is 'affordable.' ''

This was Emilie in Middle Tennessee.

We could spend all day telling stories of Americans who liked their health care plans but weren't able to keep them under Obamacare.

In November 2013 that looked as if it might be as many as 5 million Americans. The administration then did some last-minute regulatory fixes and lowered that number. But still, many Americans lost their plans, as Emilie did.

The President also said:

> ''Medicare is a government program. But don't worry: I'm not going to touch it.''

The problem was he did touch it; $700 billion worth was taken from Medicare to finance Obamacare.

I said during the debate in 2009 that Obamacare would cut ''grandma's Medicare to spend on somebody other than grandma—a new entitlement program.'' I said Obamacare would do that at a time when the Medicare trustees have told us that Medicare is going broke if we don't fix it. That is their job to tell us that. I said then: ''I think what they are saying to us is if you are going to cut grandma's Medicare, you ought to at least spend it on grandma instead of spending it on somebody else.''

Again, the President went against the promise he repeated over and over and raided a program that serves over 55 million older Americans.

In summary, unfortunately Republicans were right when we said 5½ years ago that Obamacare would force spikes in State Medicaid spending, increase premiums and taxes, and hurt jobs. As right as we were, the Democrats were wrong. They said that you could keep your plan if you liked it, and they were wrong about that. They said Medicare wouldn't be affected, and they were wrong about that.

Finally, we all agreed that health care needed to be fixed. So how did we end up with a law that was such an historic mistake? Well, one big reason is the debate over Obamacare wasn't really a debate. If it had been, we might not find ourselves in a mess today.

The Senate Democratic leader then had a filibuster-proof majority. He didn't think he needed Republican ideas; so they didn't take them. They passed a Democratic bill. They voted for it; we voted against it. We sat here in a snowstorm on Christmas Eve when they had 60 votes, and they unveiled a bill filled to the brim with items from each Democratic Members' wish list.

Along with our warnings about what would happen, we offered a lot of thoughtful ideas about how to fix the health care system in a way that we thought would lower costs and expand access, while making sure patients didn't lose control over their own health care. But Democrats also had a majority in the House. They had a Democratic President. They didn't need our ideas, and so we got Obamacare.

So what do we Republicans have to offer Americans?

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. LANKFORD). The Senator has 9 minutes remaining.

Mr. ALEXANDER. I thank the Presiding Officer. I will wrap up. I see the Senator from Washington on the floor.

Throughout the Obamacare debate, Senator MCCONNELL, who was the minority leader at the time, was criticized for not coming up with a comprehensive plan of his own. We told the President and the congressional Democrats not to hold their breath waiting for ''McConnell Care.'' Don't hold your breath waiting for Senator MCCONNELL to come down to the Senate floor with a wheelbarrow filled with a 2,700-page bill of his own, because that is not how we believe the health care system ought to be fixed. We are policy sceptics. We doubt that anyone in Washington—Republicans, Democrats, Independents—have the wisdom to fix such a complex system everywhere in America all at once.

The wisest course would be to try to fix our health care system step by step in a way that emphasizes more choices and lower costs. This approach to health care reform is not something

that Republicans cooked up last month. In fact, if you examine the CONGRESSIONAL RECORD, you will find that Republican Senators proposed a step-by-step approach to confronting our Nation's health care problems and other challenges 173 different times on the floor of the Senate during the year 2009. Some 173 times we talked about our step-by-step different direction for health care—almost none of which was included in Obamacare because they had the votes and they didn't need our ideas.

I had hoped the President would listen to us and work with us at Blair House, emphasize more freedom, more choices and lower costs. But that didn't happen. We suggested allowing individuals to buy a health care plan in any State that meets their needs. We suggested reducing junk lawsuits against doctors, which only increase costs. We suggested expanding health savings accounts and other mechanisms, allowing individuals to control how they spend their own health care dollars. We suggested returning power to the States to regulate their own markets and lower costs. We suggested allowing small businesses to assist employees in purchasing the insurance and look at other ways to support employers offering health care benefits to their employees. We had specific legislative proposals to do these things. We suggested lowering barriers at the Food and Drug Administration so that innovative drugs and devices could get to the market faster and putting the health sector in charge of health information technology. We suggested insuring Americans with pre-existing conditions in a way through high-risk pools and other insurance incentives. And there are many other ideas that we thought then and we think now we could work together on in a bipartisan way to lower costs, to increase access, and to put patients back in charge of their own health care.

This week, though, we are talking about repealing Obamacare, but for the last 6 years we have also been talking about a completely different path of providing health care at a lower cost to more Americans. Those steps were outlined in 2009, 2010, and 2011, and they are the same steps that we should be taking today.

I have been saying since 2009 that the historic mistake with Obamacare was that we had deliberately expanded a broken health care system that already cost too much instead of moving step by step to create a system where millions of Americans had choices of plans that fit their needs and fit their budgets.

The way we should accomplish this is the same way we passed Medicare, the same way we passed Social Security, the same way the Congress passed the Civil Rights Act, and in the same way—I hope and the Senator from Washington hopes—we will pass a broad reauthorization of the Elementary and Secondary Education Act in the next couple of weeks. None of this is done by cramming a bill down the throats of the American people with 60 votes during a snowstorm on Christmas Eve.

I renew our invitation to the President of the United States, and if he doesn't accept our invitation, to the next President of the United States.

To our colleagues on the other side of the aisle: Let's forget about party; let's forget about this side or that side. Let's side with the American people whose premiums have gone up, who lost plans they like, whose Medicare has been raided, whose State budgets have been destroyed, and whose jobs have been lost. Work with Republicans in Congress to fix the damage Obamacare has done to health care in America. Work with us to replace Obamacare with real reforms at lower costs so more Americans can afford to buy insurance.

Mr. President, I ask unanimous consent to have printed in the RECORD my comments at the health care summit in February of 2010 and the letter that I handed to President Obama following our debate at the health care summit in 2010.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Thursday, February 25, 2010]

ALEXANDER GIVES REPUBLICAN HEALTH CARE REMARKS AT WHITE HOUSE SUMMIT

OUTLINES REPUBLICAN STEPS TO FIX HEALTH CARE, CHALLENGES DEMOCRATS TO TAKE RECONCILIATION OFF THE TABLE

WASHINGTON.—U.S. Senator Lamar Alexander (R–Tenn.), chairman of the Senate Republican Conference, today delivered the following opening remarks on behalf of Republican members of Congress attending the White House health care summit:

''Mr. President, thank you very much for the invitation. Several of us were a part of the summits that you had a year ago, and so I've been asked to try to express what Republicans believe about where we've gotten since then. As a former governor, I also want to try to represent governors' views, because they have a big stake in this; I know you met with some governors just in the last few days. We also believe that our views represent the views of a great number of the American people who have tried to say in every way they know how—through town meetings, through surveys, through elections in Virginia and New Jersey and Massachusetts, that they oppose the health care bill that passed the Senate on Christmas Eve.

''And more importantly, we believe we have a better idea. And that's to take many of the examples that you just mentioned about health care costs and make that our goal: reducing health care costs. We need to start over and go step by step toward that goal. And we would like to briefly mention—others will talk more about it as we go along—what those ideas are.

''I would like to begin with a story. When I was elected governor, some of the media went up to the Democratic leaders in the legislature and said, 'What are you going to do with this new young Republican governor?' And they said, 'We're going help him, because if he succeeds, our state succeeds.' And they did that—that's the way we worked for eight years. But often, they had to persuade me to change my direction to get our state where it needed to go. I would like to say the same thing to you. I mean, we want you to succeed. Because if you succeed, our country succeeds. But we would like respectfully to change the direction you're going on health care costs, and that's what I want to mention here the in next few minutes.

''I was trying to think if there were any kind of event that this could be compared with. And I was thinking of the Detroit Auto Show, that if you had invited us out to watch you unveil the latest model that you and your engineers had created, and asked us to help sell it to the American people. When we look at it, it's the same model we saw last year. We didn't like it, and neither did they, because we don't think it gets us where we need to go, and we can't afford it. As they also say in Detroit, 'We think we have a better idea.'

''Your stories are a lot like the stories I heard when I went home for Christmas after we had 25 days of consecutive debate and voted on Christmas Eve on health care. A friend of mine from Tullahoma, Tennessee, said, 'I hope you'll kill that health care bill.' Then before the words rattled out of his mouth, he said, 'But, we've got to do something about health care costs. My wife has breast cancer. She got it 11 years ago and our insurance is $2,000 a month. We couldn't afford it if our employer weren't helping us do that. So we've got to do something.' That's where we are, but to do that, we have to start by taking the current bill and putting it on the shelf and starting from a clean sheet of paper.

''Now, you have presented ideas. There's an 11-page memo—I think it's important for the people to understand that there's not a presidential bill; there are good suggestions and ideas on the web. It's a lot like the Senate bill. It has more taxes, more subsidies, more spending. So what that means is, when it's written, it will be 2,700 pages, more or less. It will probably have a lot of surprises in it. It means it will cut Medicare by about half a trillion dollars and spend most of that on new programs, not on Medicare and making it stronger, even though it's going broke in 2015. It means there will be about a half trillion dollars of new taxes in it. It means that for millions of Americans, premiums will go up, because when people pay those new taxes, premiums will go up, and they will also go up because of the government mandates. It means that from a governor's point of view, it's going to be what our Democratic governor calls the 'mother of all unfunded mandates.'

''Nothing used to make me madder as a governor than when Washington politicians would get together, pass a bill, take credit for it, and send me the bill to pay. That's exactly what this does, with the expansion of Medicaid. In addition, it dumps 15 to 18 million low-income Americans into a Medicaid program that none of us want to be a part of, because 50 percent of doctors won't see new patients. So it's like giving someone a ticket to a bus line where the buses only run half the time.

''When fully implemented, the bill would spend about $2.5 trillion a year, and it still has sweetheart deals in it—one is out, some are still in. What's fair about taxpayers in Louisiana paying less than taxpayers in Tennessee? What's fair about protecting seniors in Florida and not protecting seniors in California and Illinois and Wyoming?

''Our view, with all respect, is that this is a car that can't be recalled and fixed, and that we ought to start over. But we'd like to start over. When I go down to the Senate floor, I've been there a lot on this issue, some of my Democratic friends will say, 'Well, Lamar, where's the Republican comprehensive bill?' And I say back, 'Well, if it

you're waiting for Mitch McConnell to roll in a wheelbarrow with a 2,700-page Republican comprehensive bill, it's not going to happen because we have come to the conclusion Congress doesn't do comprehensive well.' We have watched the comprehensive economy-wide, cap and trade; we have watched the comprehensive immigration bill, we have the best Senators we have got working on that in a bipartisan way; we have watched the comprehensive health care bill. And they fall of their own weight.

''Our country is too big, too complicated, too decentralized for Washington to write a few rules about remaking 17 percent of the economy all at once. That sort of thinking works in a classroom, but it doesn't work very well in our big, complicated country. It doesn't work for most of us and if you look around the table—and I'm sure it's true on the Democratic side—we have got shoe store owners and small business people and former county judges and we've got three doctors. We've got people who are used to solving problems, step by step.

''That's why we said 'step by step' 173 times on the Senate floor in the last six months of last year in support of our step-by-step plan for reducing health care costs. I would like to just mention those in a sentence or two:

First, you mentioned Mike Enzi's work on the small business health care plan. That's a good start. It came up in the Senate. He will explain why it covers more people, costs less, and helps small businesses offer insurance.

Two, helping Americans buy insurance across state lines. You've mentioned that yourself. Most of the governors I've talked to think that would be a good way to increase competition.

Number three, put an end to junk lawsuits against doctors. In our state, half the counties' pregnant women have to drive to the big city to have prenatal health care or to have their baby, because the medical malpractice suits have driven up the insurance policies so high that doctors leave the rural counties.

Number four, give states incentives to lower costs.

Number five, expanding health savings accounts.

Number six, House Republicans have some ideas about how my friend in Tullahoma can continue to afford insurance for his wife who has had breast cancer; because she has a pre-existing condition, it makes it more difficult to buy insurance.

''So there're six ideas—they're just six steps. Maybe the first six, but combined with six others and six more and six others, they get us in the right direction.

''Now, some say we need to rein in the insurance companies; maybe we do. But I think it's important to note if we took all of the profits of the health insurance companies entirely away, every single penny of it, we could pay for two days of health insurance for Americans. And that would leave 363 days with costs that are too high. So that's why we continue to insist that as much as we want to expand access and to do other things in health care, that we shouldn't expand a system that's this expensive, that the best way to increase access is to reduce costs.

''Now, in conclusion, I have a suggestion and a request for how to make this a bipartisan and truly productive session. And I hope that those who are here will agree, I've got a pretty good record of working across party lines, and of supporting the president when I believe he's right, even though other members of my party might not on that occasion. And my request is this: before we go further today, that the Democratic Congressional leaders and you, Mr. President, renounce this idea of going back to the Congress and jamming your bill through on a partisan vote through a little-used process we call reconciliation.

''You can say that this process has been used before, and that would be right, but it's never been used for anything like this. It's not appropriate to use to rewrite the rules for 17 percent of the economy. Senator Byrd, who is the constitutional historian of the Senate, has said that it would be an outrage to run the health care bill through the Senate like a freight train with this process. The Senate is the only place where the rights to the minority are protected, and sometimes, as Senator Byrd has said, the minority can be right.

''I remember reading Alexis de Tocqueville's book Democracy in America, in which he said that the greatest threat to the American democracy would be the 'tyranny of the majority.'

''When Republicans were trying to change the rules a few years ago, you and I were both there. Senator McCain was very involved in that—getting a majority vote for judges. Then-Senator Obama said the following, 'What we worry about is essentially having two chambers, the House and the Senate, who are simply majoritarian, absolute power on either side. That's just not what the founders intended.' Which is another way to saying that the founders intended the Senate to be a place where the majority didn't rule on big issues.

''Senator Reid in his book, writing about the 'Gang of 14,' said that the end of the filibuster requiring 60 votes to pass a bill 'would be the end of the United States Senate.' And I think that's why Lyndon Johnson, in the '60s, wrote the civil rights bill in Everett Dirksen's office, the Republican Leader, because he understood that by having a bipartisan bill, not only would pass it, but it would help the country accept it. Senator Pat Moynihan has said before he died that he couldn't remember a big piece of social legislation that passed that wasn't bipartisan.

''And after World War II, in this very house and in the room back over here, Democratic President Truman's Secretary of State, General Marshall, would meet once a week with Senator Vandenberg, the Republican Chairman of the Senate Foreign Relations Committee, and write the Marshall Plan. And General Marshall said that sometimes Van was my right hand, and sometimes he was his right hand.

''And we know how [Congressmen] John Boehner and George Miller did that on No Child Left Behind. [Senators] Mike Enzi and Ted Kennedy wrote 35 bills together; you mentioned that in your opening remarks. You and I and many other others worked together on the America COMPETES Act. We know how to do that—and we can do that on health care as well.

''But to do that, we'll have to renounce jamming it through in a partisan way. And if we don't, then the rest of what we do today will not be relevant. The only thing bipartisan will be the opposition to the bill, and we'll be saying to the American people—who I've tried to say this in every way they know how—town halls and elections and surveys—that they don't want this bill, that they would like for us to start over. So if we can do that—start over—we can write a health care bill. It means putting aside jamming it through. It means working together the way General Marshall and Senator Vandenberg did. It means reducing health care costs and making that our goal for now, not focusing on the other goals. And it means going step by step together to re-earn the trust of the American people. We would like to do that, and we appreciate the opportunity that you have given us today to say what our ideas are, and to move forward. Thank you very much.''

U.S. SENATE,
Washington, DC, February 25, 2010.

Hon. BARACK OBAMA,
President, The White House,
Washington, DC.

DEAR MR. PRESIDENT, During today's discussion on health care, you and I disagreed about whether the health care bill that passed the Senate on a party-line vote on December 24 would cause health insurance premiums to rise even faster than if Congress did not act. I believe premiums will rise because of independent analysis of the bill:

On November 30, the non-partisan Congressional Budget Office (CBO) wrote in a letter to Senator Bayh that ''CBO and JCT estimate that the average premium per person covered (including dependents) for new nongroup policies would be about 10 percent to 13 percent higher in 2016 than the average premium for nongroup coverage in that same year under current law.''

When you asserted that CBO says premiums will decline by 14 to 20 percent under the Senate bill, you are leaving out an important part of CBO's calculations. These reductions are overwhelmed by a 27 to 30 percent increase in premiums due to the mandated coverage requirements in the legislation. CBO added those figures together to arrive at a net increase of 10 to 13 percent—as shown in their chart in that same letter.

In that same letter, CBO wrote, ''The legislation would impose several new fees on firms in the health sector. New fees would be imposed on providers of health insurance and on manufacturers and importers of medical devices. Both of those fees would be largely passed through to consumers in the form of higher premiums for private coverage.''

On December 10, the chief actuary for the Centers for Medicare and Medicaid Services—who works for your administration—concurred with the CEO. In his analysis, the actuary said, ''We anticipate such fees would generally be passed through to health consumers in the form of higher drug and device prices and higher insurance premiums.'' He also said, ''The additional demand for health services could be difficult to meet initially with existing health provider resources and could lead to price increases, cost-shifting, and/or changes in providers' willingness to treat patients with low-reimbursement health coverage.''

For these reasons, the Senate-passed bill will, indeed, cause Americans' insurance premiums to rise, which is the opposite of the goal I believe we should pursue.

Sincerely,

LAMAR ALEXANDER.

Mr. ALEXANDER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

WOMEN'S ACCESS TO HEALTH CARE

Mrs. MURRAY. Mr. President, like many of my colleagues I am deeply disappointed that Republican leaders have dedicated this week to partisan, political attacks rather than working with us to deliver results to the families we represent. So I wish to take a few minutes today to talk about the work we could and should be doing and make clear again that Republican efforts to undermine families' health care are nothing but a dead end.

I am pleased that over the last few months Democrats and Republicans

have been able to work together on some very important issues. We passed another bipartisan budget deal. We have worked on a bill together to fix the No Child Left Behind law that is broken, and Republicans and Democrats are now working to pass a transportation bill that would do a lot to help fix our crumbling infrastructure. But there is certainly a lot more that we should be doing to boost wages, to expand opportunity, and to make sure our economy is growing from the middle out, not from the top down. I would hope that we would be working on a way to raise the minimum wage or ensure that working parents can earn paid sick days or make higher education more affordable and accessible for our students.

With the holidays just around the corner, we should be focused on what struggling families need to make ends meet. Those are the kinds of issues I would like to be working on and many more, but instead Republican leaders are insisting on tilting at tea party windmills by trying to dismantle the Affordable Care Act for the umpteenth time.

This bill is not going to be signed into law. As we all know, this is just a political gesture here. But I want to be very clear about what it would mean for millions of men, women, and children across the country if this were to be signed into law. The policies that are being put forward could cause millions of people to lose their health care coverage, make premiums skyrocket, increase costs for our hospitals and for our providers, cut off support for important public health programs by repealing the prevention fund, and take us back to the bad old days when insurance companies, not patients, had all of the power.

Democrats believe strongly that while the Affordable Care Act was an historic step forward, the work did not end when the law passed—far from it.

We are willing to work with anyone on either side of the aisle who has good ideas about how to build on the progress that has been made so far and continue making health care more affordable, expanding coverage, and improving quality of care for our families.

So it is very disappointing that Republicans instead continue to insist that when it comes to health care, politics—not families—comes first. This is especially because—again to be very clear—this legislation has no chance of becoming law. The very same is true when it comes to this latest attempt to cut off women's access to health care.

After years of trying to turn back the clock on women's constitutionally protected rights and to undermine Planned Parenthood, Republicans should have gotten their fill of political attacks on women's health. Clearly, they have not.

In the wake of the tragedy in Colorado Springs last week, I have thought a lot about how important it is that we do more to insure communities are protected from that kind of violence and that we continue to stand with Planned Parenthood as it helps so many people—women and men—get the care they need.

So it is very frustrating that my Republican colleagues are doubling down this week on their efforts to defund Planned Parenthood and get in between women and their health care. If Republicans were to succeed in the bill they have before us in defunding Planned Parenthood—our Nation's largest women's health care provider—with the legislation we are debating today, they would undermine a critical source of health care that one in five women have relied on for cancer screenings, for HIV tests, and for so much more. They would make it harder for women to exercise their constitutionally protected right to make their own choices about their own bodies and their own doctors.

By dismantling critical health care reforms, this proposal would cause millions of women to lose their health care coverage and access to everything from birth control to prenatal care. That is simply not going to happen—not on my watch, not on Democrats' watch, and not on President Obama's watch. Republicans may want to go back to the days when being a woman was a preexisting condition. They may see this entire bizarre effort as nothing more than a great opportunity to pander to their extreme tea party base by attacking health care and Planned Parenthood. But for millions of women and families, the policies we are debating today are no political exercise; instead, if enacted, they would represent a deeply harmful step backward—a step away from building a health care system that is affordable, accessible, and high quality, one that contributes to economic security and opportunity.

Women and families have seen these extreme Republican attempts many times before, and, frankly, I think they have had enough. They don't want Congress fighting over whether to roll back a law that has helped millions of people get health care coverage and bolstered our Nation's health care system, a law that has been upheld time and time again by the Supreme Court, and they believe firmly that politicians in Congress should have better things to do than interfere with women's constitutionally protected health care choices. I am sure they would rather see us working to actually improve health care and the many other challenges our country faces.

Democrats agree with that. We want to move health care forward, not backward, for women and families, and we want to do the other important work across the aisle to strengthen our economy and grow our middle class. So today, as my Republican colleagues double down on their partisan political pandering, we on this side are going to continue to stand up for family health care and stand up for women and their rights every step of the way. I hope my Republican colleagues will finally drop the politics and join us.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

OBAMACARE

Mrs. CAPITO. Mr. President, I wish to address ObamaCare repeal. As I was thinking about what I was going to say today, I went back and looked at a speech I made on the House of Representatives floor on March 21, 2010. The previous speaker talked about the partisanship that she perceives now. I thought it interesting. I am going to read just a couple quotes from my speech then: ''[We are thinking about] this bill as a blanket, a blanket of health care legislation that may be draped across America and its population in the coming years,'' which it has for the last 4 years. I talk about how ''its cloth has been cut behind closed doors and its color is tinged by partisan hands.'' That is the ObamaCare legislation and the ObamaCare plan we have today. ''The huge holes will not protect the cold winds of job loss, new taxes, government bureaucracy, and increased health care costs. . . . All of America will feel the weight of this uncomfortable burden.'' Those were my words on March 21, 2010, in the House of Representatives.

Today and later this week, the Senate will consider a bill to repeal that bill, ObamaCare, a costly disaster that 4 years—5 years later we see has cost countless people access to their doctors, access to the health care plan of their choice, and thousands of West Virginians from my State have lost or had to change their coverage. We ought to ask the individuals and families whose premiums and deductibles have skyrocketed and the small businesses that have been forced to cut hours and employees.

Let's consider the exchanges that are folding and the hospitals that are facing unmanageable costs. Even the Nation's largest health insurance provider has threatened to pull out of ObamaCare, citing high costs and growing risks. Just today, the CEO of that company said that joining ObamaCare was ''a bad decision.''

There has to be a better way, and we need to find it.

In the bill we are considering this week, the Senate will do two major things: It will repeal significant portions of the health care law that are not working. It will also provide a bridge to replace this law with an improved health care system. This ObamaCare repeal bill will eliminate enforcement of the individual and employer mandates. It will repeal $1 trillion—$1 trillion—in onerous taxes. It will save and strengthen Medicare. It will also dedicate resources to fight the growing drug epidemic that is sweeping across this country. Certainly in our

State of West Virginia we have had many difficulties, as many of our fellow Americans have.

ObamaCare has upended our health care system and has broken many of the President's own promises. Headline after headline in recent weeks has called attention to the increasing premiums Americans will face next year. Across the Nation, rates for one out of every three ObamaCare plans will double in the year 2016.

For plans that are not seeing huge premium increases, rising deductibles are placing an excessive burden on patients—but not just on patients; let's think about our health care providers, our hospitals, for example. When a patient has a high deductible and comes in for an expensive surgery, that patient has to pay a $4,000 or $5,000 deductible. That is unaffordable for a lot of people, and that hospital is stuck with that bill.

The situation in my State is even worse. West Virginia is the only State in the country with only one insurer participating on the exchange. Remember, the President promised us choice and the ability to make decisions for ourselves. We have one choice in West Virginia. Highmark Blue Cross Blue Shield has been the only company in the West Virginia exchange through the first 2 years of ObamaCare, and we recently learned that it almost pulled out of the exchange for 2016. That would have been disastrous for our constituents. And why are they pulling out? Because they are losing millions of dollars on a health care plan that was promised to be a blanket, to blanket all of us, as I said in the speech I gave in 2010. It has turned out to be a blanket with huge holes.

With only one provider, choices and accesses are already limited, but for many Americans, the exchanges set up under ObamaCare have become their only option. Because of increasing costs, many are now unable to afford the health insurance without subsidies.

While Highmark Blue Cross Blue Shield—the exchange insurance in West Virginia—did remain in West Virginia, premiums are set to increase this year or next year by 24 percent. These increases are well beyond the financial reach of most West Virginians. Our unemployment in West Virginia has skyrocketed because of the President's energy policies, and now we are looking at hard-working West Virginians and telling them their health care that was supposed to be affordable and accessible is going up 24 percent. That is unconscionable.

As one of my constituents pointed out, ''This represents a significant challenge to our family budget as my husband's pay has not increased at the rate that our health care costs continue to rise.''

What about ObamaCare's promise to lower the cost of health care? The reality is really quite different.

As another West Virginian put it, ''The law remains a failure by the administration's own metrics, and its harmful impact continues to make life more difficult for millions across the country.''

By repealing ObamaCare, we can revisit the problems caused by the health care law and the problems that existed before, replace them with reforms that work, and protect those whose coverage has been disrupted.

In order to ensure individuals do not lose access to current coverage, this ObamaCare repeal bill will provide a 2-year transition period. This period will give us time to enact alternative reforms that will provide access to quality, affordable care without disrupting coverage. Health care reform should give States and individuals choice—remember, in my State we don't have a choice; we have one provider, no choice—while reducing health care costs over the long term. Premiums are going up 24 percent, and deductibles are skyrocketing. That is not containing costs over the long term.

Americans deserve a health care system that works for them, and we know ObamaCare is not it. There is a better way.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, am I correct that we are in morning business?

The PRESIDING OFFICER. The Senator is correct.

SENIORS AND VETERANS EMERGENCY BENEFITS ACT

Mr. NELSON. Mr. President, I want to take a moment to talk about a piece of legislation that a number of us have filed. There will be several Senators speaking here later this afternoon about the Seniors And Veterans Emergency Benefits Act. It is a very important piece of legislation to help millions of Americans who depend on Social Security benefits to make ends meet. I want to emphasize that point. Much of the American population does not realize that there are senior citizens whose sole existence depends on the check they get from Social Security. Unfortunately, we have seniors who are facing the situation that the price of food or some of their medicine unexpectedly goes up. How could this be, in America in the year 2015? But it happens among some of our senior citizens. In the last Congress I had the privilege of chairing the Special Committee on Aging. We held a number of hearings on this issue. It will break your heart, but that is going on today.

To add a little more drama and heartache to this, in October the Social Security Administration announced that for the third time in the past 40 years, there will not be a cost-of-living adjustment for 2016. That is under a formula, and it is legal. Since 1975, the cost-of-living adjustment has ensured that the purchasing power of the Social Security benefits stays the same, regardless of rising prices or inflation. When we get to a point that the formula says no cost-of-living adjustment for a senior citizen, that becomes a fairly big deal because 65 percent of all senior citizens depend on Social Security to provide the majority of their cash income. It is real money that they depend on to help make the basic expenses.

In my State, we have a higher percentage of the population who are senior citizens—4 million Floridians that are categorized as senior citizens because of their age. When there is not an adjustment on the cost-of-living adjustment, these folks are starting to feel the squeeze and are forced to sacrifice on something.

What a group of Senators are going to talk about and what I am sharing is that we are going to offer an opportunity to act before this no cost-of-living increase would take effect in January because 20 of us have sponsored legislation introduced by Senator WARREN to fix the fact that there is a lack of a cost-of-living adjustment. I am glad to see that Senator WARREN is here. I could not join the distinguished Senator later on, so I took the liberty of going ahead and telling from my point of view how this legislation is going to give to about 70 million Americans a one-time payment of approximately $580 to help them have money for the basic needs, such as food or rent.

Nearly 4.5 million people in Florida—a little less than a quarter of the State's population—would be eligible for that lump sum payment. Nine million veterans who receive Social Security benefits would receive a benefit under the bill. In my State, 323,000 veterans and their family members would get that benefit.

Forty percent of the seniors in the United States have incomes below the poverty line if they do not have Social Security assistance. That is a shocking statement. Let me say that again. Forty percent of our senior citizens in this country would have incomes below the poverty line if they did not have Social Security assistance. Therefore, this legislation that we are filing would lift over 1 million people out of poverty.

To some, a benefit of $580 may seem insignificant, but in reality, it is going to make a difference to millions. It may not seem like a big deal to a lot of people that there is no COLA, but if that senior citizen does not have the money to pay for the rent, a utility bill, a trip to the doctor or the groceries they need for their nutrition, that $580 is the difference.

Many Americans are living paycheck to paycheck and are forced to make

these tough decisions. We ought to be making it easier for them. That is our job. There are no excuses. I intend to work with our colleagues to see if this is a possibility.

While Senator WARREN is here, I wish to engage the Senator from Massachusetts and yield to her for an answer. As we sat on the Special Committee on Aging, we heard the testimony of how dire, on the line, and on the razor's edge the income is for senior citizens with these Social Security benefits. When that does not keep up with the cost of living—surely there is a cost-of-living increase in one year over the other, but if their Social Security checks don't reflect that, does that not invite a tremendous hardship on that elderly person?

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, the answer is yes, it does. Senator NELSON has put his finger on a very serious problem; that is, every year because of policies made here in the Senate, we do a calculation of cost-of-living changes for Social Security. The problem is that calculation for cost-of-living changes is based on only about one-quarter of the population. It is not based on the whole population, and it is certainly not based just on those who receive Social Security.

We know from independent analysis that costs have gone up for seniors, but because of the policies made here in Congress, there will be no cost-of-living increase for seniors this year. That means they face high costs. Yet, at the same time, they are going to have a flat income.

The proposal here to give them a one-time payment of about $581 is enough to pay 3 months' worth of food bills for the average senior. It is enough to help cover the costs of prescription drugs that are not covered by Medicare. These are significant differences for seniors who most need it, and I appreciate Senator NELSON coming here early to talk about and raise this important issue. He is exactly spot on about the difficulty with this issue.

I yield back.

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

Mr. NELSON. Mr. President, I ask unanimous consent for an additional 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Therefore, I conclude by resting the case. If the cost of every person's daily living is in fact going up and yet our formula shows that they get no cost-of-living adjustment, is that not putting a burden upon the ones who we should be respecting and protecting that should not be there? We can do that with this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

EXTENSION OF MORNING BUSINESS

Mr. BARRASSO. Mr. President, I ask unanimous consent that morning business be extended until 5:15 p.m. today, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

OBAMACARE

Mr. BARRASSO. Mr. President, soon we will be debating the future of ObamaCare. The American people have told us they want Congress to repeal this so-called health care law. They told us to start over with real health care reform. This actually shouldn't be a very controversial vote. It is clear, even to the law's supporters, that the Obama health care law has not worked out in any way they had specifically expected. The ObamaCare health care law is collapsing, whether the President wants to admit it or not.

Democrats should really be eager to join us to help fix the damage that has been done by this law. So far they have been much more focused on protecting President Obama's legacy than on protecting the American people and the health of the American people from ObamaCare.

Last month President Obama did a radio show in which he was asked about the law and about problems with the law because people all across the country are seeing significant problems with the law. The President would not admit to a single problem with this law. He insisted: ''It has been a success.''

Well, I go home to Wyoming every weekend. I am a doctor. I practiced medicine in Wyoming for 25 years, and the people whom I talk to—my patients, my neighbors, people all around the State, and the people whom I run into in my travels—do not consider ObamaCare a success.

Democrats come to the floor and say: It is OK that insurance rates are rising. Remember when the President said they would go down by $2,500 per family? The Democrats say it is OK that the insurance rates are rising because they say the rates also went up before the law. What they won't tell you is that premiums aren't just going up a little; they are going up a lot next year. Actually, they are going through the roof.

There was a study by the McKinsey Center for U.S. Health System Reform. They found that the median increase for the bronze plans went up 13 percent from this year to next year. That is just the average. That means for half of the people, they are going to pay more than that. The silver plan is up 11 percent, the platinum plan is up 12 percent, and the gold plan is up 15 percent. These double-digit price increases are not a success.

Democrats have come to the floor and have talked about some of the people who have gotten insurance coverage since the law took effect. What they won't tell you is that having insurance coverage is not the same thing as getting medical care.

The New York Times ran an article about 2 weeks ago with this headline: ''Many Say High Deductibles Make Their Health Law Insurance All But Useless.'' They don't even call it health insurance. They call it health law insurance because it is insurance to comply with the law and not to actually give you the health care. It is astonishing. Even the New York Times calls it health law insurance.

The article tells the story about David Reines from Jefferson Township, NJ. He is 60 years old and has a history of chronic knee pain. This man says: ''The deductible, $3,000 a year, makes it impossible to actually go to a doctor.'' He says: ''We have insurance, but can't afford to use it.''

President Obama, this is not a success. Democrats who support the health care law say that it created these marketplaces where people can shop for insurance. What they won't tell you is that companies have been pulling out of the marketplaces and exchanges all across the country. More than half of the State co-ops have gone out of business and have failed. The largest health insurance company in America says that it may drop out of the program entirely next year.

In Wyoming, there is just one company participating in the ObamaCare exchange. That is the choice on the Wyoming exchange—one. Does President Obama consider that a success? Democrats say a lot of people like their insurance plans. Well, they won't tell you about the Gallup poll last month that found that the American people are far from happy. Just 33 percent of Americans said that the health care coverage in this country is either excellent or good—one out of three. Only one out of five is satisfied with the total cost of their health care.

Now, both of these numbers are worse than they were when President Obama took office. When asked: How are you going now compared to where you were when Barack Obama moved into the White House, people will tell you that when it comes to health care, it is worse.

Another survey last month by the Kaiser Family Foundation found that just 38 percent of Americans have a favorable opinion of the health care law. Is that the way President Obama measures success? Is that what he calls a success?

Why won't the Democrats come to the floor and talk about these surveys? Democrats come down to the floor and say that ObamaCare has put millions of people on Medicaid. I am not sure how many of them have a full understanding of Medicaid. As a doctor who practiced medicine for 24 years, I can tell you a lot about Medicaid. They won't say anything about this failed program. They won't admit to the fact that Medicaid is a failed program.

A new study last month found that cancer patients with Medicaid in California—we have 2 Senators from California who voted for this law—are less likely to get recommended treatment and they have a lower survival rate than people with other types of insurance. The Democrats celebrate the fact that they have all of these new people on Medicaid. This is not a success. Democrats don't want to talk about any of this.

Nobody on this side of the aisle is denying that there are people who have been helped by the health care law. Why won't any Democrat come to the floor of the Senate and admit that for every person who has benefited, someone else may have been harmed and may have suffered? Why won't Democrats admit and the President admit that the law has not lived up to their promises?

Why did we need a 2,000-page law that upended the entire health care system in this country basically to expand the broken Medicaid program? None of this had to happen. None of this is what people were asking for when Democrats wrote their law behind closed doors back there. It is certainly not what people are asking for today. This health care law has been expensive, disruptive, and devastating. It is headed for collapse, and if Democrats won't admit it, then they are just kidding themselves.

Republicans are ready to move on with a better approach. We will work to lower costs and make insurance affordable for all Americans. We will make sure that people who need insurance can actually get usable insurance. That means making coverage equal care. That is what it should do. Coverage ought to equal care. We will give people freedom, flexibility, and choice to allow patients to make the decisions that are best for them and their family—not Washington and President Obama telling them what is best for them and their family. Those people will be making those decisions for themselves. We will protect consumers by making insurance predictable and stable so people don't have to switch their coverage and their doctor every year.

Finally, we are going to fix Washington by making Medicare and Medicaid stronger for people who will absolutely rely on these programs.

President Obama and Democrats in Congress do have a choice. They can join with Republicans in accepting the inevitable. They can act now to reform our health care system in a way that works or they can stand by and watch as the wheels continue to come off of ObamaCare. The program is collapsing, and it is unavoidable. Congress should not allow this health care law to harm the American people for one day longer. Democrats should work with us to create a replacement that actually delivers care, not just unusable coverage.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

SENIORS AND VETERANS EMERGENCY BENEFITS ACT

Ms. WARREN. Mr. President, the clock is ticking. Exactly 1 month from today, on January 1, approximately 70 million seniors, veterans, Americans with disabilities, and others who depend on Social Security and other benefits will get their first check of the new year. For those 70 million Americans—that is 1 in 5 Americans—January 1 is supposed to be a day of relief. This is the day when the Federal Government boosts their checks just a little bit to help with the rising costs of housing, food, and medical care. But unless Congress does something right now, for just the third time since 1975, seniors and veterans won't be receiving any cost-of-living increase on January 1—not one penny more.

Look at who gets left out in the cold. Two-thirds of seniors depend on Social Security for the majority of their income. For 15 million Americans, Social Security is all that stands between them and poverty, but not one of these Americans will see an extra penny next year, and millions of other Americans whose benefits are pegged to Social Security—millions who receive veterans' benefits, disability benefits, and other monthly payments—won't see an extra penny either.

Times are tough, but not for everyone. Last year, the CEOs at the biggest 350 American companies received, on average, a 3.9-percent pay increase. How much money is that? Since the average CEO at one of those top 350 companies made a cool $16.3 million, a 3.9-percent raise landed them an additional half million bucks each. Everything is just great for America's top CEOs, who got huge raises, while 70 million seniors, veterans, and others who worked hard will be left with nothing. Why? It is not an accident. It is not inevitable. It is the result of deliberate policies made right here in Congress.

Social Security is supposed to be indexed to inflation so that when prices go up, benefits go up. But Congress's formula looks at the spending patterns of only about a quarter of the country, and the formula isn't geared to what older Americans actually spend their money on. In fact, official estimates show that the cost of core goods and services has increased, but seniors won't be getting a raise. Costs go forward while Social Security falls behind all because of the way that Congress says to calculate COLAs.

Skyrocketing CEO pay is also, in part, the result of policies set right here in Congress. Taxpayers subsidize CEOs' huge pay packages through billions of dollars in tax giveaways, including a crazy loophole that allows corporations to write off gigantic bonuses as business expenses. Sure, companies should make their own decisions on how much to pay their executives, but because of laws Congress has passed, American taxpayers are forced to subsidize these multimillion-dollar pay packages.

These two decisions—how to calculate Social Security raises and whether to give tax breaks for multimillion-dollar CEO bonuses—are made right here in Congress, and right now Senators bow and scrape for highly paid CEOs while they turn their backs on retirees and vets. We are here because it is time for Congress to make different choices.

Representative TAMMY DUCKWORTH and I have introduced the Seniors And Veterans Emergency Benefits Act, or the SAVE Benefits Act, to give retirees, veterans, and Americans with disabilities a one-time payment of about $581. That is the equivalent of a 3.9-percent increase over the average Social Security benefit—the same percentage raise CEOs received just last year.

Where would the money come from? Well, we can pay for it by closing the tax loophole for CEO bonuses that exceed $1 million. In fact, according to the Chief Actuary of the Social Security Administration, closing just this one loophole will create enough revenue to give a $581 raise to seniors and vets and still have billions of dollars left over to help boost the Social Security trust fund for the future.

The SAVE Benefits Act would give seniors, vets, and the disabled an extra $581 a year. That $581 a year may not mean much to a CEO, but that money will cover almost 3 months of groceries for seniors or a year's worth of out-of-pocket costs on prescription drugs for someone on Medicare. For seniors and vets, that $581 means a lot.

Already, 21 Democratic Senators have signed on as cosponsors. Dozens of organizations—Social Security Works, the AFL–CIO, MoveOn.org, the National Organization For Women, VoteVets, the National Council of La Raza, and I could go on and on with this list—have already endorsed the bill. Across the country, more than 400,000 people have signed petitions urging Congress to pass the SAVE Benefits Act.

This is about money, but it is also about values. For too long, we have listened to a handful of the rich and powerful insist that we cut taxes for those at the top and leave everyone else behind. And now, across this country, people are saying: Enough. Taxpayers should not be forced to subsidize millionaire CEOs while seniors and vets have to fight for whatever scraps are left behind.

The clock is ticking. It is time for Congress to step up. The money is there—either way. It can go for a payment to 70 million Americans who need it and who have earned it or it can go to CEOs and the wealthiest corporations.

Let's vote on the SAVE Benefits Act. Let's show everyone where we stand—whether we stand up for tax breaks for

the country's most highly paid CEOs or whether we work for the seniors and vets who worked their hearts out to build this country.

Senator MCCONNELL, brings this bill to the floor and let us vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, last month I joined Senator WARREN and others in introducing the Seniors And Veterans Emergency Benefits Act, also known as the SAVE Benefits Act. This legislation is needed because for the first time in over 40 years, our seniors, veterans, and people with disabilities won't receive a cost-of-living adjustment, or a COLA, for 2016. We are here again to urge our colleagues to support this much needed legislation that would provide a 3.9-percent COLA increase next year. There is a reason we hit upon the 3.9-percent number as the appropriate increase. I will get to that.

Many of our people who rely on Social Security and other Federal benefits are on fixed incomes. Every extra dollar helps them buy basic necessities. These Americans worked hard and earned modest benefits. However, based on the current benefit formula this year, they are out of luck. They won't see any increase in their income.

But here is the thing. That is not the case for our Nation's top CEOs. According to analysis by the Economic Policy Institute, CEOs of some of America's biggest, richest corporations not only earn an average of $16 million per year, but they received a 3.9-percent salary bump in 2014; hence our 3.9-percent COLA increase for recipients of the SAVE Benefits Act.

What does a 3.9-percent increase mean to these CEOs? About $635,000 more a year in their pockets—far more than most workers who rely on Social Security saw in 1 year or 10 years or perhaps even in their lifetimes. By contrast, what does a 3.9-percent increase mean to most seniors in Hawaii? About $580 more a year. Again, focusing on Hawaii, that is about enough for a Hawaii senior to buy almost 3 months of groceries or cover the average cost of a year's worth of prescription drugs. So $580 is a big deal for a lot of people in Hawaii.

This bill would help about 19 percent of Hawaii's population, or 268,000 people. They include seniors, children, and disabled workers who rely on Social Security to make ends meet. It includes 24,000 veterans and their family members, who would receive an increase to their well-earned benefits. That extra payment of $580 would help to prevent some 2,000 people in Hawaii from falling into poverty.

We are hearing from people all across the country about what will happen next year without the COLA increase.

One woman from Lanai City in Hawaii wrote:

> I feel it is deplorable that Social Security did not receive a COLA increase. Many Seniors and poor people rely on this money to help them make it through the month and although I am not one of them I still want to speak for them as I feel it is important.

This person from Lanai said this is a deplorable situation, and I agree. That is why we need to pass the SAVE Benefits Act.

This bill is paid for by closing a tax loophole that benefits the wealthiest CEOs. Remember that $600,000-plus salary increase they got? Well, some of that is paid for by taxpayers because of this tax loophole.

This bipartisan idea of closing this tax loophole was even included in the former chairman of the House Ways and Means Committee's 2014 tax reform proposal.

We only have a few days left for Congress to act before the end of the year. I urge my colleagues to join me in letting seniors in Hawaii and across the country know that we are on their side by cosponsoring the SAVE Benefits Act. Let's just think about the disparity—$600,000-plus increases for CEOs making over $16 million a year versus the millions of seniors and veterans and disabled people who rely on Social Security and who need and deserve this COLA increase.

I urge my colleagues to bring the SAVE Benefits Act to the floor for a vote, vote on it, and send it on to President Obama for his signature.

I yield the floor.

The PRESIDING OFFICER (Ms. AYOTTE). The Senator from New York.

Mr. SCHUMER. Madam President, today I wish to join my colleagues in strong support of the SAVE Benefits Act. I wish to commend the excellent work done by my friend and the Senator from Massachusetts, Ms. WARREN.

Millions of seniors and veterans deserve a little more money in their Social Security checks at the beginning of every year to help pay for the ever-increasing costs of rent and medicine and groceries. They earned it. The SAVE Benefits Act would provide a fair and well-deserved payment to our seniors receiving Social Security and veterans receiving Federal benefits who will not see a cost-of-living adjustment in their benefits next year. You see, next year there will be no official cost-of-living adjustment or COLA chiefly because the formula that determines it is heavily tied to the price of gasoline, which is low, but all the other cost-of-living indicators are up, including rent, medicine, and groceries. These are the costs our seniors are juggling most often.

I talk to seniors. They say: What is this? There is no inflation? My life costs me more each year—considerably more.

But because there was no official COLA even as those costs are going up, Social Security benefits will not increase by a single dime in 2016. And about two-thirds of seniors rely on Social Security for over half of their income.

If we don't help offset the increase in costs with an increase in these modest benefits, many people will be left with one of these excruciating choices: Do I buy more groceries or pay the rent this month? Can I afford putting off taking my medication for another day or another week or even another month?

In the past, when we had years without an official COLA, Congress stepped in. In 2009 there wasn't a COLA. We were in the throes of recession. But Congress stepped in and passed a law I strongly supported—the ARRA—to provide a one-time $250 payment to Social Security recipients and veterans to help them get through those tough times. Next year, we should do the same. But I hasten to add—I don't like to be partisan—in 2009 the House and Senate were Democratic, caring about Social Security. In 2015 the House and Senate are Republican, and we are getting no relief for seniors. Well, I hope that will change. The SAVE Benefits Act would change it. It would provide a one-time check of approximately $580 for our veterans and our seniors and fully pay for it by closing a loophole that benefits corporate compensation packages over $1 million. To boot, it would provide this benefit while also using some of the revenue to extend the life of Social Security.

In my State, over 4 million people would benefit—nearly 1.5 million women over the age of 65, a quarter of a million children, and half a million disabled workers in New York alone.

If we think about it in real terms, that $580 is almost 3 months of groceries or the average annual out-of-pocket expenses that a senior has for prescription drugs for Medicare.

This is the right thing to do. Social Security and veterans' benefits should rise to keep pace with prices, but unless Congress acts, our seniors and our veterans will not see any increase in their own benefits next year. It is time to fix that.

I want to ask who on the other side would say millionaires should continue to get to deduct their bonuses while senior citizens get no COLA. What percentage of Republicans in America would say that? What percentage of Independents?

This should not be a partisan issue. We should just pass it and help the seniors as we did in 2009 when the Congress was under different control. This is a real test of who cares for the seniors, who understands their struggles, and who understands the sweat seniors break out in when they have to pay the bills and they don't have enough money to pay basic expenses. Well, those who cosponsored this bill understand. Those who support this bill understand. I would like to hear from my colleagues who don't support it what their alternative is.

I urge my colleagues on the other side to join us in extending to our seniors and our veterans a fair increase in benefits that they earned.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I thank the distinguished Presiding Officer, my neighbor in New Hampshire.

I also want to thank Senator WARREN for her leadership on a matter of great importance to millions of Americans. In October, Social Security beneficiaries received some upsetting news. I know it is upsetting to a lot of Vermonters, as I have talked to them in grocery stores, on street corners, and even coming out of church on Sunday. For the third time in 40 years, the Social Security Administration announced that in 2016, Social Security payments will not include a cost-of-living increase. Unless Congress acts, seniors and others who receive Social Security benefits will not see an additional dime in payments in the new year.

For the nearly two-thirds of beneficiaries who depend on Social Security for at least half of their income, and for the 24 percent of those where Social Security is the sole source of income, this news is not just distressing, it is devastating.

I will not take the time here, but I could tell so many stories of what Vermonters have told me, and I share their concerns. In order to address this issue, I am proud to stand with thousands of Vermonters and millions of Americans to support Senator WARREN's bill to provide Social Security recipients, those who receive disability benefits, and veterans, among others, a one-time payment next year. This payment would be equivalent to the average increase of 3.9 percent—incidentally the same pay increase top CEOs in the United States saw last year.

Many in Congress have turned a blind eye to the problems facing Social Security, arguing the idea that we as a country cannot possibly afford to spend resources on our seniors, but every year hard-working Americans subsidize billions of dollars in tax subsidies for corporate CEOs. By no longer allowing corporations to receive tax deductions for performance pay packages for their executives, we could give a one-time emergency payment to our Nation's seniors, and we could increase the solvency of the Social Security trust fund without adding a penny to the deficit. It is a win-win. It is a matter of priorities.

Are we as a country going to support the millions of Americans who depend upon Social Security to make ends meet? Or are we going to continue to allow the country's top CEOs, whose average salary in 2014 topped $16 million each, to continue to rake in billions of dollars thanks to the performance pay tax loophole? The choice should be clear. If these CEOs want to make more money, fine, but don't do it using a special tax loophole.

Social Security is an immensely important program, one that has helped millions of Americans stay out of poverty once entering retirement. This program has always represented a strong commitment to our Nation's seniors. Ever since Ida May Fuller of Vermont received the first Social Security check issued, vulnerable seniors have had a safety-net to fall back on in retirement or to supplement individual retirement savings or pensions. Support for this bill represents a continuing commitment to our Nation's seniors and also those with disabilities in an uncertain economy.

I hope we can redouble our commitment to seniors, veterans, and those with disabilities in this country by passing this important legislation. It is the least we can do.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Thank you, Madam President, very much.

I am very proud to be a cosponsor of the SAVE Benefits Act. I think we owe an enormous debt of gratitude to Senator WARREN, my colleague from Massachusetts, for the legislation she has introduced because she is going to make sure the Social Security benefits for seniors, for veterans, and for those who are disabled will be protected, and I applaud her for the enormously innovative way she has framed this debate for our Nation.

The Social Security Administration has recently determined that seniors will not receive an increase in their benefits for the next year. That means approximately 70 million American seniors, veterans, and the disabled will not receive any increase in their benefits, including the 1.4 million people in Massachusetts who are dependent upon these benefits. That is completely unacceptable. What Senator WARREN has done is to say that for these seniors, for many of them, Social Security is their sole basis for having any income at all, and for most seniors it is the majority of their income in their retirement. Those seniors depend on these benefits to pay for food, rent, medicine, and the electricity bill. In their world, prices for food, clothing, and medicine are not going down, they are going up. These are the necessities of life, and our seniors should not have to choose between eating and heating.

We have a simple question to ask ourselves: Who contributed most to our country over the last generation? Is it a small handful of CEOs who are now paid exorbitant salaries or is it every American who got up every morning to build us into this incredible country we now live in? I think it was grandma and grandpa. Those are the people who got up every day. Those are the people who built this great country. Right now we are being told that their standard of living is going to stay the same or go down. There will be no increase for them.

Well, unfortunately CEOs in America make about 273 times what the average American worker makes. Last year America's CEOs saw their pay increase by about $635,000 to an average of $16 million. A family in the top 1 percent has a net worth 288 times higher than the typical family. That is unacceptable and it must change.

Shouldn't our seniors—shouldn't grandma and grandpa who built this country receive an additional benefit from the economy which they created—this incredible wealth which they created in our country. When do they get their raise? They got up every morning.

My father worked for the Hood Milk Company. He got up every morning. He worked as hard as a human being can work, and so have hundreds of millions of Americans. They built this country with their hard work. They deserve a Social Security raise. They deserve a wage if they now have disabilities. If they are veterans, they not only got up and worked every single day, but they also saved our country, many of them overseas protecting us against our enemies. So that is what Senator WARREN's very wise piece of legislation focuses on. We know grandma and grandpa deserve a raise. We know the system that has been created allows those in the upper 1 percentile to continue to receive per year, on average, $685,000 in raises—up to an average of $16 million for salary. And we are saying to people who did the work: You don't get a raise at all.

I think for their sacrifice, for their hard work every single day, they deserve something. They built the greatest country in the history of the world. So let's give our seniors the 3.9-percent raise that Senator WARREN has proposed. Let's give them the kind of comfort they deserve for a lifetime of hard work, and let's thank Senator WARREN for reminding all of us of the obligation we have to those great Americans, so we don't forget them when it comes time at the end of the year to hand out bonuses. They deserve bonuses in the same way we know CEOs across our country, from Wall Street to Silicon Valley, are going to receive every year. We shouldn't turn our backs on those seniors.

Thank you, Senator WARREN, for all your great work.

Madam President, I yield back.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Madam President, we are just 1 month away from the new year 2016, which will bring a lot of good new things, I hope. The one thing it will not bring is a cost-of-living increase for seniors, veterans, and for people with disabilities. Despite the fact that the costs of health care, prescription drugs, and housing are increasing, the size of a Social Security check will not go up 1 cent on January 1, unless we act—unless Congress acts.

That is why Senator WARREN, my colleagues, and I have introduced the Senior And Veterans Emergency Benefits Act or SAVE Benefits Act. The

SAVE Benefits Act is a one-time payment to seniors and veterans receiving their earned benefits so they can better meet their basic living expenses.

The stagnant level for benefits in 2016 and its damaging effects are part of the bigger problem. Too many of our seniors are feeling the squeeze and just aren't secure enough in their retirement. Today's Social Security benefits are not enough to live on, and other retirement savings aren't filling the gap. You see, the share of private sector workers with pensions has fallen precipitously in recent years, and yet half of all Americans don't have retirement accounts or 401(k) plans or IRAs.

So without sufficient pensions or retirement accounts, many seniors depend on Social Security. Social Security benefits comprise over 90 percent of income for the poorest 25 percent of retirees. Social Security comprises 70 percent of income for the middle 50 percent of retirees. With the cost of things seniors have to spend money on increasing, the absence of a cost-of-living increase in Social Security benefits is especially damaging.

I have heard from many Minnesota seniors who are worried about the squeeze that no increase in Social Security will put on their budgets. Jeff from Minneapolis wrote: ''Food prices are up and my rent is up 4 percent in 2015 and will be up again in 2016.'' He continues: ''I lost most of my IRA earnings in the 2008–2009 debacle and now I rely almost entirely on Social Security.''

If we want Minnesotans like Jeff—and millions of Americans across the country facing similar situations—to have a secure retirement, we need to increase these benefits. That is what the SAVE Benefits Act does. Under our bill, seniors and veterans have a 3.9-percent increase—the same percentage increase that CEO pay went up from 2013 to 2014. For the average beneficiary, a 3.9-percent raise would come to about $580 a year.

While that $580 may not sound like a lot compared, of course, to the raises that CEOs are getting, $580 can make a big difference to the average American, especially the average senior. The $580 may cover several months of groceries or out-of-pocket costs for prescription drugs for a senior on Medicare who has gone into their doughnut hole.

Some may ask if we can afford to give seniors and veterans a raise right now. Too often the ideas we have heard for ''fixing'' Social Security focus on cutting benefits, such as reducing cost-of-living increases by using chained CPI or raising the retirement age, but I think that is the wrong approach. We shouldn't cut our way to solvency. We need to strengthen our Social Security System by protecting and enhancing the benefits that seniors and veterans have earned, and that means improving Social Security's finances. A good place to start is by removing special provisions to the wealthiest Americans in our current Tax Code.

Right now, individuals making millions of dollars a year still pay payroll tax only on the first $118,500 of their income. Over the long term, that is the sort of thing we need to address in order to strengthen Social Security.

This bill proposes to pay for the one-time increase of Social Security benefits in the same spirit—rebalancing our Tax Code by ending a tax deduction for CEO pay that doesn't make sense and allows corporations to avoid paying their fair share of taxes. CEOs and big businesses will still do just fine under this bill.

At the same time, the SAVE Benefits Act will provide critical assistance to Americans struggling to meet their expenses. In fact, this increase in benefits will lift about 8,000 Minnesotans out of poverty and thousands more in every State of our Union.

Ultimately, the debate over this bill comes down to priorities. What is more important to us—protecting high pay for the wealthiest Americans or tax deductions for corporations on that high pay or ensuring that veterans, seniors, and people with disabilities have the income security they need to pay for health care, prescription drugs, and housing?

As this year comes to a close, it is time to get our priorities straight and to stand up for our seniors and our veterans. They need a raise in 2016.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I am here to join the chorus for providing some additional help to our seniors on Social Security. What can I say? Here we go again. In 2010 and in 2011, America's seniors were told by the Social Security Administration there would be no cost-of-living adjustment, no increase for them, and now it is happening a third time. We all know that the price of the things seniors actually buy has continued to go up, and yet no COLA.

In 2010 and 2011 we tried to remedy that with Senator SANDERS' Emergency Senior Citizens Relief Act. We did not succeed. There was opposition from the other side.

We did succeed at getting a one-time $300 payment to seniors under the Economic Stimulus Act in 2008, back in the depths of the great Wall Street recession, and another $250 under the Recovery Act. So we have done this before, and it has helped. I strongly encourage that we do it.

There is a flaw built into the Social Security COLA, which is that the CPI measures things that a lot of seniors don't buy. It measures laptops, it measures flat screens, and it measures a lot of technology, but seniors in Rhode Island who make a little over $1,200 from Social Security on average aren't buying a lot of flat screen TVs and they are not buying a lot of laptops. What they are buying is fuel, medicines, food, and maybe something for the grandchildren at Christmastime, and all of that keeps going up.

We should fix that formula. There should be a CPI–E, a CPI for elderly folks that tracks what they actually spend and not some hypothetical CPI that spreads across all age groups. That would be the ultimate fix, but in the meantime, we should do this. I think it is paid for very sensibly.

I commend Senator WARREN. We established as a country that beyond $1 million in executive compensation, it wasn't going to be tax deductible any longer. If you are a big corporation and you want to pay your CEO more than $1 million—fine, you still do that, but you don't get to have the American taxpayer kick in for the more-than-$1 million salary.

So what did corporate America do? They took it out of salary and they moved it over to bonuses. Now you have those big bonuses over $1 million. They dodged that exemption, and now the American taxpayer is back on the hook again to kick in for a $1 million-plus compensation package for a corporate CEO. Come on. We ought to be able to get beyond that.

So we have a way to pay for it that is fair, sensible, and consistent with the policy that we have already agreed on as a nation, which is that above $1 million in compensation, taxpayers shouldn't be kicking in any longer to help the company pay those exorbitant salaries. I think we have a very good way to spend those resources, which is helping seniors who now—for the third time since I have been in the Senate—are getting a zero COLA while everything goes up around them.

I commend Senator WARREN for taking the lead, and I am pleased to be a cosponsor on her bill.

I am delighted to yield back.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Madam President, I appreciate the colleagues who came to the floor today to talk about the SAVE Benefits Act.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent to speak for up to 20 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLIMATE CHANGE

Mr. WHITEHOUSE. Madam President, as the Presiding Officer knows well, every week that I am here and the Senate is in session, I come to the floor to remind us of the damage carbon pollution continues to do to our atmosphere and oceans. Today I rise for the 120th time to urge my colleagues to

wake up to the threat of climate change. I am not alone, although it sometimes seems a bit lonely here.

We have an advertisement today in the Wall Street Journal—we will find it here in 1 second; well, I seem to have mislaid it—that has a considerable number of American companies that have called upon the public and called on the readers of the Wall Street Journal to support a strong outcome in Paris. It matches another Wall Street Journal full-page advertisement—this one went back to October 22—which was ''Republicans and Democrats Agree: U.S. Security Demands Global Climate Action.'' That had 23 Republican former officials, including Senators Cohen, Coleman, Danforth, Hagel, Lugar, Kassebaum, Smith, and Snowe, Secretaries of Commerce, State, Treasury, members of the National Intelligence Council, Homeland Security advisers, and Trade Representatives. In total, 33 Republican and military officials were calling on us to get serious about it. So a lot of people out there, including Republicans, are interested in getting something done.

I wanted to build my remarks this week around something interesting that Pope Francis said this past weekend about the upcoming climate talks in Paris. He said: ''It would be sad, and dare I say even catastrophic, were special interests to prevail over the common good and lead to manipulating information in order to protect their own plans and interests.''

''Sad,'' and ''even catastrophic''—let's look at that part. The fact is, we have changed the composition of our atmosphere, pushing the concentration of carbon dioxide beyond the range it has been in for at least 800,000 years, longer than our species has been on the planet. For 8,000 centuries, humans have inhabited an Earth with an atmosphere between 170 and 300 parts per million of CO_2. Concentrations have now hit 400 parts per million, farther out of the range than the midpoint of the range, and that trend continues to rise. By the way, that is measurement. That is not somebody's theory. That is not a computer-model run. We have measured that.

Last year was the hottest year since we began keeping records in 1880, a dubious distinction. According to the World Meteorological Organization, the last 5 years are now the warmest 5-year period in human history. This year is on track to be another record-breaker, expected to reach the both symbolic and significant milestone of 1 full degree Celsius above the average temperature of the preindustrial era.

Many scientists agree that 2 degrees above the precarbon-era norm will likely mean irreparable harm to our planet and to our current way of life. So it would, indeed, be sad and perhaps ultimately catastrophic if we were to do nothing.

Yet we in Congress continue to do nothing, which brings me to the next of Pope Francis's words in that opening quotation: ''special interests prevail[ing] over the common good.'' Well, doing nothing is just fine by the big polluters because they make more money when we do nothing. To keep their profitable racket running, the polluters spend huge sums on lobbying and on politics, particularly right here in the Congress. As one author has written, and I will quote him: ''[R]ivers of money flowing from secret sources have turned our elections into silent auctions.'' And the polluters get what they pay for. With the Congress of the United States distracted and deceived by their mischief, the effects of climate change just keep piling up.

This problem got worse in 2010 when the big polluters got a gift. They got handed a big, new political weapon. Thanks to five Justices on the U.S. Supreme Court, all of them Republican appointees, the big polluters can now threaten lawmakers with the cudgel of unlimited, undisclosed Citizens United money. So we do nothing, and the polluters offload onto everyone else the costs in damage from their fossil fuel product, the costs of heat waves, of sea level rise, of ocean acidification, of dying forests, of worsening storms and more. The polluters happily dump those costs onto everybody else. They suck up hundreds of billions of dollars in effective public subsidy, according to the International Monetary Fund, and of course they fight desperately to protect their favored status.

Pope Francis had it right—special interests indeed prevail over the common good. And that brings us to the Pope's words about them ''manipulating information in order to protect their own plans and interests.''

I have spoken on this floor about the decades-long, purposeful corporate campaign of misinformation on climate change. The fossil fuel industry and its allies gin up doubt about the dangers of carbon pollution through a smokescreen of misleading public statements, sophisticated marketing, and polluter-funded front groups. The mission of these well-organized and mightily funded deniers is to manufacture a product—uncertainty, doubt. The polluters spend huge amounts on a big, complex PR machine to churn out doubt about the real science. It is a fraud. It is a deliberate pollution of the public mind.

We know that a network of front organizations with innocent-sounding names has emerged to propagate that baloney science. This network has been well documented by Dr. Robert Brulle at Drexel University and Dr. Riley Dunlap at Oklahoma State University, among others. Professor Brulle's follow-the-money analysis, for instance, diagrams the complex flow of cash to these front groups, a flow that the fossil fuel industry persistently tries to obscure.

A new study was released just last week, a study by Dr. Justin Farrell at Yale University. His work examines how corporations have used their money to amplify the voices of climate deniers and to exaggerate scientific uncertainty. Dr. Farrell used computers to perform a comprehensive quantitative analysis of more than 39 million words written by 164 climate denial organizations—yes, there are 164 of them; this is a big beast—over a 20-year period. His study compared corporate-funded groups to the rest.

Professor Farrell's stated purpose was to uncover empirically the actual social arrangements within which large-scale scientific misinformation is generated and the important role private funding plays in shaping the actual ideological content of scientific information that is written and amplified. He describes the climate denial apparatus as a complex network of think tanks, foundations, public relations firms, trade associations, and other groups that are ''overtly producing and promoting skepticism and doubt about scientific consensus on climate change.'' Farrell describes the function of the network as, one, ''the production of an alternative contrarian discourse,'' and two, ''to create ideological polarization around climate change.'' Why polarization? Because ''it is well understood that polarization is an effective strategy for creating controversy and delaying policy progress particularly around environmental issues.''

So the polarization we see in this building on this issue is a product created by a network of corporate-funded climate denial front groups. We are the living proof of the success of this scheme. Corporate backing created a united network, said Farrell, within which the contrarian messages could be strategically created. That is right, climate denial is ''strategically created.''

Farrell's data show particularly that donations from ExxonMobil and the Koch family foundations signal what he calls entry into a powerful network of influence, and that corporate funding influences the actual language and thematic content of polarizing discourse. And, of course, one of the areas of distinct corporate-funded polarizing discourse produced by this network was questions about the scientific veracity of long-term climate change. Again, it is the product of a scheme.

Professor Farrell made another comparison. He has made the same comparison that others have made with tobacco. I will quote him:

> Well-funded and well-organized ''contrarian'' campaigns are especially important for spreading skepticism or denial where scientific consensus exists—such as in the present case of global warming, or in historical contrarian efforts to create doubt about the link between smoking and cancer.

To create doubt about the link between smoking and cancer. That echos the telling sentence from the tobacco denial campaign: Doubt is our product.

Just as Pope Francis said, the denial machinery is ''manipulating information in order to protect their own plans

and interests.'' The actions of the climate denial machine have been so effective, they have made it ''difficult for ordinary Americans to even know who to trust,'' says Farrell. Doubt is still their product.

Every generation of Americans has faced its challenge, and each has risen to its challenge. Some generations left bloody footprints in the snows of Valley Forge to secure our independence. Some generations were torn to pieces by cannon fire in the great battles of the Civil War. Some generations endured mustard gas and trench warfare in World War I. Some secured the world's freedom from the Axis powers in World War II. Some rebuilt the American economy after the Great Depression. Some were beaten, bombed, and burned as they struggled to secure the civil rights we now enjoy. We are the generation whose duty it is to face down the climate crisis that threatens our planet and face down the folks behind this vast climate denial scheme. All we have to do to rise to our duty is to resist all the dark money, all the fossil fuel-funded threats and intimidation Citizens United made possible.

Let me read from an opinion that was in my clips today from David Brooks, a conservative columnist. I see him at American Enterprise Institute gatherings. He is a self-identified Republican conservative who was writing about climate change and the upcoming Paris conference. He says this as if he is communicating with Alexander Hamilton. He obviously is not, but that is his rhetorical device. He said, ''So I seanced up my hero Alexander Hamilton to see what he thought'' about the Paris climate conference. Here is what he said:

> First, [Alexander Hamilton] was struck by the fact that on this issue the G.O.P. has come to resemble a Soviet dictatorship—a vast majority of Republican politicians can't publicly say what they know about the truth of climate change because they're afraid the thought police will knock on their door and drag them off to an AM radio interrogation.

That is a conservative Republican economist talking about this.

We can get through this. We simply need conscientious Republicans and Democrats to work together in good faith on a common platform of established science, clear facts, and basic common sense. If we do that, we can protect the American people, the American economy, and our American reputation from the harm of the looming effects of climate change. It is on us. It is on us. We simply need to shed the shackles of corrupting influence and rise to our duty, as other generations always have. We do not have to be the generation that failed. Yes, we are headed down a road to infamy now, but it doesn't have to be that way. We can leave a legacy that will echo down the corridors of history, so the generations that follow us will be proud of our efforts the way we are proud of those who did great things for our country before us. But sitting here doing nothing, yielding to the special interests, won't accomplish that.

This new analysis out of Yale is an important addition to the increasing body of academic research and journalism that is shining some much needed sunlight on the shadowy enterprise of phony science and phony doubt that props up climate denial. It is time we all caught on to this deceptive enterprise. Being suckers down a road to infamy is not a good legacy. It is time to wake up.

Madam President, I ask unanimous consent that the advertisement ''Business Backs Low-Carbon USA'' in the Wall Street Journal and the article by David Brooks, ''The Green Tech Solution,'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PAID ADVERTISEMENT

BUSINESS BACKS LOW-CARBON USA

lowcarbonusa.org

WE ARE SOME OF THE BUSINESSES THAT WILL HELP CREATE THE FUTURE ECONOMY OF THE UNITED STATES.

We want this economy to be energy efficient and low carbon. We believe there are cost-effective and innovative solutions that can help us achieve that objective. Failure to tackle climate change could put America's economic prosperity at risk. But the right action now would create jobs and boost competitiveness.

We encourage our government to

1. seek a strong and fair global climate deal in Paris that provides long-term direction and periodic strengthening to keep global temperature rise below 2 °C

2. support action to reduce U.S. emissions that achieves or exceeds national commitments and increases ambition in the future

3. support investment in a low-carbon economy at home and abroad, giving industry clarity and the confidence of investors

We pledge to continue efforts to ensure a just transition to a low-carbon, energy-efficient U.S. economy and look forward to enabling strong ambition in the U.S. and at the Paris climate change conference.

Autodesk, Inc.; The Coca-Cola Company; Unilever; Adidas Group; Johnson Controls, Inc.; Clif Bar & Company; Intel; Kingspan Insulated Panels; Microsoft; Qualcomm; Sprint; Colgate-Palmolive Company; Smartwool; The Hartford; Volvo, Volvo Group North America; Burton; Snowbird; eBay; Seventh Generation; Johnson & Johnson Family of Companies; Vail Resorts; Levi Strauss & Co.; EMC; New Belgium Brewing Company; Squaw Valley Alpine Meadows; Annie's; Alta; General Mills; Dignity Health; BNY Mellon; Jupiter Oxygen Corporation; Hewlett Packard Enterprise; Outdoor Industry Association; Procter & Gamble; Ben & Jerry's; Schneider Electric; Xanterra; Nike; The North Face; Symantec; JLL; Powdr Corporation; Gap Inc.; Owens Corning; EnerNOC; Hilton Worldwide; VF Corporation; Guggenheim; Timberland; L'Oreal; IKEA; Aspen Snowmass, Aspen Skiing Company; Vulcan; Eileen Fisher; DuPont; CA Technologies; Nestle; Pacific Gas and Electric Company; Catalyst; Sealed Air; National Grid; Saunders Hotel Group; Hewlett Packard; Kellogg's; Teton Gravity Research; Dell; Mars, Incorporated; NRG; Ingersoll Rand

ENVIRONMENTAL ENTREPRENEURS (E2)

Ameristar SolarStream, Big Kid Science. Bloom Energy, Canadian Solar. Inc., Carbon Lighthouse. Clean Blue Technologies, Inc. Clean Edge, Clean Energy Collective, Decent Energy, Inc., Drew Maran Construction, Inc., Creep Optimizers. USA, Ideal Energy, Intex Solutions. iSpring Associates, Jacobs Farm—Del Cabo, Krull & Company, Lenox Hotels, LIVINGPLUG. Make Good, Want MEI Hotels, Inc.. Microgrid Energy, National Car Charging LLC., Next Step Living. NLine Energy, Inc.. Nth Power, one3LED, Recurrent Energy, Sequoia Lab, Sierra Energy, Sustainable Farming Corporation, Terviva, Toniic, Uswharrie Bank, Vigilent, Wall @ Law

Coordinated by Business Council for Sustainable Energy, CDP, Ceres, C2ES, Environmental Defense Fund, Environmental Entrepreneurs, The Climate Group, We Mean Business, and World Wildlife Fund in collaboration with the above businesses.

[From the New York Times, Dec. 1, 2015]

THE GREEN TECH SOLUTION

(By David Brooks)

I've been confused about this Paris climate conference and how the world should move forward to ameliorate climate change, so I séanced up my hero Alexander Hamilton to see what he thought. I was sad to be reminded that he doesn't actually talk in hip-hop, but he still had some interesting things to say.

First, he was struck by the fact that on this issue the G.O.P. has come to resemble a Soviet dictatorship—a vast majority of Republican politicians can't publicly say what they know about the truth of climate change because they're afraid the thought police will knock on their door and drag them off to an AM radio interrogation.

This week's Paris conference, I observed, seems like a giant Weight Watchers meeting. A bunch of national leaders get together and make some resolutions to cut their carbon emissions over the next few decades. You hope some sort of peer pressure will kick in and they will actually follow through.

I'm afraid Hamilton snorted.

The co-author of the Federalist papers is the opposite of naïve about human nature. He said the conference is nothing like a Weight Watchers meeting. Unlike weight loss, the pain in reducing carbon emissions is individual but the good is only achieved collectively.

You're asking people to impose costs on themselves today for some future benefit they will never see. You're asking developing countries to forswear growth now to compensate for a legacy of pollution from richer countries that they didn't benefit from. You're asking richer countries that are facing severe economic strain to pay hundreds of billions of dollars in ''reparations'' to India and such places that can go on and burn mountains of coal and take away American jobs. And you're asking for all this top-down coercion to last a century, without any enforcement mechanism. Are the Chinese really going to police a local coal plant efficiently?

This is perfectly designed to ensure cheating. Already, the Chinese government made a grandiose climate change announcement but then was forced to admit that its country was burning 17 percent more coal than it had previously disclosed. The cheating will create a cycle of resentment that will dissolve any sense of common purpose.

I countered by pointing out that policy makers have come up with some clever ways to make carbon reductions more efficient, like cap and trade, permit trading and carbon taxing.

The former Treasury secretary pointed out that these ideas are good in theory but haven't worked in reality. Cap and trade has not worked out so well in Europe. Over all,

the Europeans have spent $280 billion on climate change with very little measurable impact on global temperatures. And as for carbon taxes, even if the U.S. imposed one on itself, it would have virtually no effect on the global climate.

Hamilton steered me to an article by James Manzi and Peter Wehner in his favorite magazine, National Affairs. The authors point out that according to the United Nations Intergovernmental Panel on Climate Change, the expected economic costs of unaddressed global warming over the next century are likely to be about 3 percent of world gross domestic product. This is a big, gradual problem, but not the sort of cataclysmic immediate threat that's likely to lead people to suspend their immediate self-interest.

Well, I ventured, if you're skeptical about our own policies, Mr. Founding Father, what would you do?

Look at what you're already doing, he countered. The U.S. has the fastest rate of reduction of CO_2 emissions of any major nation on earth, back to pre-1996 levels.

That's in part because of fracking. Natural gas is replacing coal, and natural gas emits about half as much carbon dioxide.

The larger lesson is that innovation is the key. Green energy will beat dirty energy only when it makes technical and economic sense.

Hamilton reminded me that he often used government money to stoke innovation. Manzi and Wehner suggest that one of our great national science labs could work on geoengineering problems to remove CO_2 from the atmosphere. Another could investigate cogeneration and small-scale energy reduction systems. We could increase funding on battery and smart-grid research. If we move to mainly solar power, we'll need much more efficient national transmission methods. Maybe there's a partial answer in increased vegetation.

Hamilton pointed out that when America was just a bunch of scraggly colonies, he was already envisioning it as a great world power. He used government to incite, arouse, energize and stir up great enterprise. The global warming problem can be addressed, ineffectively, by global communiqués. Or, with the right government boost, it presents an opportunity to arouse and incite entrepreneurs, innovators and investors and foment a new technological revolution.

Sometimes like your country you got to be young, scrappy and hungry and not throw away your shot.

Mr. WHITEHOUSE. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

POLICY ISSUES AND APPROPRIATIONS BILLS

Mr. MORAN. Madam President, I rise to visit for a moment with my colleagues, both Republican and Democratic, about the ongoing debate we are having over the appropriateness of having policy issues debated and then decided in appropriations bills.

We are now at the stage in our legislative process in which it looks as if we are going to complete our work on the final spending bill for the fiscal year that ended a few months ago and that by December 11, when the continuing resolution concludes, we very well may have an appropriations bill that takes us into the new year completed.

There are some in the Senate who have argued that within this appropriations bill there is no place for policy riders, for provisions in that bill that direct in a more specific way how we spend money. I would say that is a terrible mistake on the part of Members of the Senate to reach that conclusion, and I would say it is wrong for our country. It is wrong based upon the Constitution of the United States that creates three coequal branches of government.

In the legislative branch, we know that our role is to legislate, to create the laws, to appropriate the money. There cannot be a distinction between legislating and appropriating money. They end up being the same thing. When we appropriate money, we are directing an administration to conduct itself according to that appropriations bill. Particularly in this case, we have a few Democrats who are arguing that there shouldn't be any policy riders included in that appropriations bill. I doubt that we would hear that from Democrats if this were a Republican President and a Democratic Congress. In my view, it ought not to be any different. Congress's role is to make decisions about how money is spent. For too long, Congress has given up the power of the purse strings.

This is a significant development in our constitutional history because in giving up the power of the purse strings, we authorize the executive branch—that branch of Government that is to execute the laws, to administer the laws—to have significantly more power. The American people and our Constitution are harmed when any Executive—this President, previous Presidents, future Presidents—exceeds the authority granted to them by the U.S. Constitution. Sometimes I think we end up supporting Presidential decisions that we agree with and oppose those, obviously, that we disagree with. But the reality is that if those decisions are unconstitutional, if they exceed the authority that Congress has granted an executive branch, they ought to be denied, regardless of whether we agree with those decisions or not. In other words, the Constitution should trump.

In my view, this Congress and many who preceded us have taken the opportunity to be in the back seat, granting authority or allowing Presidents to consume additional power well beyond the Constitution. I am here to encourage my colleagues—Republicans and Democrats—to reexert our constitutional grant of authority to legislate. We ought not to pay undue deference to an executive branch, whether the President is a Republican or a Democrat.

I would say that in the time I have been a Senator, in this first term of my term in office, we have seen an executive branch that has continued to increase its power and authority and exceeded, in my view, its constitutional grant of authority and in so many instances has exceeded the authority granted to them by a statute—a piece of legislation passed by the House, passed by the Senate, and sent to the President.

The President should only be able to do those things which are granted to him or her by the Constitution or by legislative enactment pursuant to the Constitution. That seemingly has been forgotten during the recent history of our country. Congress holds the power of the purse strings.

There are many of us—Republicans and Democrats—who would like to direct the executive branch in how money is spent. The appropriations bill ultimately will determine how much money is spent. But in addition to that, we have the ability to direct whether that spending can occur, shouldn't occur or how it should occur. I think all of you have heard me speak previously, and some of you may remember about a particular provision that I wanted included in the Interior and Environment appropriations bill related to the U.S. Fish and Wildlife Service—the designation of the lesser prairie chicken as a threatened species.

We have had this conversation. In fact, in a bipartisan way, that issue was voted on here on the Senate floor. It was approved, but the legislation it was attached to did not become law. Now the opportunity to instruct a Federal agency arises as we appropriate the money for them to operate. There are five States in the middle of the country—New Mexico, Texas, Colorado, Kansas, and Oklahoma—that have felt the consequences of a decision made by the U.S. Fish and Wildlife Service to list the lesser prairie chicken as a threatened species. The issue that is so troublesome to me is that those five States have come together to solve this problem on their own without the heavy hand of the Federal Government. Conservation practices were being put in place. The U.S. Department of Agriculture was providing technical and financial assistance for conservation efforts to landowners to provide the incentives to put voluntary conservation practices in place across those five States. In my view, the U.S. Fish and Wildlife Service only paid lip service to those conservation efforts. Their actions spoke louder than the words, and they listed the lesser prairie chicken as threatened.

This decision at that point in time didn't provide enough time for local plans to prove their effectiveness, and the reality is the problem in our State and across that region of the country was that we didn't have moisture. We didn't have adequate snowfall. We don't have adequate rainfall. When you have little or no rain, you have little or no habitat. You can't solve that problem without moisture. Now the rains have returned. Over the last 2 years, just as you would predict and as common sense would tell us, if there is more rain, there is more habitat and there are more birds.

The most recent census of the lesser prairie chicken indicates that in the last 2 years, the population of that bird has increased by 50 percent. Again, common sense tells us if there is rain and if there is moisture, there is habitat and the birds return. As the rainfall has returned, the habitat is growing, and it is healthy again. Local surveys indicate what we would expect: The bird's population is again increasing.

Therefore, one might think it would be useful to take a second look at the listing. Despite our request of the U.S. Fish and Wildlife Service, they dismissed with little thought that as the species has returned, maybe it should no longer be listed. The opportunity that I and others have to rein in decisions that we believe are poorly made, lack common sense, and are unreasonable occurs in this appropriations process. My guess is that all of my colleagues have certain issues on which they want to direct a Federal agency about how to behave, what rules and regulations are appropriate, where we believe they have exceeded their authority or where they simply lack the common sense or sound science to have made an appropriate decision.

There are some who say you shouldn't legislate on an appropriations bill. An appropriations bill is a legislative effort, and it would be wrong for us not to take the opportunity to direct agencies on behalf of the American people, on behalf of the constituents—in my case of Kansas—who feel very strongly about this issue and have suffered the consequences of the listing of the lesser prairie chicken by the U.S. Fish and Wildlife Service.

Despite the practical reasons that this listing should be reversed, the agency is not listening, and we ought to take the opportunity to direct their behavior in a legislative way. Whether or not an amendment is approved is decided here in the Senate by a majority vote. I would tell you that in the case of this issue, the amendment was offered in the Appropriations Committee. It is included in the Interior appropriations bill. The House has adopted similar language in their appropriations bill. So for those who say this is inappropriate, this is the legislative process as it should be. This is the Senators and the Members of the House of Representatives speaking on behalf of their constituents in a very constitutional and appropriate way.

It is important for us to utilize our authority as Members of Congress to make decisions that benefit our country as we see best, and we ought to work together to accomplish that. There will be riders—provisions that are offered that are included in an appropriations bill—that I will disagree with, but the appropriations process ought to work. As a member of the Appropriations Committee and as a Member of the Senate, I want to see us get back to the days in which the power of the legislative branch is able to be utilized and we make certain that we make decisions on how we spend the money.

I appreciate the opportunity to be on the Senate floor today to speak as we move next week toward the appropriations bill and its conclusion. I wish to say that in a bipartisan way, we ought to work together to find opportunities to solve the problems that our constituents and Americans face. The legislative process is a way that we can do that. It is not inappropriate. In fact, it is the constitutional response to an abuse of power in an executive branch. Whether it is a Republican executive branch or a Democratic executive branch, we ought to work together as Members of Congress in utilizing our constitutional authority to make appropriate decisions for the American people.

EXTENSION OF MORNING BUSINESS

Mr. MORAN. Madam President, I ask unanimous consent that morning business be extended until 6 p.m. today, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORAN. Madam President, I yield the floor to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

HIGHWAY BILL

Mr. HATCH. Madam President, throughout my time as ranking member and now chairman of the Senate Finance Committee, finding money for surface transportation infrastructure has been a persistent and seemingly intractable problem. Even as we went into this year with a new Republican majority in the Senate, none of us could have imagined that we could find a way to provide 5 years of solvency and stability for the highway trust fund. Yet, with today's announcement of the completed conference report, that is precisely where we are right now.

The conference report for the Fixing America's Surface Transportation Act will hopefully be enacted within a few days' time. As the very first member of the conference committee to sign the report, I want to briefly talk about the process by which the legislation came about and how we got to where we are now.

Immediately before the Memorial Day recess, there was an unsuccessful attempt to put together a package to possibly get the highway trust fund through the rest of 2016. The agonizing difficulty we faced at that time in dragging ourselves through another 18 months gave us a desire to think bigger than we had before. This is why I was determined to help find a way out of the cycle of short-term infrastructure bills and why I believed it was necessary for us to think outside of the proverbial box and look everywhere for potential offsets.

Generally, the Finance Committee is responsible for the financing title of any highway bill that goes through the Senate. Usually, we do our best to work within our committee's jurisdiction to identify offsets. However, because those resources have been quickly drying up, we had to look elsewhere for this package.

After the committee spent weeks examining numerous options and alternatives, I was able to present our distinguished majority leader with a list of offsets that, while not necessarily ideal, would allow us to put together a long-term highway bill without raising taxes or increasing the deficit.

I am very pleased with the work we were able to do there as that list of offsets formed the basis of the funding for the long-term deal we will likely be voting on in short order. As we continued on, by the end of July, the Senate had managed to pass a bipartisan infrastructure bill with 3 years of solvency, funding, and certainty for the highway trust fund. Though we were required to enact another short-term extension before the August recess, momentum had begun to build in both Chambers for a long-term highway bill.

Common practice on highways over the past few years has been to enact short-term extensions and then go and complain about the dysfunction in Congress before moving on to the next order of business. The offset package produced by the Senate showed that we could do things differently and, for the first time in almost two decades, a long-term transportation bill was actually possible.

After the August recess, the House began working off of the Senate bill as a template for their own legislation. After they passed a remarkably similar bill in November, the conference committee came together to produce the legislation announced today.

While I am not one who likes to count chickens before they have been hatched—no pun intended—I am optimistic that the bill will pass with a strong bipartisan vote. Putting these offsets for this long-term bill together has truly been a group effort. As I mentioned, we searched far and wide for offsets that required a number of chairmen and committees to work together. I commend my colleagues for their efforts and their willingness to do so and their willingness to do what it took to make the endeavor successful.

I especially want to thank Senator THUNE and the commerce committee, who assisted these efforts by providing for the transfer of certain motor vehicle safety penalties to the highway trust fund. I also appreciate the work done by the House Financial Services Committee and Congressman RANDY NEUGEBAUER, chairman of the Subcommittee on Financial Institutions and Consumer Credit. He was able to identify a new and important offset for the infrastructure bill, a feat which few

have been capable of. While, as is often the case around here, some are very quick to throw out criticisms of individual offsets and were less willing to offer suggestions for suitable alternatives, Congressman NEUGEBAUER, in response to concerns about an item in the original offset package, came forward to produce a viable and scorable alternative that was able to garner bipartisan support and ultimately broaden the overall support for this long-term deal.

Back in July, when the Senate first proposed a long-term bill, many said we couldn't do it without raising taxes. When we passed our first bill, these same people claimed that it stood no chance of passage in the House. Now, just a few months later, both Chambers are a few days away from considering the conference report built upon the foundation laid by that same Senate bill.

This legislation provides a longer extension than the vaunted SAFETEA-LU extension, which many had long viewed as a model for a multiyear highway bill. In fact, you would need to go back at least to the late 1990s—actually, to the early 1990s—to find a highway reauthorization of comparable duration.

As I said, this major bicameral success was unthinkable a few months ago.

While I do acknowledge that we still face the problem of outlays from the highway trust fund outpacing the dedicated revenues, this bill will give us a much needed 5-year break from the deadlines and cliffs that all too often dictate how we deal with the highway trust fund. It is, quite simply, a great example of what we can do when we work together.

I would like to briefly note that these types of victories for good government have been piling up all year under the current Senate majority.

We do need to start thinking now about more permanent solutions on highways, but once we pass this bill, we will be in a better position than at any time in nearly two decades to do so. That, as they say, is nothing to sneeze at.

Before I conclude, I wish to pay tribute to Chairman INHOFE, Chairman SHUSTER, and BARBARA BOXER and her Democratic counterpart in the House, who led a conference committee that was able to sift through various issues and put together a very complex piece of legislation in a matter of just a few weeks. These two chairmen deserve a lot of credit for their efforts, as do all the Members who took part in the conference.

Today Congress is making headway to implementing the longest highway reauthorization bill in more than 15 years. We have heard time and again that a long-term highway bill would only be possible if we included a big tax increase. Yet we have been able to defy the odds and provide much needed funding for America's bridges, highways, and roads for the next 5 years. This marks a watershed moment for our transportation community, which will now have the security and stability they need to plan, implement, and complete critical infrastructure projects.

Of course, while we have crossed a major hurdle today, our job is not yet over. There is still one more vote to go, and I am confident we will get there.

I look forward to continuing to work with my colleagues on both sides of the aisle to complete our work and ensure that a strong multiyear highway bill is signed into law this year. I look forward to working with all of my colleagues for whatever challenges lie ahead.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from Oklahoma.

GOVERNMENT SPENDING

Mr. LANKFORD. Mr. President, when you are home and the television is on, the phone starts to ring, your dog is at the back door barking, and the kids need help doing their homework, occasionally you can forget that dinner is on the stove, but if you forget about it too long, your house will catch on fire, and that is going to be a problem. You can get distracted by a lot of things and suddenly miss out on something that is very important.

Our Nation is dealing with a lot of issues right now, such as terrorism, immigration, banking issues, our economy, education, transportation, and I do have a concern that we have forgotten this year we still have $450 billion in deficit and a total debt of $19 trillion hanging over our heads.

If we were in any State in America and faced with that, the legislative branch would work, make hard decisions, and then balance their budget. Every single State, at the end of the legislative session, comes to a balanced budget, but we don't. We just overspend, and it has happened consecutively so many times now, our debt has built up to $19 trillion. I don't have an easy way to articulate $19 trillion of debt, but let me give you a picture of that. Earlier this year we passed a 10-year budget plan that would get rid of our $450 billion of deficit and would slowly work down, within 10 years, back to a balance. Good.

Let's do a hypothetical. Let's say we finish out that path, and we have to get back to a balance within 10 years, and then in year 11 we do very well and we have a $50 billion surplus. It is a good surplus. Here is my question: How many years in a row would we have to have that $50 billion surplus before we paid off our debt? If you are doing the math in your head, the correct answer is 460 years in a row. If we had a $50 billion surplus for 460 years in a row, we could pay off our debt. That is not going to happen, is it? We are in a bad spot, and my fear is that we are distracted and we are not focusing on something that will come back and bite us.

What do we do about that? I ask if we can do the first thing: Can we at least agree that this is a problem and that we should actually work to balance our budget? At least have that as the common ground that we can agree on in this body and say we need to get back to a balanced budget, and then we need to begin to pay this down and start that process—to approach this issue in a way that I think can develop real solutions. We need to find common-ground areas, but first we need to begin with that one simple principle.

Our office has come up with a list which we affectionally call the Federal Fumbles List—100 ways the Federal Government has dropped the ball. We are identifying areas of waste, duplication, and, quite frankly, regulations that are well outside the purview of the Federal Government, many of which slow down the economy and drive up the costs to consumers.

These Federal fumbles are not an exhaustive list. This is not everything; This is just our list. We took some from multiple agencies and entities. As we pulled this list together, we encouraged this. This is our to-do list. We encourage other offices to start their to-do list so at least we can have a common-ground sense of, let's get back to a balance and work together to identify something within our own office to find out ways we can deal with some simple things, such as, how are we wasting taxpayer dollars? What programs are ripe with fraud? What duplication and inefficiency is out there? Where are we overregulating, which in turn raises the costs of goods and services for consumers? And how does the government actually have processes in place that deceive taxpayers and add debt to their families?

When we walked through this, we had a common agreement on our team: We are not just going to identify problems; we are going to actually work together to find a solution. Our issues and conversations have been simple. If I am back home in Oklahoma, I can sit in the coffeehouse with other folks eating breakfast and talk about all the problems, but when I get back in this room, we can't just complain about the issues, we have to fix those issues. That is our job. We spend a tremendous amount of time just complaining about the issues as if fixing it comes from somewhere else.

So we take all 100 of these issues and say: Here is the problem, and here is the solution we have proposed. If people have different ideas and different solutions, bring them, but let's at least agree that these things should be resolved. Some of them are small, some of them are large, but we simply asked the question: How do we fix this?

I have several things to say on that issue. One is that we have to fix our budgeting process and the way we make decisions about it.

We have these cute little terms in our budgeting process, such as CHIMPS, changes in mandatory programs. It is a cute term, but the problem is that adds $11 billion to the debt every year and everyone just pretends that it is not there, that it is not real.

There is a fund called the Crime Victims Fund. This fund is supposed to go directly to what it says—to crime victims—but it is actually not used for crime victims.

Eleven billion dollars each year—in fact, this is the same $11 billion that is used each year as an offset for additional spending, but the money never actually moves out of that account, it just stays there. We pretend we are going to spend it and then actually spend it somewhere else and then the next year do the same thing again. It is deceptive. We have to stop that. That adds deficit and debt onto families by a deceptive tactic.

We have a thing called the corporate payment shift. This one is fun as well. The corporate payment shift assumes that money is going to come in or be spent, and we have a 10-year budgeting window and move it in the very last month to year 10 plus 1 month. We move it just slightly out of the budget window, but we say we are going to spend it and actually go ahead and spend it anyway. If we had a budget that was 10 years and 1 month, it would be out of balance, but if we put that little corporate payment shift in there, it looks fine on paper, but in reality it doesn't work. So we identify that as one of the fumbles that we have as a government. It is something that we obviously have to fix. Basic oversight will help that, but it is also this body making a decision on how we are going to budget it.

We also walked through a lot of areas where we just identified things that the Federal Government spends money on that we thought were rather unique to spend money on and we thought may need some oversight.

How about a $43 million natural gas filling station built in Afghanistan? It cost $43 million for one natural gas filling station. Now that that station is in place, it is not being used at all and it is a $43 million waste.

How about the Academy Awards. It is a pretty ritzy event. The Academy Awards are choosing to build a $250 million museum, and the Federal taxpayers are kicking in $25,000 to that museum. Why in the world are we kicking in $25,000? Did we believe at some point that they couldn't raise the last $25,000, and so we had to kick in a Federal connection to it? I would disagree.

One of my favorites is the fact that we just spent almost $50,000 to study the history of tobacco use in Russia. I am still looking for the national security implications of why we just spent $50,000 to study cigarette use in Russia.

The National Park Service spent $65,000 doing a study on what happens to bugs when you turn on a light in dark areas. I can tell anyone in this Chamber what bugs do if you turn on a light in a rural area. They fly at the light. But we spent $65,000 trying to investigate that.

The VA in Arkansas installed solar panels to show that they have green energy in this area. Many VA centers around the country are doing this project. The particular one in Arkansas put them on in the wrong spot, relocated them, and spent $8 million in total just for the installation for their solar panels. Any guess on how long those solar panels will have to run continuously to before they pay off the cost of installation? They will have to run continuously for 40 years just to pay for the cost of installation. That is not green energy, that is just waste.

How about a challenge like this. The Social Security Administration—the definition for Social Security disability is that you cannot work in any job in the economy. You are only eligible for Social Security disability if you cannot work in any job in the economy. But there are individuals who receive both Social Security disability, which by definition means you cannot work, and unemployment insurance, which by definition means you are looking for a job. You should not be able to get unemployment insurance and Social Security disability insurance at the same time. They violate the definitions between the two. Even the President of the United States agrees with that. Yet we have not been able to get that done. That is a fumble.

As American taxpayers, we spent $374,000 studying the dating habits of senior adults. Can someone help me understand what the national security implications are for that and why we spent $374,000 studying the dating habits of senior adults?

We also created what is called the Ambassador Slush Fund.

The Ambassador's Cultural Fund from the State Department, $5 million—almost $6 million—is designed to be able to help us give away money to do construction in other areas.

We have done projects like building a welcome grotto into a Buddhist temple in China, which I find the ultimate irony. If any church in America said we wanted to be able to add on a welcome center onto our church, we would forbid the use of taxpayer dollars for that, but in China we literally borrowed money from them, gave it to our State Department so they could build a welcome grotto into a Buddhist temple back in China. I am not sure that is a great idea.

The State Department also has a Twitter account called ThinkAgainTurnAway. It is to discourage people from joining the jihadi movement. Any guess on how much Americans spend for a Twitter account? For that one Twitter account with 23,000 followers, we spent $5 million—$5 million to maintain a Twitter account. I am very confident there are multiple teenagers at home who could help us run that for a lot less than the price.

Mr. President, I ask unanimous consent to extend my remarks for a couple more moments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LANKFORD. Let me mention just a couple more.

I have a real concern that our Social Security Administration is not sharing what is called the death master file. That may seem like a macabre comment, but what happens is, if we don't share the death master file, then we literally don't know in other agencies when to be able to pull a Social Security number off the record. The Social Security Administration recognizes that someone has passed away, but the IRS doesn't, so that is still a live Social Security number to them, meaning someone could get that Social Security number, file, get a work permit, even register and vote—all sorts of things can be done—under that number.

We have 6.5 million people, according to our government, who are over 112 years old—6.5 million people. That is quite a few. Actually, in the world, there are less than 100, but according to our government we have 6.5 million and those numbers are being abused.

I can't even get into multiple issues, but let me just mention one more on this list of waste. We identified what many Americans already know. Social Security numbers are being stolen and used to file fraudulent tax forms. Many Americans in the coming months will file their taxes only to get notification from the IRS that someone has already filed under this number. It is infuriating to them, and it is billions of dollars of loss to the Federal taxpayer. The IRS knows how to fix this. We list out the solutions. We have to actually implement the fixes. We have to be able to protect the taxpayer and to protect individuals from identify theft. That is a fumble, but it is fixable and we need to do it.

I haven't even gotten into some simple things such as school lunches—ask any teenager what they think of school lunches at this point with the new regulations—or waters of the United States and how even the Corps of Engineers doesn't want to implement the new EPA rule. The fiduciary standard is causing chaos among retirees and individuals wanting to get retirement advice or rural banks in how they want to be able to give out loans for mortgages but can't in many rural areas of America.

There are solutions to these problems, and it is our responsibility to be able to work through the process to solve them. With $450 billion in deficit spending and an economy that continues to slow down, this body needs to determine what our job is and do it. It would be my encouragement in the days ahead that we actually achieve that; that in the days ahead we speak of what we have solved for the American people rather than pretending, as

we are eating breakfast back home with some friends who are complaining about the problems. It is time for us to fix the problems.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

PARIS CLIMATE CHANGE CONFERENCE

Mr. WICKER. Mr. President, policymakers from all over the world will be meeting in Paris this week and next to address the issue of climate change. With much fanfare, they will purport to reach an agreement that will prevent the Earth's ''average global air temperature'' from rising more than 2 degrees Celsius. This 2-degree limit will supposedly mean success for the conference in Paris and success in the battle against global warming, thus preventing catastrophic events from occurring.

So I come to the floor to call attention to several news articles pointing out problems with this approach, with this 2-degree Celsius approach. The first is a front-page story from yesterday's Wall Street Journal. I hold it in my hand. It is titled ''Climate Experts Question Temperature Benchmark.'' This is not an opinion piece, it is a news article. The article points out that the 2-degree target is both arbitrary and based on questionable research.

The article quotes Mark Maslin, professor of climatology at the University College London, saying:

> It emerged from a political agenda, not a scientific analysis. It's not a sensible, rational target.

The article goes on to say that despite assumptions by policymakers, the 2-degree target does not express ''a solid scientific view.'' Indeed, no report by the U.N. Intergovernmental Panel on Climate Change even mentions the 2-degree limit.

Economics Professor William Nordhaus appears to have been the first to use the 2-degree figure. The article notes that his work ''argued that a rise of two or more degrees would put the earth's climate outside the observable range of temperature over the last several hundred thousand years.'' I ask my colleagues how did they measure air temperature 100,000 years ago, 200,000 years ago, as Professor Nordhaus appears to have been concerned about. I would also point out to my colleagues that being outside the observable range is far different than being catastrophic. It is not the same thing, but from that has evolved the 2-degree model.

This is not the first time the model has been criticized. In October of last year, David Victor and Charles Kennel wrote about it in the journal Nature. Victor is a professor of international relations at the University of California San Diego and Kennel is a professor at the Scripps Institution of Oceanography in La Jolla, CA.

Yesterday I got this article from the journal Nature and read it myself. In their piece, Professors Victor and Kennel wrote:

> Politically and scientifically, the 2 degree Celsius goal is wrong-headed. . . . It has allowed some governments to pretend that they are taking serious action to mitigate global warming, when in reality they have achieved almost nothing.

This is one of the things I worry about. This is one of the things I fear from the Paris conference. The United States will agree to do a lot, costing job growth here, and other countries will do almost nothing, as the professors say.

Victor and Kennel say that the 2009 and 2010 U.S. conferences in Copenhagen and Cancun officially adopted this approach. They then conclude: ''There was little scientific basis for the 2 degrees Celsius figure that was adopted.''

Additionally, in an op-ed last month for the Wall Street Journal, environmentalist Bjorn Lomborg cites his own peer-reviewed study to show how the most high-flown promises in Paris will fail to make any substantial impact on climate change.

Even if every country fulfills every promise made in Paris over the next decade and a half, according to Dr. Lomborg, the growth of global temperatures would be reduced by less than .05 degrees Celsius, or five-hundredths of a degree Celsius—by the end of the century, the year 2100. So is it 2 degrees or is it less than five-hundredths of a degree? And is 2 degrees sensible and rational? Not according to Professors Maslin, Victor, Kennel, and certainly not according to Dr. Lomborg.

One more quote from Professors Victor and Kennel. They point out one of the major problems in the 2-degree Celsius approach: ''Failure to set scientifically meaningful goals makes it hard for scientists and politicians to explain how big investments in climate production will deliver tangible results.''

Yes, what are the tangible results? What can we expect in tangible results from the agreements that will certainly come out of Paris? We will be $3 billion poorer, that is for certain, because the President has pledged $3 billion from taxpayers for the Green Climate Fund. I would point out that $3 billion could be used for Alzheimer's research or malaria or malnutrition or any number of the other problems the people of the world see as more important than climate change.

Tangible results coming out of Paris: Electricity bills will be higher. Lower income Americans will be colder in their own homes, our economy will have suffered, and job growth will have been slowed, perhaps by as much as $154 billion a year. That figure comes from Stanford University analysts who say that if we adopt the Obama administration's proposal of cutting domestic carbon dioxide emissions by as much as 28 percent, GDP will be reduced by $154 billion per year.

If we spend all of this money, trim our GDP by $154 billion a year, and actually achieve this impractical 2 degrees Celsius, where will humankind be then? How much will the sea level not rise? No one can say. How much thicker will the icecap be in the Arctic or Antarctic? No one knows. How many coral reefs will be preserved? No one will even venture a guess. All of this to be done, all of this money to be spent, and experts cannot say how much it will help, if at all.

Dr. Lomborg writes that the Paris agreements are ''likely to see countries that have flourished with capitalism willingly compromising their future prosperity in the name of climate change.'' Negotiators in Paris should weigh the real-world costs against the negligible environmental impact when discussing emissions reductions.

Finally, the Obama administration's international promises should come back to the Senate for advice and consent of Congress. Under the Constitution, the approval by two-thirds in the Senate is needed to enter into a legally binding treaty. I join many of my colleagues in urging the President to submit to Congress any agreement in Paris with regard to U.S. emissions targets and timetables or pledges that appropriate taxpayer dollars.

Americans should have a say in the approval process. A recent FOX News poll showed that only 3 percent of Americans believe that climate change is the most important issue facing our country.

In conclusion, the President's promises in Paris are not based on scientific analysis, according to these professors, but would certainly slow the economy, cost jobs, cost billions of dollars, divert money from real and pressing needs, and be of limited value. With so much at stake, these policies should come back to Congress for debate, consultation, and approval or disapproval.

Thank you, Mr. President.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent that I follow Senator GRASSLEY after he has completed his remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

OBAMACARE

Mr. GRASSLEY. Mr. President, I come to the floor because we are discussing ObamaCare on the reconciliation bill. Webster's dictionary defines the word ''success'' as the correct or desired result of an attempt. So I want to discuss the definition of the word ''success'' as we consider repeal of ObamaCare.

On the day the bill was signed into law, President Obama said the following:

Today we are affirming that essential truth, a truth every generation is called to rediscover for itself, that we are not a nation that scales back its aspirations.

Such grand words for where we are today with ObamaCare. Today the success of the law that now bears his name, ObamaCare, is defined in much more meager terms. Think of all we have been through to this point: the fight over the bill and the extreme legislative means used to pass it through the Congress; the Supreme Court decision that effectively repealed half of the law's coverage. Think of all the changes made to the law through regulation to make sure ObamaCare actually got launched—the postponing of the employer mandate, the postponing of lifetime limits. Think of the impact this law has had on our economy—people losing jobs, people losing the health insurance they currently have because if you like what you have, you may not be able to keep it.

Let's talk about that for a moment. ''If you like what you have, you can keep it.'' This was the promise the President made to the American people on at least 36 separate occasions. It is a great sound bite. It is easy to say. It rolls off the tongue. It is also not true. It was never true. It obviously was not true when the law was written. It was obviously not true when the first proposed regulation came out.

This is what I said on the Senate floor in September of 2010:

Only in the District of Columbia could you get away with telling the people ''if you like what you have, you can keep it,'' and then pass regulations 6 months later that do just the opposite, and figure that people are going to ignore it.

It is not that I have some magic crystal ball. We all knew it. The administration certainly knew the day would come when millions of people would receive cancellation notices. My constituents clearly know that. I heard from many Iowans who found out the hard way that the President made a bunch of pie-in-the-sky promises that he knew he couldn't keep; constituents such as this one from Perry, IA, who wrote to me saying:

My husband and I are farmers. For nine years now we have bought our own policy. To keep the cost affordable our plan is a major medical plan with a very high deductible. We recently received a letter that our plan was going away. Effective January 1, 2014, it will be updated to comply with the mandates of ObamaCare.

To manage the risks of much higher premiums, our insurance company is asking us to cancel our current policy and sign on at a higher rate effective December 31, 2013 or we could go to the government exchange.

We did not get to keep our current policy. We did not get to keep our lower rates. I now have to pay for coverage that I do not want or will never use. We are not low income that might qualify for assistance.

We are the small business owner that is trying to live the American dream. I do not believe in large government that wants to run my life.

From a constituent living in Mason City:

My wife and I are both 60 years old, and have been covered by an excellent Wellmark Blue Cross Blue Shield policy for several years. It is not through my employer. We selected the plan because it had the features we wanted and needed . . . our choice. And because we are healthy, we have a preferred premium rate.

Yesterday, we got a call from our agent explaining that since our plan is not grandfathered, it will need to be replaced by the end of 2014. The current plan has a $5,000 deductible and the premium is $511 a month. The best option going forward for us from Wellmark would cost $955 per month (a modest 87 percent increase), and have a $10,000 deductible. And because we have been diligent and responsible in saving for our upcoming retirement, we do not qualify for any taxpayer-funded subsidies.

These are just two of many letters, emails, and phone calls I have received from Iowans.

Now the issue has turned to cost. Millions of people face rising premiums. The impact is real and undeniable.

Here is another from a constituent from Des Moines:

In 2013, I encountered some medical problems which caused me to retire early. My spouse works as an adjunct instructor . . . thus not qualifying for coverage. In 2014, with 4 part-time jobs between us, we made $44,289 in Adjusted Gross Income.

Our Obamacare insurance cost $968 per month and after credits, we paid $478 per month or approximately 13 percent of our Adjusted Gross Income. In 2015, our Adjusted Gross Income will be approximately the same, however our Obamacare insurance jumped to a premium of $1,028.82 and our cost to $590.12.

The insurance company touted that premiums went up less than 10 percent, but as you can see, my costs went up 23 percent. The impact to Adjusted Gross Income went to 16 percent, a 23 percent increase. I just received my 2016 premium estimate. Our Adjusted Gross Income is likely to be the same. Our gross premium is scheduled to rise 36 percent to nearly $1,400; our cost after the credit is jumping 63 percent and the impact to our Adjusted Gross Income is that 25 percent of our income will be spent on health insurance (a 56 percent increase).

Thousands of Iowans have contacted me asking what can be done. Now that we clearly see that what the President sold the American people was a bag of Washington's best gift-wrapped hot air. All the grandiose talk about the importance of this statute, and what we ultimately have is an optional Medicaid expansion with a glorified high-risk pool and a government portal that makes DMV look efficient.

Finally, I would be remiss if I didn't mention the co-op disaster. The first co-op to fall was Iowa's CoOportunity. CoOportunity enrolled the second most beneficiaries of any co-op in America. CoOportunity knew they were in trouble because they enrolled more than 100,000 people when they were planning for less than 20,000. CoOportunity was in contact with CMS and so was the State of Iowa. CMS chose not to further fund CoOportunity and CoOportunity has since been liquidated. American taxpayers have billions of dollars invested in these co-ops. The taxpayer only gets their money back when co-ops succeed. CMS's stewardship of this program has proven that CoOportunity was not an exception but unfortunately the rule as more and more co-ops have failed.

Americans deserve better. They voted for better. It is time to admit that ObamaCare has not achieved the correct or desired result of an attempt. It has not been a success by any measure, unless, of course, you lower your standard to the point that the mere act of keeping the doors open is a success. How sad is that for all we have been through.

Maybe, just maybe, it is time to admit that the massive restructuring has failed. Partisanship has failed. Perhaps it is time to sit down and consider commonsense, bipartisan steps that we could take to lower the cost and improve quality. Perhaps we could enact alternative reforms aimed at solving America's biggest health care problems, reforms like revising the Tax Code to help individuals who buy their own health insurance, allowing people to purchase health coverage across State lines and form risk pools in the individual market, expanding tax-free health savings accounts, making health care price and quality information more transparent, cracking down on frivolous medical malpractice lawsuits, using high-risk pools to insure folks with preexisting conditions, giving States more freedom to improve Medicaid, and using provider competition and consumer choice to bring down costs in Medicare and throughout the health care delivery system.

The American people need to know that this failed program is not the only answer and we are not scaling back our aspirations. With this vote this week, we once again demonstrate to the American people our willingness to not accept failure and to aim for better. That is what America is all about.

I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that morning business be extended until 7 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

RECONCILIATION LEGISLATION

Mr. WYDEN. Mr. President, with so many issues to wrap up before the end of this year and so many enormous challenges facing our country, my view is the Senate ought to be embracing bipartisanship at every turn. In fact, earlier today the senior Senator from Iowa and I released an 18-month bipartisan inquiry into Solvaldi, which is the blockbuster drug to deal with hepatitis C, and the reason we did is because these specialty drugs are the

drugs of the future for cancer, Alzheimer's, diabetes, and defeating hepatitis C if people can afford them. Using the company's own documents, there were real questions about whether access and affordability were just kind of an oversight because all they truly cared about was maximizing revenue. A Republican, a senior Member of this body, a good friend of mine, and I as a Democrat came together because we thought this question of making sure the public can get access to breakthrough cures and that they be affordable was something that would require bipartisan effort. I am very proud that the senior Senator from Iowa and I joined in that effort earlier today.

We ought to be embracing bipartisanship. I come tonight to unfortunately talk about this reconciliation legislation because I think it is the antithesis of what Chairman GRASSLEY and I sought to do earlier today, which was to take a bipartisan approach. The reconciliation legislation in my view is a rejection of bipartisanship. It is a rejection of bipartisanship because it would, for example, undermine women's health, it would mean millions more Americans go without insurance, and it puts at risk our ability to have affordable health insurance premiums. I think it is going to drive up these health insurance premiums.

So I am going to just spend a few minutes tonight talking about why I object to this legislation and again why it really is the antithesis of the kind of bipartisanship that we need.

My first concern is that the Senate is looking once again at a plan that would wreak havoc on women's health in our country by denying the funding for Planned Parenthood. It is important to recognize the horrific act of gun violence that happened at a Colorado Planned Parenthood clinic last week. It was another in a long stream of tragedies that have taken place across the Nation, including one in my home State in Roseburg, OR, in October. This time it marked an attack on the public and women's health.

Millions of women have sought routine, medical care in Planned Parenthood clinics just like the one in Colorado. More than 70,000 Oregonians are served by the 11 Planned Parenthood centers in my home State.

The bottom line is that Planned Parenthood is a bedrock institution for women's health care in America. In my view it is wrong to bring such a misguided, controversial proposal before this body in the wake of the horrible, tragic events in Colorado.

These are the services Planned Parenthood offers that would be at risk of disappearing with this reconciliation proposal: pregnancy tests, birth control, prenatal services, HIV tests, cancer screenings, vaccinations, testing and treatment for sexually transmitted infections, basic physical examinations, treatment for chronic conditions, pediatric care, adoption referrals, nutrition programs, and more.

This seems to be the latest offering in what amounts to an ongoing, coordinated campaign to regrettably undermine the fundamental rights of all women in our country to make their own reproductive choices and attain affordable, high-quality health care. When you wipe out Planned Parenthood's funding, you dramatically and painfully reduce women's access to services that have absolutely nothing to do with abortion. And I want to repeat that; I have done that on this floor before. What I have talked about are all those important services: cancer screenings, gone; vaccinations, gone; basic physical exams, gone; treatment for chronic conditions, gone; pediatric care, gone. The list goes on and on and has absolutely nothing to do with abortion. So I hope that this campaign against women's health will come to an end.

The second objection I want to touch on tonight is the harm the bill threatens to do to millions of vulnerable Americans by repealing as much of the Affordable Care Act, frankly, as Senate procedure would allow. Based on the reports of the bill's contents, this is what is at stake. According to the nonpartisan experts at the Congressional Budget Office, this proposal would mean 14 million more Americans would go without health insurance. For people who shop for their own private insurance coverage, premiums would increase by 20 percent. That is potentially hundreds or thousands of dollars taken out of families' pockets. Emergency rooms would once again be the fallback for people without a doctor. Typical Americans with insurance would once again have to pay the hidden tax of higher premiums to cover the costs of those without coverage.

There have been more than 50 votes to repeal or undermine the Affordable Care Act, and there is still no viable plan to replace it. As a Member of Congress, you can object to a law and want to make changes, but America cannot and will not go back to the days when health care was reserved for the healthy and the wealthy. That is what this plan does.

Before I came to Congress, I was co-director of the senior citizens group, the Gray Panthers, and I remember what health care was like in those days. In effect, the system truly did work for people who were healthy and wealthy. If you were healthy, you didn't have any preconditions. You didn't have any of these pre-existing conditions. If you were wealthy, you could just pay the bill, but it was care that worked for the healthy and the wealthy.

Yet with the Affordable Care Act, that changed. Unfortunately, what this destructive reconciliation bill would do would be to take us back to those days when health care was reserved for the healthy and the wealthy.

The fact is, despite raising costs for families, causing turmoil in insurance markets, and raising the number of uninsured Americans by 14 million, this bill doesn't even manage to repeal the Affordable Care Act fully. That is because of the reconciliation process, because of the way it works, which brings me to the final issue I wish to raise today.

Reconciliation is a sharp departure from the usual procedure for Senate debate. Usually bills being considered on the Senate floor are subject to an unlimited debate and unlimited amendment. Further, it typically takes 60 votes to pass a bill, assuring that there is at least some measure of bipartisan support. These regular-order procedures give the Senate its unique character. The reconciliation procedure is an exception to this usual approach. Reconciliation imposes tight limits on debate and on amendments, and it allows a vote of a bare majority of Senators—51—to pass a bill. The reconciliation procedure originally was created to facilitate the passage of budget-related bills which can be particularly important and particularly hard to pass. But reconciliation shouldn't be a free pass that allows the majority to pass anything it wants on a fast track. That would undermine the fundamental character of the Senate.

I am concerned that the reconciliation process is being misused here. Everybody in the Chamber knows what is happening. This bill is not designed to address budget-related issues; it is all about repealing the Affordable Care Act to the maximum extent possible. Repeatedly, the bill's advocates have proposed to repeal ObamaCare—to dismantle ObamaCare.

A few weeks ago, the Parliamentarian advised that the reconciliation process could not be used to repeal the individual and employer mandates. The Parliamentarian said that would violate what is known as the Byrd rule against extraneous amendments because the budgetary effects of the provision would be dwarfed by the health policy effects.

In response, the majority has proposed to formally retain the mandates but to completely repeal the penalties enforcing them. That is not a straightforward way to legislate. It is a very cynical approach, and that is not this Senate at its best.

The complete elimination of all penalties is tantamount to repeal of the mandates. A mandate without an enforcement system is not a legal requirement; it is a mere recommendation. It is like having speed limits but not fines for violating. By deleting the penalties, the proposal fundamentally alters the character and operation of the law.

Finally, I think this would set a very dangerous precedent for this body. These penalties can be eliminated in a reconciliation bill. The door is going to be open to all kinds of proposals to strip away penalties in a future reconciliation bill. For example, you could keep an environmental law on the books, but you could just say: Let's

strip away the penalties for violating. That would allow a majority to fundamentally undermine a nonbudgetary law in a reconciliation bill.

I have enormous respect for the Parliamentarian and her staff. They work diligently to serve the Senate, and they have to make some tough calls. I will say that this one leaves me disappointed and perplexed.

With so many issues—as I touched on earlier—I would hope that the Senate would spend more time doing what Chairman GRASSLEY and I did somewhere in the vicinity of 9 hours or 10 hours ago. We said there was an important issue. It happened to be a health care issue as well—prescription drugs. We spent 18 months with our very dedicated staffs, Democrats and Republicans working together, to try to find some common ground. It is a hugely important issue, important to the people of Colorado, Oregon, and everywhere else. In effect, we said it was important because it was about the future. The drugs of the future are going to be specialty drugs, exciting drugs with the opportunity for real cures. People are going to have to be able to afford them, and using the companies' own documents, this morning Chairman GRASSLEY and I pointed out how affordability and accessibility weren't actually the issue; the issue was maximizing revenue.

But most important—whether you agree with the two of us or not—it was bipartisan. It was Democrats and Republicans coming together on a hugely important issue.

This reconciliation proposal we will deal with on the floor of this Senate is a rejection of the kind of bipartisanship that I was part of something like 8 hours or 10 hours ago. It is part of what I believe the Senate is all about—what the Senate is at its best—as an institution that functions in a bipartisan way. That is why I felt compelled to come to the floor tonight and lay out my concerns about a very troubling precedent, and that is the one that is being set with the reconciliation bill.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DAINES). Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 299, H.R. 3762.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RESTORING AMERICANS' HEALTHCARE FREEDOM RECONCILIATION ACT OF 2015

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 299, H.R. 3762, a bill to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016.

The PRESIDING OFFICER. The motion is not debatable.

The question occurs on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the bill.

The senior assistant legislative clerk read as follows:

A bill (H.R. 3762) to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016.

AMENDMENT NO. 2874

Mr. MCCONNELL. Mr. President, I send a substitute amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2874.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

TITLE I—FINANCE

SEC. 101. FEDERAL PAYMENT TO STATES.

(a) IN GENERAL.—Notwithstanding section 504(a), 1902(a)(23), 1903(a), 2002, 2005(a)(4), 2102(a)(7), or 2105(a)(1) of the Social Security Act (42 U.S.C. 704(a), 1396a(a)(23), 1396b(a), 1397a, 1397d(a)(4), 1397bb(a)(7), 1397ee(a)(1)), or the terms of any Medicaid waiver in effect on the date of enactment of this Act that is approved under section 1115 or 1915 of the Social Security Act (42 U.S.C. 1315, 1396n), for the 1-year period beginning on the date of enactment of this Act, no Federal funds provided from a program referred to in this subsection that is considered direct spending for any year may be made available to a State for payments to a prohibited entity, whether made directly to the prohibited entity or through a managed care organization under contract with the State.

(b) DEFINITIONS.—In this section:

(1) PROHIBITED ENTITY.—The term ''prohibited entity'' means an entity, including its affiliates, subsidiaries, successors, and clinics—

(A) that, as of the date of enactment of this Act—

(i) is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(ii) is an essential community provider described in section 156.235 of title 45, Code of Federal Regulations (as in effect on the date of enactment of this Act), that is primarily engaged in family planning services, reproductive health, and related medical care; and

(iii) provides for abortions, other than an abortion—

(I) if the pregnancy is the result of an act of rape or incest; or

(II) in the case where a woman suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the woman in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy itself; and

(B) for which the total amount of Federal and State expenditures under the Medicaid program under title XIX of the Social Security Act in fiscal year 2014 made directly to the entity and to any affiliates, subsidiaries, successors, or clinics of the entity, or made to the entity and to any affiliates, subsidiaries, successors, or clinics of the entity as part of a nationwide health care provider network, exceeded $350,000,000.

(2) DIRECT SPENDING.—The term ''direct spending'' has the meaning given that term under section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)).

SEC. 102. INDIVIDUAL MANDATE.

(a) IN GENERAL.—Section 5000A(c) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (2)(B) by striking clauses (ii) and (iii) and inserting the following:

''(ii) Zero percent for taxable years beginning after 2014.'', and

(2) in paragraph (3)—

(A) by striking ''$695'' in subparagraph (A) and inserting ''$0'',

(B) by striking ''and $325 for 2015'' in subparagraph (B), and

(C) by striking subparagraph (D).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2014.

SEC. 103. EMPLOYER MANDATE.

(a) LARGE EMPLOYERS NOT OFFERING HEALTH COVERAGE.—Paragraph (1) of section 4980H(c) of the Internal Revenue Code of 1986 is amended by inserting ''($0 in the case of months beginning after December 31, 2014)'' after ''$2,000''.

(b) LARGE EMPLOYERS OFFERING COVERAGE WITH EMPLOYEES WHO QUALIFY FOR PREMIUM TAX CREDITS OR COST-SHARING REDUCTIONS.—Paragraph (1) of section 4980H(b) of the Internal Revenue Code of 1986 is amended by inserting ''($0 in the case of months beginning after December 31, 2014)'' after ''$3,000''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2014.

SEC. 104. REPEAL OF MEDICAL DEVICE EXCISE TAX.

(a) IN GENERAL.—Chapter 32 of the Internal Revenue Code of 1986 is amended by striking subchapter E

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales in calendar quarters beginning after the date of the enactment of this Act.

SEC. 105. REPEAL OF THE TAX ON EMPLOYEE HEALTH INSURANCE PREMIUMS AND HEALTH PLAN BENEFITS.

(a) EXCISE TAX.—Chapter 43 of the Internal Revenue Code of 1986 is amended by striking section 4980I.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2017.

(c) REINSTATEMENT.—The amendment made by subsection (a) shall not apply to taxable years beginning after December 31, 2024, and chapter 43 of the Internal Revenue Code of 1986 is amended to read as such chapter would read if such subsection had never been enacted.

SEC. 106. RECAPTURE OF EXCESS ADVANCE PAYMENTS OF PREMIUM TAX CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 36B(f) of the Internal Revenue Code of 1986 is amended by striking subparagraph (B).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after December 31, 2015.

TITLE II—HEALTH, EDUCATION, LABOR AND PENSIONS

SEC. 201. REPEAL OF THE PREVENTION AND PUBLIC HEALTH FUND.

(a) IN GENERAL.—Section 4002(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 300u–11(b)) is amended—

(1) in paragraph (2), by striking ''2017'' and inserting ''2015''; and

(2) by striking paragraphs (3) through (5).

(b) RESCISSION OF UNOBLIGATED FUNDS.—Of the funds made available by such section 4002, the unobligated balance is rescinded.

SEC. 202. FUNDING FOR COMMUNITY HEALTH CENTER PROGRAM.

Effective as if included in the enactment of the Medicare Access and CHIP Reauthorization Act of 2015 (Public Law 114–10, 129 Stat. 87), paragraph (1) of section 221(a) of such Act is amended by inserting after ''Section 10503(b)(1)(E) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(1)(E)) is amended'' the following: ''by striking '$3,600,000,000' and inserting '$3,835,000,000' and''.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the consideration of H.R. 3762 now be for debate only during today's session of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, the Senate is now considering the House-passed Restoring Americans' Healthcare Freedom Reconciliation Act of 2015. We finally have a chance to vote to end ObamaCare's cycle of broken promises and failures with a simple majority vote. I look forward to completing action on this bill this week.

MORNING BUSINESS

TRIBUTE TO TOM OWEN

Mr. MCCONNELL. Mr. President, respected public servant and renowned historian Tom Owen has announced that he will be retiring from the Louisville Metro Council after next year. Tom is a friend of mine, and I want to take this opportunity to express my gratitude for his many years of public service. His deep knowledge of Louisville's past and his great passion to shape our city's future will be greatly missed and impossible to replace.

Tom is one of the original members of the metro council, having served since that body's inception in 2002. In 2010 he served as metro council president. Tom previously served on the old Louisville Board of Aldermen from 1990 to 1998.

Tom represents district 8, which includes most of the Highlands neighborhood. I should mention here that Tom is not only my friend but also my councilman. He is currently the chair of the committee on sustainability and a member of the committees on public works, bridges and transportation and planning, and zoning and land design.

Tom is also a full professor at the University of Louisville; and he has served as a history instructor, an archivist, and a community relations associate at the University of Louisville since 1968. His knowledge of the city of Louisville is vast, and he frequently speaks on local television and radio about Louisville history. He also leads walking tours of historic Louisville and famous city landmarks and makes videos of these walking tours available to the public.

Tom earned his Ph.D. in American history from the University of Kentucky, a master's in history from the University of Louisville, a bachelor of divinity from Methodist Theological School in Ohio, and a bachelor's degree from Kentucky Wesleyan. He is an elder at Highland Presbyterian Church, and of his many hobbies, I know he enjoys bicycling and commuting by bicycle, as he has championed bicycle commuting as one his causes on the metro council.

Tom has been awarded the Distinguished Service Award from the Louisville Historical League, the Outstanding University of Louisville Employee Award, an honorary membership in the Kentucky Chapter of the America Institute of Architects, and a Patron Service Award at the University of Louisville libraries. As all these awards make clear, Tom is widely respected as Louisville's unofficial historian, and his absence from city government will be felt deeply.

Tom and I don't always see eye to eye on every issue, but I have great respect for Tom as a legislator, as an advocate for the citizens of the 8th district, and as someone who set out to make a difference for all the citizens of Louisville. Our shared hometown is better off thanks to Tom's many years of service. I wish him well in retirement, and I am sure his wife, Phyllis, and his children and grandchildren will be glad to spend more time with him. I wish my friend, Tom, all the best in whatever exciting endeavors await him after his time in office draws to a close.

The Louisville Courier-Journal published an article detailing Tom's career and decision to retire. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Louisville Courier-Journal, Nov. 25, 2015]

HIGHLANDS COUNCILMAN TOM OWEN RETIRING

(By Phillip M. Bailey)

Longtime Metro Councilman Tom Owen announced Wednesday he will not seek re-election next year, opening up a possible avalanche of candidates who will run for his seat representing much of the Highlands neighborhood.

Owen, 76, who is an archivist at the University of Louisville, has served on the council since 2003 and was a member of the old Board of Aldermen before that. He told The Courier-Journal last week he was still deliberating on retirement, but said after careful and lengthy consideration that now is the time to step away.

''I had been mulling on this decision for a good two months and that's why there had been rumors out there,'' Owen, D–8th District, said. ''Once I got closer to pushing the send button the more hesitant I became.''

Owen, a former council president, was first elected to the old board in 1989 when he defeated incumbent Alderwoman Linda Solley in the Democratic primary. In that campaign, Owen ran on his credentials as a local historian, saying at the time he was the ''only candidate who knows the city of Louisville edge to edge and has a vision of the whole city's history and needs.''

Among those needs in 1989, Owen said, was a trolley service for the Bardstown Road corridor, safer pedestrian traffic and a citywide paper recycling program. He was the only challenger to beat an incumbent in the nine board primary races that year.

''I love being involved and I'm honored as a historian to think I have shaped the destiny of Louisville even one percent,'' Owen said Wednesday.

In a statement, Mayor Greg Fischer said, Owen ''has long been the city's unofficial city historian, quite literally a walking encyclopedia of Louisville history.''

Former Councilwoman Tina Ward-Pugh, who also served with Owen on the Board of Aldermen for four years, said the two were political soulmates on a number of issues such as the environment, transportation and gay rights. She said Owen's departure will create a ''vast cavern of institutional knowledge'' for the council.

''Tom and I were virtually joined at the hip on many progressive and social justice issues over the years,'' Ward-Pugh said. ''I probably pushed him a little more than he was comfortable and he held my hand when I was headed out a little too far, so we balanced each other.''

Owen ran for mayor in the 1998 Democratic primary where he came just shy of beating Dave Armstrong, who went on to be the last mayor of the old city.

The newspaper archives show Owen was one of the early supporters of a Fairness law when the city was first debating adopting an anti-discrimination legislation to protect gay, lesbian, bisexual and transgendered individuals in housing and other public accommodations. Today, Owen is most associated with his push for better public transportation and bicycle advocacy, and he has championed the city adding more bike lanes to major thoroughfares.

As a UofL professor of libraries since 1975, colleagues say Owen was always able to put the council's current actions in a historical context.

''Tom's a person I always go to for that information, so I hope he keeps his same phone number,'' Councilman David James, D–6th, said.

''Tom has institutional knowledge, he has brains, he is thoughtful and I have thoroughly enjoyed working with him,'' said Councilman Kelly Downard, R–16th, who is also retiring after this year. ''The council is going to miss him heavily, and boy, there's going to be a hole.''

Only half of the Metro Council's 26 members are from the original class who were elected when city and county governments merged in 2002.

Owen said he doesn't want to look back on his career just yet and has a lot more he'd like to accomplish in his last year, but he said there are plenty of talented people who can represent the district.

William Corey Nett, a member of the Tyler Park Neighborhood Association, filed as a Democratic candidate this month. It is expected that several more contenders will jump in the race to represent the district, which encompasses most of the Highlands neighborhood.

The deadline for candidates to run for Metro Council is Jan. 26.

RECOGNIZING PAST CRIMES AGAINST HUMANITY IN INDONESIA

Mr. LEAHY. Mr. President, the realignment toward Asia has focused our attention on partnerships with countries in the region. We share political, economic, security, and humanitarian interests, creating complex and multidimensional relationships. But our commitment to the protection and promotion of human rights must continue to be a foundation for our relations with these countries, as with others around the world. We must continue to advocate for open societies where dialogue and dissent are encouraged and where security forces are professional and accountable. At the same time, we cannot ignore history.

Fifty years ago, under the guise of a state-sanctioned Communist purge, hundreds of thousands of Indonesian men, women, and children were murdered. Many more were rounded up and led to concentration camps where they were imprisoned, and many were tortured by the security forces of a dictatorial and brutal regime that had the backing of the United States. It has been widely recognized as one of the worst mass atrocities of the 20th century, but efforts to establish a truth and reconciliation commission to come to terms with these crimes have stalled at every turn. The atrocities are still not recognized or discussed by the Indonesian Government, and the perpetrators were long celebrated as heroes for their actions.

The United States should lead by example in acknowledging this tragic history and reaffirm that human rights are at the forefront of our strategic relationships in Indonesia and beyond. As the most senior member of the Appropriations Committee, I have supported conditions on foreign assistance, including requiring recipient countries to protect freedoms of expression and association, respect the rule of law and due process, reform their judicial systems and security forces, and strengthen other key elements of a democratic society.

Through the ''Leahy Law,'' I have sought to encourage reform of Indonesia's military and police forces, promote cooperation with civilian authorities, and hold human rights violators accountable. I have also supported efforts to demilitarize West Papua and stop the human rights violations associated with the militarization of that island.

Unfortunately, while Indonesia has made important economic and political strides since the systemic repression of the Suharto years, impunity for the horrific crimes of the 1960s and during the final years of the independence struggle in East Timor remain glaring examples of unfinished business that are inconsistent with a democratic society based on the principle that no one is above the law.

We need to recognize the role of our own government in this history, declassify relevant documents, and urge the Indonesian Government to acknowledge the massacres and establish a credible truth and justice mechanism.

I ask unanimous consent that a poignant opinion piece on this subject that was published in the New Yorker on September 29, 2015, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New Yorker, Sept. 29, 2015]

SUHARTO'S PURGE, INDONESIA'S SILENCE

(By Joshua Oppenheimer)

This week marks the 50th anniversary of the beginning of a mass slaughter in Indonesia. With American support, more than 500,000 people were murdered by the Indonesian Army and its civilian death squads. At least 750,000 more were tortured and sent to concentration camps, many for decades.

The victims were accused of being ''communists,'' an umbrella that included not only members of the legally registered Communist Party, but all likely opponents of Suharto's new military regime—from union members and women's rights activists to teachers and the ethnic Chinese. Unlike in Germany, Rwanda or Cambodia, there have been no trials, no truth-and-reconciliation commissions, no memorials to the victims. Instead, many perpetrators still hold power throughout the country.

Indonesia is the world's fourth most populous nation, and if it is to become the democracy it claims to be, this impunity must end. The anniversary is a moment for the United States to support Indonesia's democratic transition by acknowledging the 1965 genocide, and encouraging a process of truth, reconciliation and justice.

On Oct. 1, 1965, six army generals in Jakarta were killed by a group of disaffected junior officers. Maj. Gen. Suharto assumed command of the armed forces, blamed the killings on the leftists, and set in motion a killing machine. Millions of people associated with left-leaning organizations were targeted, and the nation dissolved into terror—people even stopped eating fish for fear that fish were eating corpses. Suharto usurped President Sukarno's authority and established himself as de facto president by March 1966. From the very beginning, he enjoyed the full support of the United States.

I've spent 12 years investigating the terrible legacy of the genocide, creating two documentary films, ''The Act of Killing'' in 2013 and ''The Look of Silence,'' released earlier this year. I began in 2003, working with a family of survivors. We wanted to show what it is like to live surrounded by still-powerful perpetrators who had murdered your loved ones.

The family gathered other survivors to tell their stories, but the army warned them not to participate. Many survivors urged me not to give up and suggested that I film perpetrators in hopes that they would reveal details of the massacres.

I did not know if it was safe to approach the killers, but when I did, I found them open. They offered boastful accounts of the killings, often with smiles on their faces and in front of their grandchildren. I felt I had wandered into Germany 40 years after the Holocaust, only to find the Nazis still in power.

Today, former political prisoners from this era still face discrimination and threats. Gatherings of elderly survivors are regularly attacked by military-backed thugs. Schoolchildren are still taught that the ''extermination of the communists'' was heroic, and that victims' families should be monitored for disloyalty. This official history, in effect, legitimizes violence against a whole segment of society.

The purpose of such intimidation is to create a climate of fear in which corruption and plunder go unchallenged. Inevitably in such an atmosphere, human rights violations have continued since 1965, including the 1975–1999 occupation of East Timor, where enforced starvation contributed to the killing of nearly a third of the population, as well as torture and extrajudicial killing that go on in West Papua today.

Military rule in Indonesia formally ended in 1998, but the army remains above the law. If a general orders an entire village massacred, he cannot be tried in civilian courts. The only way he could face justice is if the army itself convenes a military tribunal, or if Parliament establishes a special human rights court—something it has never done fairly and effectively. With the military not subject to law, a shadow state of paramilitaries and intelligence agencies has formed around it. This shadow state continues to intimidate the public into silence while, together with its business partners, it loots the national wealth.

Indonesia can hold regular elections, but if the laws do not apply to the most powerful elements in society, then there is no rule of law, and no genuine democracy. The country will never become a true democracy until it takes serious steps to end impunity. An essential start is a process of truth, reconciliation and justice.

This may still be possible. The Indonesian media, which used to shy from discussing the genocide, now refers to the killings as crimes against humanity, and grassroots activism has taken hold. The current president, Joko Widodo, indicated he would address the 1965 massacre, but he has not established a truth commission, issued a national apology, or taken any other steps to end the military's impunity.

We need truth and accountability from the United States as well. U.S. involvement dates at least to an April 1962 meeting between American and British officials resulting in the decision to ''liquidate'' President Sukarno, the populist—but not communist—founding father of Indonesia. As a founder of the nonaligned movement, Sukarno favored socialist policies; Washington wanted to replace him with someone more deferential to Western strategic and commercial interests.

The United States conducted covert operations to destabilize Sukarno and strengthen the military. Then, when genocide broke out, America provided equipment, weapons and money. The United States compiled lists containing thousands of names of public figures likely to oppose the new military regime, and handed them over to the Indonesian military, presumably with the expectation that they would be killed. Western aid to Suharto's dictatorship, ultimately amounting to tens of billions of dollars, began flowing while corpses still clogged Indonesia's rivers. The American media celebrated Suharto's rise and his campaign of death. Time magazine said it was the ''best news for years in Asia.''

But the extent of America's role remains hidden behind a wall of secrecy: C.I.A. documents and U.S. defense attach papers remain classified. Numerous Freedom of Information Act requests for these documents have been denied. Senator Tom Udall, Democrat of New Mexico, will soon reintroduce a resolution that, if passed, would acknowledge America's role in the atrocities, call for declassification of all relevant documents, and urge the Indonesian government to acknowledge the massacres and establish a truth commission. If the U.S. government recognizes the genocide publicly, acknowledges its

role in the crimes, and releases all documents pertaining to the issue, it will encourage the Indonesian government to do the same.

This anniversary should be a reminder that although we want to move on, although nothing will wake the dead or make whole what has been broken, we must stop, honor the lives destroyed, acknowledge our role in the destruction, and allow the healing process to begin.

CBO COST ESTIMATE—S. 720

Ms. MURKOWSKI. Mr. President, in compliance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources has obtained from the Congressional Budget Office an estimate of the costs of S. 720, the Energy Savings and Industrial Competitiveness Act of 2015, as reported from the committee. I respectfully ask unanimous consent that the summary of the opinion of the Congressional Budget Office be printed in the CONGRESSIONAL RECORD. The full estimate is available on CBO's Web site www.cbo.gov.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 720—ENERGY SAVINGS AND INDUSTRIAL COMPETITIVENESS ACT OF 2015

(October 19, 2015)

Summary: S. 720 would amend current law and authorize appropriations for a variety activities and programs related to energy efficiency. The bill would require federal agencies that guarantee mortgages to consider whether homes with energy-efficient improvements would affect borrowers' ability to repay mortgages. The bill also would modify certain energy-related goals and requirements for federal agencies.

CBO estimates that enacting S. 720 would increase direct spending by $15 million over the 2016–2025 period; therefore, pay-as-you-go procedures apply. Enacting the bill would not affect revenues. In addition, CBO estimates that implementing the legislation would cost $218 million over the next five years, assuming appropriation actions consistent with the legislation.

CBO estimates that enacting S. 720 would not increase on-budget deficits or net direct spending by more than $5 billion in any of the four consecutive 10-year periods beginning in 2026. S. 720 would impose an intergovernmental mandate, as defined in the Unfunded Mandates Reform Act (UMRA), by requiring states and tribal governments to certify to the Department of Energy (DOE) whether or not they have updated residential and commercial building codes to meet the latest standards developed by building efficiency organizations. CBO estimates that the cost of that mandate would fall well below the annual threshold established in UMRA for intergovernmental mandates ($77 million in 2015, adjusted annually for inflation.) This bill contains no private-sector mandates as defined in UMRA.

CBO COST ESTIMATE—S. 2011

Ms. MURKOWSKI. Mr. President, in compliance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources has obtained from the Congressional Budget Office an estimate of the costs of S. 2011, the Offshore Production and Energizing National Security Act of 2015, as reported from the committee. I respectfully ask unanimous consent that the summary of the opinion of the Congressional Budget Office be printed in the CONGRESSIONAL RECORD. The full estimate is available on CBO's Web site www.cbo.gov.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 2011—OFFSHORE PRODUCTION AND ENERGIZING NATIONAL SECURITY ACT OF 2015

(October 6, 2015)

Summary: S. 2011 would amend existing laws related to oil and gas leasing on the Outer Continental Shelf (OCS) and would remove restrictions on exporting crude oil produced in the United States. The legislation would modify the terms and conditions governing certain leasing activities and authorize new direct spending of proceeds from federal oil and gas leasing for certain programs and for payments to certain coastal states. In addition, the bill would authorize appropriations for grants to Indian tribes for capital projects and other activities aimed at adapting to climate change.

CBO estimates that enacting S. 2011 would reduce net direct spending by about $0.2 billion over the 2016–2025 period. Provisions in titles I–Ill would affect oil and gas leasing on the OCS and CBO estimates those provisions would have a net cost about $1.3 billion over the 10 year period. Increased collections from eliminating restrictions on exports of crude oil would total $1.4 billion over the same period.

In addition, CBO estimates that implementing the bill would increase spending subject to appropriation by about $700 million over the 2016–2020 period mainly for programs to assist Indian tribes. Because enacting the legislation would affect direct spending, pay-as-you-go procedures apply. Enacting the bill would not affect revenues.

CBO estimates that enacting the legislation would increase both direct spending and net on-budget deficits by more than $5 billion in at least one of the four consecutive 10-year periods beginning in 2026.

The bill contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. To the extent that the bill would increase royalties and other revenue from offshore oil and gas development, the bill would benefit certain coastal states through the sharing of leasing receipts with the federal government. Some local and tribal governments, as well as 2 institutions of higher education, also would benefit from receipt sharing and grant programs funded by leasing revenues.

The bill contains no private-sector mandates as defined in UMRA.

CBO COST ESTIMATE—S. 2012

Ms. MURKOWSKI. Mr. President, in compliance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources has obtained from the Congressional Budget Office an estimate of the costs of S. 2012, the Energy Policy Modernization Act of 2012, as reported from the committee. I respectfully ask unanimous consent that the summary of the opinion of the Congressional Budget Office be printed in the CONGRESSIONAL RECORD. The full estimate is available on CBO's Web site www.cbo.gov.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 2012—ENERGY POLICY MODERNIZATION ACT OF 2015

(October 15, 2015)

Summary: S. 2012 would amend current law and authorize appropriations for a variety of activities and programs administered primarily by the Department of Energy (DOE). The legislation also would:

Expand and extend federal agencies' authority to use certain types of long-term contracts to invest in energy conservation measures and related services;

Specify various energy-related goals and requirements for federal agencies;

Modify DOE's authority to guarantee loans under Title 17 of the Energy Policy Act of 2005; and

Establish a pilot program to streamline the review and approval of applications for permits to drill for oil and gas on federal lands.

Assuming appropriation of amounts specifically authorized and estimated to be necessary under S. 2012—roughly $40 billion over the 2016–2020 period (and an additional $3 billion in later years)—CBO estimates that implementing this legislation would result in outlays totaling $32 billion over the 2016–2020 period from those appropriations, with additional spending of about $11 billion occurring after 2020.

CBO also estimates that the bill would result in additional direct spending. The estimated amount of direct spending depends on the budgetary treatment of federal commitments through certain types of long-term energy-related contracts, which CBO expects would increase under the bill. In CBO's view, commitments under such contracts are a form of direct spending because agencies enter into such contracts without appropriations in advance to cover their full costs. On the basis of that view, CBO estimates that enacting S. 2012 would increase direct spending by $659 million over the 2016–2025 period.

However, for purposes of determining budget-related points of order for legislation considered by the Senate, section 3207 of the Concurrent Resolution on the Budget for Fiscal Year 2016 specifies a scoring rule for provisions related to such contracts (referred to in this document as the scoring rule for energy contracts). Specifically, that rule requires CBO to calculate, on a net present value basis, the lifetime net cost or savings attributable to projects financed by such contracts and to record that amount as an upfront change in spending subject to appropriation. Under that rule, CBO estimates that S. 2012 would increase direct spending by $29 million over the 2016–2025 period.

Enacting S. 2012 could affect revenues, but CBO estimates any such effects would be insignificant in any year. Because the bill would affect direct spending and revenues, pay-as-you-go procedures apply.

CBO estimates that enacting S. 2012 would not increase net direct spending or on-budget deficits by more than $5 billion in any of the four consecutive 10-year periods beginning in 2026.

S. 2012 would impose an intergovernmental and private-sector mandate, as defined in the

Unfunded Mandates Reform Act (UMRA), on public and private entities regulated by FERC, such as electric utilities, by requiring them to pay fees in some circumstances. The bill would impose two additional mandates on public entities. One would require state and tribal governments to certify to DOE whether or not they have updated residential and commercial building codes to meet the latest standards developed by building efficiency organizations. The other would preempt state and local environmental and liability laws if they conflict with emergency orders issued by the Federal Energy Regulatory Commission (FERC). The bill also would impose private-sector mandates on electric transmission organizations and traders of oil contracts and on individuals seeking compensation for damages caused by utilities operating under certain emergency orders. Based on information from DOE and analyses of similar requirements, CBO estimates that the aggregate cost of complying with mandates in the bill would fall below the annual thresholds established in UMRA for intergovernmental and private-sector mandates ($77 million and $154 million in 2015, respectively, adjusted annually for inflation).

CBO has not reviewed some provisions of section 2001 and section 4303 for intergovernmental or private-sector mandates. Those provisions would provide the Secretary of Energy with emergency authority to protect the electric transmission grid from cybersecurity threats and would protect entities subject to that authority from liability. Section 4 of the Unfunded Mandates Reform Act excludes from the application of that act any legislative provisions that are necessary for national security. CBO has determined that those provisions fall within that exclusion.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2016 OBJECTION

Mr. WYDEN. Mr. President, this afternoon the House of Representatives passed a new version of the Intelligence authorization bill for fiscal year 2016. I am concerned that section 305 of this bill would undermine independent oversight of U.S. intelligence agencies, and if this language remains in the bill, I will oppose any request to pass it by unanimous consent.

Section 305 would limit the authority of the watchdog body known as the Privacy and Civil Liberties Oversight Board. In my judgment, curtailing the authority of an independent oversight body like this board would be a clearly unwise decision. Most Americans whom I talk to want intelligence agencies to work to protect them from foreign threats, and they also want those agencies to be subject to strong, independent oversight, and this provision would undermine some of that oversight.

Section 305 states that the Privacy and Civil Liberties Board shall not have the authority to investigate any covert action program. This is problematic for two reasons. First, while this board's oversight activities to date have not focused on covert action, it is reasonably easy to envision a covert action program that could have a significant impact on Americans' privacy and civil liberties—for example, if it included a significant surveillance component.

An even bigger concern is that the CIA, in particular, could attempt to take advantage of this language and could refuse to cooperate with investigations of its surveillance activities by arguing that those activities were somehow connected to a covert action program. I recognize that this may not be the intent of this provision, but in my 15 years on the Intelligence Committee, I have repeatedly seen senior CIA officials go to striking lengths to resist external oversight of their activities. In my judgment, Congress should be making it harder, not easier, for intelligence officials to stymie independent oversight.

For these reasons, it is my intention to object to any unanimous consent request to pass this bill in its current form. I look forward to working with my colleagues to modify or remove this provision.

NO CHILD LEFT BEHIND CONFERENCE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that a copy of my opening remarks during the conference with the House of Representatives on S. 1177, the Every Child Achieves Act, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NO CHILD LEFT BEHIND CONFERENCE

Representative Kline, Representative Scott, Senator Murray, ladies and gentlemen.

We're here for one reason today, because I sat down with Patty Murray in January and she gave me some good advice and I took it.

And the advice was—why don't we see if we can develop a bipartisan beginning to this bill, because we had failed in the last two congresses.

And as a result we ended up with a bill that passed by the Senate after many amendments, 81 to 17.

Newsweek magazine recently reminded us what we already knew very well: No Child Left Behind is a law that everybody wants fixed. Governors, teachers, superintendents, parents, Republicans, Democrats, students they all want to see this law fixed.

There is a consensus about that. And, fortunately, there is a consensus about how to do it.

And that consensus is this—Continue the law's important measurements of academic progress of students but restore to states, school districts, classroom teachers and parents the responsibility for deciding what to do about improving student achievement.

That's why in the Senate the bill passed 81 to 17.

That's is why the bill had the support of the nation's governors, the Chief State School Officers, the school superintendents, the National Education Association and the American Federation of Teachers.

There were some differences between the House bill and Senate bill. Fundamentally, they were based upon that same consensus.

Both end the waivers through which the U.S. Department of Education has become, in effect, a national school board for more than 80,000 Schools in 42 states.

Both end the federal Common Core mandate.

Both move decisions about whether schools and teachers are succeeding or failing out of Washington, D.C., and back to states and communities and teachers where those decisions belong because the real way to higher standards, better teachers and real accountability is through states, communities, and classrooms—not through Washington, D.C.

That's why I believe this conference will be successful, that both houses will approve our conference work product and I believe the president will sign the legislation into law.

Even though this agreement, in my opinion, is the most significant step toward local control of schools in 25 years, some Republicans would like to go further.

I am one of them.

But my Scholarship for Kids proposal, which would have given states the option to allow federal dollars to follow children to the schools their parents choose, only received 45 votes in the Senate. We need 60.

So I have decided, like a president named Reagan once advised, that I'll take 80 percent of what I want and I'll fight for the other 20 percent on another day.

Besides, if I were to vote no, I would be voting to leave in place the federal Common Core mandate, the national school board, the waivers in 42 states. Let me repeat: Voting no is voting to leave in place the Common Core mandate, the national school board, and waivers in 42 states.

There are a lot of people counting on us: 50 million children and 3.4 million teachers and 100,000 public schools.

The law expired seven years ago. If it were strictly applied, every school in America a failing school.

Teachers and children and parents have been waiting all that time. If this were homework, they would give us a failing grade for being tardy.

So I hope we will remind ourselves, and this is my conclusion, that it is a great privilege to serve in the United States House of Representatives and the United States Senate.

That there is no need for us to have that privilege if all we do is announce our opinions. We could do that at home, or on the radio, or the newspaper or the street corner.

As members of the Congress, after we have our say, our job is to get a result.

We're not the Iraqi parliament.

We are members of the United States Congress, and I hope that we will demonstrate that we cherish that privilege and that we cherish our children by building upon this consensus—fixing the law that everybody wants fixed—and showing that we are capable of governing by bringing badly needed certainty to federal education policy in 100,000 public schools.

Thank you, Mr. Chairman.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that a copy of my closing remarks during the conference with the House of Representatives on S. 1177, the Every Child Achieves Act, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NO CHILD LEFT BEHIND CONFERENCE

The real winners today are 100,000 public schools which are attended by 50 million children, where three and a half million teachers work and are eager for us to bring some certainty to federal education policy.

This is a law that everybody knows needs fixing. But also in fixing this law we know that there were alligators lurking in every

corner of the pond, and the fact that we were able to both in the Senate and the House navigate that pond and deal with respectfully with one another—and also recognize in some cases our different points of view couldn't be included—I think, is a great credit to the process.

Governors, teachers, superintendents, Republicans and Democrats, wanted us to do this, and we've done it so far. There's not only consensus on the need to fix it, but we have now shown today that in the House and Senate of the United States, there is consensus on how to fix it. And that means we'll keep the important measures of student achievement, but we will restore to states, communities and classroom teachers the responsibility with what to do about the results of the tests.

This would not have happened without your leadership and Rep. Bobby Scott, who has been a terrific partner in all this, and the cooperation of the members of the House and Senate on this committee.

I've complimented Senator Murray perhaps excessively over the last year, but she has been absolutely key to this. So I thank you for the opportunity to participate in this.

I came to the Senate not just to make a speech but also to try and get a result and today we've gotten one.

TRIBUTE TO BONNIE CARROLL

Ms. MURKOWSKI. Mr. President, last week President Obama awarded the Presidential Medal of Freedom, our Nation's highest civilian honor, to my longtime friend and fellow Alaskan Bonnie Carroll. In my judgment, this is a recognition long due. While America may have first heard the name Bonnie Carroll last week, our military families have long viewed her as a lifeline, a true woman of valor.

Bonnie is the founder of the Tragedy Assistance Program for Survivors, TAPS. She founded TAPS after the death of her husband, Alaska Army National Guard BG Tom Carroll, in a military plane crash on November 12, 1992.

TAPS is an organization that provides support to military families who have lost a loved one. TAPS welcomes anyone who is grieving the death of someone who died in the military. Its families have experienced loss in a variety of ways—from combat, suicide, terrorism, homicide, negligence, accidents, and illness. Our survivors include mothers and fathers, husbands and wives, sons and daughters, brothers and sisters, fiancés, and other relatives of those who have died.

Since its launch in 1994, TAPS has cared for the more than 50,000 surviving family members through a national network of peer-based emotional support services, a 24/7 helpline available to those grieving a loss, connections to community-based care throughout the Nation, and casework assistance for families navigating all of the resources and benefits available to them.

One of TAPS' most respected programs is its ''Good Grief Camp,'' which is offered to young people who have lost a loved one. This program pairs young survivors with Active-Duty military mentors. Military mentors help the young survivors learn how our Nation honors those who have served and sacrificed and companion these children during their grief journey.

I suspect that many of our fellow Americans had never heard of Bonnie Carroll or TAPS before. Unlike some of the others honored at last week's ceremony—people like Barbra Streisand, Steven Spielberg, and James Taylor—Bonnie is not a celebrity. She does not seek attention for herself. Her laser focus is on helping military families, and she does nothing to distract herself or her organization from that mission. But that doesn't make her any less a rockstar. And now America knows why.

Incredible as it may seem, Bonnie Carroll's road to distinction did not begin with her work at TAPS. Her resume includes service to America as a member of the Air National Guard, the U.S. Air Force Reserve, as a senior staff member in the Reagan White House Cabinet Affairs Office, and the VA's White House liaison in the administration of President George W. Bush. She relocated to Baghdad to serve with the Coalition Provisional Authority. She has served on countless boards and commissions related to military health, suicide prevention, and grief therapy.

Bonnie reflects the very best of the Alaskan spirit, a spirit of community and service before self. I am honored to join with the President in recognizing the extraordinary contributions of Bonnie Carroll, my dear friend, fellow Alaskan, and great American.

TRIBUTE TO ALICE WATERS

Mrs. BOXER. Mr. President, I ask my colleagues to join me in congratulating Alice Waters, groundbreaking chef, restaurant owner, author, and activist who was recently awarded the National Humanities Medal by President Obama for her pioneering role in the sustainable food movement.

As a student at the University of California, Berkeley, in the 1960s, Alice developed a passion for social activism. While studying abroad in Paris one semester, she began to realize the impact food can have on our daily lives. Exposed to lively discussions over fresh, locally sourced home-cooked meals, a simple yet revolutionary idea took root, and in 1971 she and a group of friends opened Chez Panisse in Berkeley.

It was a concept that took off almost immediately: fresh, local, and organic food that changed with the seasons. As the restaurant's success grew, Alice and her staff created a network of local farmers and producers whose dedication to sustainable agriculture supplied Chez Panisse's fresh ingredients, helped to pioneer farm-to-table-cuisine, and served as a model for future generations of restaurant owners.

Alice's influence spread far beyond the kitchen. In 1996, she created the Edible Schoolyard Project to help schools develop community gardens, so students can better understand the origins of their food and how to create fresh, local, and healthy meals. Today there are more than 5,000 Edible Schoolyard Project locations worldwide, and the effort helped inspire First Lady Michelle Obama to plant a vegetable garden on the South Lawn of the White House.

Alice has said that ''good food is a right, not a privilege,'' and her work is helping to make that a reality. She has revolutionized the way our country cooks, eats, and thinks about food—and we are all better because of it.

I am proud to congratulate my friend, Alice Waters, on this incredible honor and wish her many more years of continued success.

RECOGNIZING THE 100TH ANNIVERSARY OF THE AMERICAN MEDICAL WOMEN'S ASSOCIATION

Mrs. BOXER. Mr. President, I ask my colleagues to join me in recognizing the 100th anniversary of the American Medical Women's Association, AMWA, the first national organization of women physicians.

One hundred years ago, less than 6 percent of all physicians in the United States were women. Recognizing a crucial need to provide support for these pioneering women and to bring diversity to the medical field, Dr. Bertha Van Hoosen founded the AMWA on November 18, 1915, in Chicago.

The AMWA quickly established a network and support system for women in the medical profession and documented their lack of opportunities in postgraduate training, internships, and academic appointments.

Over the years, the AMWA successfully advocated to increase leadership roles for women doctors, sponsored research and panel discussions on medical women in the workforce, and established scholarship and mentorship programs to encourage the next generation of women leaders. The AMWA has also worked to improve women's health by addressing issues from human trafficking and affordable contraceptive care, to childhood obesity and osteoporosis risk across the globe.

For the past century, the American Medical Women's Association has served as the vision and voice of women in medicine. As we celebrate their extraordinary milestone, I ask my colleagues to join me in congratulating the AMWA for their tireless efforts to open the door for generations of women physicians. Because of their work, countless men, women, and children have benefited from the dedicated service of AMWA members, and for that we are all grateful.

OBSERVING WORLD AIDS DAY

Mr. CARDIN. Mr. President, today I wish to commemorate the 28th World AIDS Day. This day is a time to recognize the tremendous progress we have

made in combating the human immunodeficiency virus infection and acquired immune deficiency syndrome, HIV/AIDS, and to redouble our commitment to preventing and treating this devastating disease.

For many years, we have viewed AIDS as a death sentence. Before 2000, rates of infection grew exponentially. People living with HIV/AIDS had few options, and what options they did have were expensive and out of reach. Millions of children orphaned by HIV/AIDS were isolated within their own communities, and there was virtually no way to prevent HIV transmissions from pregnant women to their unborn children, ending countless lives before they could truly begin.

But thanks to sustained United States and global efforts—administered through programs like the President's Emergency Plan for AIDS Relief, PEPFAR, the Global Fund, and UNAIDS—we are finally turning the tide, not only in terms of slowing the spread of HIV/AIDS, but also by improving the lives of those affected by this disease.

Since 2000, new HIV infections have dropped by 35 percent. AIDS-related deaths are down 42 percent from their peak in 2004. To date, 15 million men, women, and children worldwide are on anti-retroviral therapy, compared to only 1 million in 2001. We have also made significant progress in tackling mother-to-child transmissions, which are key to ending the AIDS epidemic. Today 73 percent of pregnant women living with HIV have access to anti-retroviral therapy, greatly reducing the likelihood that they will transmit the disease to their babies. As a result, since 2000, new infections among children have fallen by 58 percent. Because of our investments in HIV/AIDS treatment and prevention, health systems throughout Africa have been strengthened, allowing millions to gain access to medications and more advanced treatments. Life expectancy in nations like Rwanda and Kenya have dramatically increased, and health facilities have been modernized.

These steps are just some of the ways in which we have made remarkable progress to stop HIV/AIDS in its tracks. We are, without a doubt, on our way to an AIDS-free generation. This is something that can happen in our lifetimes.

In mid-September, more than 150 world leaders gathered at the United Nations General Assembly to adopt the 2030 Agenda for Sustainable Development. Goal 3 includes a target to eradicate HIV/AIDS, tuberculosis, malaria, and other communicable diseases by 2030. This is a bold commitment that requires strong leadership from the United States. To achieve this goal, the United States must continue to invest in and provide strong funding for our global health programs, especially PEPFAR.

As my colleagues know, PEPFAR is the largest commitment by any nation to combat a single disease internationally and represents the very best of America and our commitment to global humanitarian values. Thanks to PEPFAR, 7.7 million men, women, and children worldwide are receiving anti-retroviral treatments. In 2014, PEPFAR supported HIV testing and counseling for more than 56.7 million people and provided training for more than 140,000 new health care workers to help combat HIV on the ground. Through PEPFAR, we have been able to reach 5 million children who have been orphaned or made vulnerable due to HIV/AIDS. PEPFAR has also dramatically improved outcomes for pregnant women and their babies, reducing the transmission of HIV from mother to child. In 2014, PEPFAR supported HIV testing and counseling for more than 14.2 million pregnant women worldwide. For the nearly 750,000 pregnant women who tested positive for HIV, PEPFAR's anti-retroviral medications allowed 95 percent of their children to be born HIV-free.

We have made extraordinary progress; however, there is still much work to be done. Currently, there are more than 22 million people living with HIV who are not yet on treatment, and HIV is still the leading cause of death for women of reproductive age worldwide. We are on our way to an AIDS-free generation, but we can't rest on our laurels now. We need the commitment and leadership of partner countries—reinforced with support from donor nations, civil society, people living with HIV, faith-based organizations, the private sector, and foundations—to make an AIDS-free generation a reality. On this World AIDS Day, we recognize the progress we have made and recommit ourselves to continuing to combat HIV/AIDS both at home and abroad.

ADDITIONAL STATEMENTS

HONORING MILTON PITTS CRENCHAW

● Mr. BOOZMAN. Mr. President, I wish to honor today Milton Pitts Crenchaw, an aviation pioneer from Little Rock, AR, who paved the way for integration in the U.S. military and impacted generations of aviators.

Crenchaw, known as the father of black aviation in Arkansas, developed a love of flying while at the Tuskegee Institute. He exceled in the program, and after earning his pilot's license, he pursued his instructor's certificate. Following the bombing of Pearl Harbor, Crenchaw joined the Army Air Corps Civilian Pilot Training Program as a flight instructor.

He had the distinction of being one of the original supervising squadron commanders for the Tuskegee Airmen. He trained hundreds of cadets during the 1940s, an accomplishment he was rightfully proud of.

''The first thing that he takes pride in is that he and the other Black flight instructors paved the way for people of color to enter the field of aviation. He is proud that he was chosen to implement that program,'' his daughter Dolores Crenchaw Singleton said in a recent interview.

Crenchaw helped break the barriers that existed in the military. His passion for aviation continued after his tenure at Tuskegee, serving as a flight instructor at several air bases, including Camp Rucker, AL, where he became the first Black flight instructor.

Crenchaw honorably served with the U.S. Army Air Corps and the U.S. Air Force for more than 40 years.

He also shared his love of aviation with Arkansas, and he was instrumental in creating an aviation program at Philander Smith College in Little Rock. Crenchaw taught aviation at the school from 1947 to 1953, holding classes at Adams Field in the Central Flying Service building.

Along with the accolades of inductions in the Arkansas Aviation Hall of Fame and the Arkansas Black Hall of Fame, in 2007 he was awarded the Congressional Gold Medal, along with other members we have come to admire as the Tuskegee Airmen.

Milton Pitts Crenchaw passed away on November 17, 2015. Today he will be laid to rest at the Arkansas State Veterans Cemetery in North Little Rock. He was a true American hero whose leadership helped secure victory and peace for all freedom-loving people of the world.●

RECOGNIZING THE CHILDREN'S MUSEUM OF ATLANTA

● Mr. ISAKSON. Mr. President, I wish to honor a wonderful asset in my hometown of Atlanta, GA, the Children's Museum of Atlanta.

Since the opening of its permanent facility in 2003 at Centennial Olympic Park in downtown Atlanta, it has become a leading attraction for families and has helped ignite the revitalization of the area, along with the Georgia Aquarium, the Center for Civil and Human Rights, the College Football Hall of Fame, and the iconic World of Coca-Cola. The Children's Museum of Atlanta has promoted the power of play and highlighted the importance of early childhood education in all areas, especially literacy, math, and science.

Not only am I married to a former teacher, but as a grandfather and the former chair of the Georgia Board of Education, I have long been committed to enhancing and improving educational opportunities for our children. The Children's Museum's mission and vision help parents, educators, and schools ignite curiosity and discovery in young children, enhance learning, and help them reach their goals.

The museum has recently undergone a major renovation and will reopen its doors on December 12, 2015, to a completely updated facility.

I am delighted to recognize on the floor of the Senate and to join the city

of Atlanta in celebrating Saturday, December 12, 2015, as Children's Museum of Atlanta Day.●

TRIBUTE TO DEONTAY WILDER

● Mr. SHELBY. Mr. President, I wish to recognize the current World Boxing Council, WBC, World Heavyweight Champion Deontay Leshun Wilder.

Mr. Wilder is a native of Tuscaloosa, AL. He graduated from Tuscaloosa Central High School in 2004, and he attended Shelton State Community College. From there, he focused on forging a career in boxing.

Mr. Wilder began his boxing career in 2005, and he has achieved outstanding success as both an amateur and professional boxer. In 2007, Wilder upset the favorites to win the National Golden Gloves and the U.S. championships. Wilder was awarded the bronze medal in boxing at the 2008 Olympics. In 2012, he won the WBC Continental Americas heavyweight boxing title.

In January of this year, Wilder became the first American heavyweight champion in 9 years after his win over Bermane Stiverne. Since then, Wilder has successfully defended his WBC title twice, most recently in September.

Deontay Wilder has made a proactive effort to give back to the State of Alabama by hosting his first two title defenses in Birmingham, AL. He has also been a champion of charitable causes such as the fight against spina bifida.

Mr. Wilder is an incredible athlete and an inspiration to many. I am honored to recognize his great talent and success, and I am proud to call him a fellow Alabamian.●

REMEMBERING JAMES JOSEPH MARSHALL

● Mr. TESTER. Mr. President, today I wish to honor James Joseph Marshall, a third generation Montanan and a veteran of World War II.

On behalf of all Montanans and Americans, I stand to say thank you to Jim's family for his service to our Nation.

It is my honor to share the story of Jim's life and service, a story that most certainly will not be forgotten, and a story he perhaps wouldn't have told himself.

In fact, it wasn't until his oldest daughter, Vicki, was in eighth grade that she even noticed her father's limp. She asked her mother, ''Why does daddy limp?''

Ruth told her that he limped because of his war wound. He never talked about his experience during the war, and it wasn't until he wrote about his injury for a presentation to middle schoolers that his family heard the full story.

Jim was shot in the leg while fighting in the Ruhr Pocket, in Germany, near the border of Czechoslovakia on April 25, 1945.

After sweeping the countryside searching for any remaining resistance, his platoon butted up against German troops on a mountainside. It wasn't long until the platoon was pinned down by the automatic weapon fire.

The platoon made a dash for cover but to no avail. Every man was hit. Jim described the shot to his leg like being hit by a sledgehammer.

German troops came to confirm they were all dead and to gather any rifles and ammo. Jim, with his orders shoved underneath him and the sole survivor, played dead. They passed on.

Not long after, German medics came through.

Surprisingly, a young German, whom Jim identified by the swastika on his arm, put a compress on his leg and a jacket over top of him before moving on.

Shortly after, an American Jeep rolled up and rescued him.

Jim always said he never would have made it out alive had that young German not stopped to show him some compassion.

Once home from the war in 1946, Jim enrolled at Montana State University at Bozeman.

It was there that he met his future wife Ruth Officer, a nurse who tended to some residual issues with Jim's hip. They married on March 15, 1947.

Jim was always a man who took care of his family, and that devotion took them to Livingston, Ruth's hometown. There, he began work as a carpenter's apprentice, eventually becoming a journeyman.

After returning to MSU to get his industrial art degree, he began teaching shop at Emerson Junior High in Bozeman. Eventually, he became a purchasing agent for Missoula School District No. 1.

Jim and Ruth had three children: Vicki, Leann, and Jim. They remember him as a humble man who cared deeply for his family and frequently demonstrated that devotion.

The fondness with which Jim is remembered is reflective of the life he lived. Folks will remember his willingness to help out a friend and his love of photography, especially bald eagles. He was passionate about making Montana better for future generations.

In September of 2012, Jim had the pleasure of participating in one of the earliest Honor Flights to Washington, DC, to see the World War II Memorial there.

His daughter, Leann, helped him register himself as a World War II veteran at the memorial, and his name will remain in the kiosks there for anyone to see.

In fact, I had the honor of greeting that particular Honor Flight back to Montana afterward and am happy to hear that Jim immensely enjoyed that experience.

Jim died on April 8, 2014, surrounded by family.

It was my honor to recognize James Joseph Marshall's bravery and service to the United States by presenting his family with the Bronze Star Medal for meritorious achievement based on his prior award of the combat infantryman badge and the Army of Occupation Medal with Germany Clasp.

Our Nation is forever grateful for Jim's service.●

MESSAGES FROM THE HOUSE

At 12:09 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 611. An act to amend the Safe Drinking Water Act to reauthorize technical assistance to small public water systems, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1541. An act to amend title 54, United States Code, to make Hispanic-serving institutions eligible for technical and financial assistance for the establishment of preservation training and degree programs.

H.R. 1755. An act to amend title 36, United States Code, to make certain improvements in the congressional charter of the Disabled American Veterans.

H.R. 2212. An act to take certain Federal lands located in Lassen County, California, into trust for the benefit of the Susanville Indian Rancheria, and for other purposes.

H.R. 2270. An act to redesignate the Nisqually National Wildlife Refuge, located in the State of Washington, as the Billy Frank Jr. Nisqually National Wildlife Refuge, to establish the Medicine Creek Treaty National Memorial within the wildlife refuge, and for other purposes.

H.R. 2288. An act to remove the use restrictions on certain land transferred to Rockingham County, Virginia, and for other purposes.

H.R. 3279. An act to amend titles 5 and 28, United States Code, to require annual reports to Congress on, and the maintenance of databases on, awards of fees and other expenses to prevailing parties in certain administrative proceedings and court cases to which the United States is a party, and for other purposes.

H.R. 3490. An act to amend the Homeland Security Act of 2002 to authorize the National Computer Forensics Institute, and for other purposes.

The message further announced that pursuant to 15 U.S.C. 1024(a), and the order of the House of January 6, 2015, the Speaker appoints the following Member on the part of the House of Representatives to the Joint Economic Committee: Mr. TIBERI of Ohio, to rank before Mr. AMASH.

ENROLLED BILL SIGNED

At 6:41 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 611. An act to amend the Safe Drinking Water Act to reauthorize technical assistance to small public water systems, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1541. An act to amend title 54, United States Code, to make Hispanic-serving institutions eligible for technical and financial assistance for the establishment of preservation training and degree programs; to the Committee on Energy and Natural Resources.

H.R. 1755. An act to amend title 36, United States Code, to make certain improvements in the congressional charter of the Disabled American Veterans; to the Committee on the Judiciary.

H.R. 2212. An act to take certain Federal lands located in Lassen County, California, into trust for the benefit of the Susanville Indian Rancheria, and for other purposes; to the Committee on Indian Affairs.

H.R. 2288. An act to remove the use restrictions on certain land transferred to Rockingham County, Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3279. An act to amend titles 5 and 28, United States Code, to require annual reports to Congress on, and the maintenance of databases on, awards of fees and other expenses to prevailing parties in certain administrative proceedings and court cases to which the United States is a party, and for other purposes; to the Committee on the Judiciary.

H.R. 3490. An act to amend the Homeland Security Act of 2002 to authorize the National Computer Forensics Institute, and for other purposes; to the Committee on the Judiciary.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 427. An act to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, December 1, 2015, she had presented to the President of the United States the following enrolled bill:

S. 599. An act to extend and expand the Medicaid emergency psychiatric demonstration project.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ALEXANDER, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1719. A bill to provide for the establishment and maintenance of a National Family Caregiving Strategy, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MENENDEZ:

S. 2335. A bill to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes; to the Committee on Environment and Public Works.

By Mr. COONS (for himself, Mr. MARKEY, Ms. BALDWIN, and Ms. WARREN):

S. 2336. A bill to modernize laws, and eliminate discrimination, with respect to people living with HIV/AIDS, and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. FLAKE, Ms. HEITKAMP, Mr. COATS, Mr. HEINRICH, Mr. JOHNSON, Mr. BENNET, Ms. AYOTTE, Mr. WARNER, Ms. BALDWIN, Mr. TESTER, Mr. KING, Ms. KLOBUCHAR, Mrs. BOXER, Mr. BLUMENTHAL, Ms. COLLINS, and Mr. FRANKEN):

S. 2337. A bill to improve homeland security by enhancing the requirements for participation in the Visa Waiver Program, and for other purposes; to the Committee on the Judiciary.

By Ms. HIRONO:

S. 2338. A bill to award grants to States for the development of innovative long-term services and supports programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MARKEY (for himself, Mr. BLUMENTHAL, and Mr. WHITEHOUSE):

S. 2339. A bill to amend the Mineral Leasing Act to increase the royalty rate for coal produced from surface mines on Federal land, to prohibit the export of coal produced on Federal land, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER (for himself, Mr. THUNE, Ms. STABENOW, and Mr. ROBERTS):

S. Res. 323. A resolution supporting the designation of December 1, 2015, as ''#GivingTuesday'' and supporting strong incentives for all people of the United States to give generously; to the Committee on Finance.

By Mr. KIRK (for himself, Mr. MANCHIN, and Mr. RUBIO):

S. Con. Res. 26. A concurrent resolution expressing the sense of Congress regarding the right of States and local governments to maintain economic sanctions against Iran; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 85

At the request of Mr. BURR, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 85, a bill to amend the Higher Education Act of 1965 to establish a simplified income-driven repayment plan, and for other purposes.

S. 247

At the request of Mr. CRUZ, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 247, a bill to amend section 349 of the Immigration and Nationality Act to deem specified activities in support of terrorism as renunciation of United States nationality, and for other purposes.

S. 373

At the request of Mr. CRAPO, his name was added as a cosponsor of S. 373, a bill to provide for the establishment of nationally uniform and environmentally sound standards governing discharges incidental to the normal operation of a vessel.

S. 429

At the request of Ms. BALDWIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 429, a bill to amend title XIX of the Social Security Act to provide a standard definition of therapeutic foster care services in Medicaid.

S. 491

At the request of Ms. KLOBUCHAR, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 491, a bill to lift the trade embargo on Cuba.

S. 551

At the request of Mrs. FEINSTEIN, the names of the Senator from Hawaii (Mr. SCHATZ) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 551, a bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists.

S. 569

At the request of Mr. LEAHY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 569, a bill to reauthorize the farm to school program, and for other purposes.

S. 571

At the request of Mr. SASSE, his name was added as a cosponsor of S. 571, a bill to amend the Pilot's Bill of Rights to facilitate appeals and to apply to other certificates issued by the Federal Aviation Administration, to require the revision of the third class medical certification regulations issued by the Federal Aviation Administration, and for other purposes.

S. 578

At the request of Ms. COLLINS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 578, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 849

At the request of Mr. ISAKSON, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 849, a bill to amend the Public Health Service Act to provide for systematic data collection and analysis and epidemiological research regarding Multiple Sclerosis (MS), Parkinson's disease, and other neurological diseases.

S. 857

At the request of Ms. STABENOW, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 857, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of an initial comprehensive care plan for Medicare beneficiaries newly diagnosed with Alzheimer's disease and

related dementias, and for other purposes.

S. 946

At the request of Mr. KIRK, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 946, a bill to amend title 49, United States Code, to prohibit the transportation of horses in interstate transportation in a motor vehicle containing 2 or more levels stacked on top of one another.

S. 1133

At the request of Mr. FRANKEN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1133, a bill to amend title 9 of the United States Code with respect to arbitration.

S. 1212

At the request of Mr. CARDIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1212, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 1495

At the request of Mr. TOOMEY, the names of the Senator from Iowa (Mrs. ERNST) and the Senator from Texas (Mr. CRUZ) were added as cosponsors of S. 1495, a bill to curtail the use of changes in mandatory programs affecting the Crime Victims Fund to inflate spending.

S. 1559

At the request of Ms. AYOTTE, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1559, a bill to protect victims of domestic violence, sexual assault, stalking, and dating violence from emotional and psychological trauma caused by acts of violence or threats of violence against their pets.

S. 1830

At the request of Mr. BARRASSO, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1830, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 1856

At the request of Mr. BLUMENTHAL, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1856, a bill to amend title 38, United States Code, to provide for suspension and removal of employees of the Department of Veterans Affairs for performance or misconduct that is a threat to public health or safety and to improve accountability of employees of the Department, and for other purposes.

S. 1915

At the request of Ms. AYOTTE, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 1915, a bill to direct the Secretary of Homeland Security to make anthrax vaccines and antimicrobials available to emergency response providers, and for other purposes.

S. 2045

At the request of Mr. HELLER, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of S. 2045, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage.

S. 2196

At the request of Mr. CASEY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2196, a bill to amend title XVIII of the Social Security Act to provide for the non-application of Medicare competitive acquisition rates to complex rehabilitative wheelchairs and accessories.

S. 2283

At the request of Mr. DAINES, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of S. 2283, a bill to ensure that small business providers of broadband Internet access service can devote resources to broadband deployment rather than compliance with cumbersome regulatory requirements.

S. 2308

At the request of Mr. CARDIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2308, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of church pension plans, and for other purposes.

S. 2323

At the request of Mr. DURBIN, the names of the Senator from Maine (Mr. KING), the Senator from Oregon (Mr. MERKLEY) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S. 2323, a bill to clarify the definition of nonimmigrant for purposes of chapter 44 of title 18, United States Code.

S. 2327

At the request of Mr. CASEY, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 2327, a bill to amend the Internal Revenue Act of 1986 to strengthen the earned income tax credit and expand eligibility for childless individuals and youth formerly in foster care.

S. CON. RES. 25

At the request of Mr. LEE, the names of the Senator from North Dakota (Mr. HOEVEN) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. Con. Res. 25, a concurrent resolution expressing the sense of Congress that the President should submit the Paris climate change agreement to the Senate for its advice and consent.

S. RES. 148

At the request of Mr. WYDEN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 148, a resolution condemning the Government of Iran's state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 322

At the request of Mr. SESSIONS, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. Res. 322, a resolution recognizing the 60th anniversary of the refusal of Rosa Louise Parks to give up her seat on a bus on December 1, 1955.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. FLAKE, Ms. HEITKAMP, Mr. COATS, Mr. HEINRICH, Mr. JOHNSON, Mr. BENNET, Ms. AYOTTE, Mr. WARNER, Ms. BALDWIN, Mr. TESTER, Mr. KING, Ms. KLOBUCHAR, Mrs. BOXER, Mr. BLUMENTHAL, Ms. COLLINS, and Mr. FRANKEN):

S. 2337. A bill to improve homeland security by enhancing the requirements for participation in the Visa Waiver Program, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Visa Waiver Program Security Enhancement Act.

I am pleased to be joined by Senator FLAKE, who is the lead Republican cosponsor, as well as Senators HEITKAMP, COATS, HEINRICH, JOHNSON, BENNET, AYOTTE, WARNER, BALDWIN, TESTER, KING, KLOBUCHAR, BOXER, and BLUMENTHAL.

This bill would improve the security of the Visa Waiver Program, which is used by about 20 million travelers a year.

The horrific attacks in Paris and the emergence of ISIL make it absolutely clear that we must strengthen the Visa Waiver Program to protect our country. This bill would do just that.

38 countries are now part of the Visa Waiver Program.

Nationals from these countries may come to the United States for up to 90 days without a visa.

Travelers through the program use an online application to gain approval to travel to the United States. Many of these travelers simply apply for approval from their home computer.

Participating countries must also enter into valuable intelligence-sharing agreements with the United States.

By comparison, only about 36 million people secured visas for business, tourism, and other temporary purposes to the United States from 2005 to 2010—an average of only 6 million per year.

As we all know, fewer than 2,000 refugees from the Syrian conflict—which go through a heavy vetting process—were admitted to the United States over the last 4 years.

Put that in perspective: fewer than 2,000 Syrian refugees over 4 years, versus 20 million travelers through the Visa Waiver program annually.

The vetting for a refugee takes 18 to 24 months, whereas an application to travel through the Visa Waiver Program can be approved within seconds.

That should tell us how much of a priority improving the security of this program is.

Today, there are thousands of citizens from European visa waiver countries that have gone to fight in Syria.

In fact, the Visa Waiver Program includes numerous countries that have populations in which some people have become radicalized.

The program includes 38 countries, including the following: Belgium, France, Germany, Greece, Hungary, The Netherlands, and The United Kingdom.

So, nationals of these countries who travel to Iraq or Syria to train and fight may then be able to cross back into Europe and then come to this country on a visa waiver.

As is now clear, some who committed the recent attacks in Paris were French and Belgian nationals.

The attackers in the Charlie Hebdo attacks—the Kouachi brothers—were born and raised in France. They were French nationals as well.

The European Union Justice Commissioner said in April of this year that 5,000–6,000 Europeans could be fighting in Syria.

More than 1,500 are French nationals.

This is why the Visa Waiver Program, at the current time, poses a major risk—it is a quick and direct route for a terrorist to come to the United States without a visa.

The group known as ISIL has publicly threatened to attack the United States and we have every reason to believe they will exploit every opportunity to do so.

So we must take strong action.

A major concern is also the problem with lost and stolen passports, which could be used by dangerous individuals to gain entry to the United States on the Visa Waiver Program without raising red flags.

According to INTERPOL, nearly 45 million passports have been reported lost or stolen within the past 10 years.

Let me repeat that: 45 million lost or stolen passports circulating worldwide.

Passports typically are valid for five to 10 years, which means many of these lost or stolen passports have not yet expired.

If a blank passport is stolen, it may have no expiration date at all.

A foreign fighter could use one of the millions of unexpired lost and stolen passports to travel to the United States through the Visa Waiver Program in order to do us harm.

Today, the first face-to-face interaction and biometric check that a first-time Visa Waiver Program traveler would have with any U.S. official is when the person reaches the port of entry, like a United States airport.

That provides only a narrow window to detect that the individual is a person who is intent on committing an attack.

This Visa Waiver Program Security Enhancement Act would strengthen the Visa Waiver Program in a variety of ways, making our nation safer and protecting an important stream of international tourism and commerce.

First, the bill says that a national of a Visa Waiver country who has traveled to Iraq or Syria in the last five years would have to get a visa instead of using the Visa Waiver Program.

The effect of this would be that the person would have to go through the normal consular process—in which biometric information would be taken, and the person interviewed—instead of traveling to the United States on a visa waiver.

Second, the bill would require that biometric data, such as digital photographs or fingerprints, be provided to the U.S. government prior to boarding a plane to travel to the U.S. on the Visa Waiver Program but only for those individuals for whom we do not already have biometrics.

Today, biometrics are not taken until a traveler from a Visa Waiver country first enters the United States at the port of entry.

That is too late, and it leaves the opportunity for a person seeking to commit an attack against the aircraft itself to do so.

We have recently seen that ISIL is willing to take down airliners. We know what sort of tragedy can happen when terrorists take control of an airplane.

We must do everything we can to make sure an ISIL member does not board an aircraft bound for the United States with the intent to take it down.

This bill would make the biometric requirement effective within one year, prioritizing areas of danger, and would enable the Department of Homeland Security to extend the roll-out on a country-specific basis.

The Department of Homeland Security has already announced its intent to expand Customs and Border Protection preclearance to new foreign airports, including in Belgium, the Netherlands, Spain, and the United Kingdom—all Visa Waiver countries.

As the bill is currently written, those foreign nationals who travel through the preclearance process would satisfy the biometric requirements of the bill.

The simple fact is that we need to develop a way to screen and verify individuals biometrically before they get on a plane to the U.S., and this bill would do that.

Third, the bill would eliminate the use of older-generation passports by any citizen of Visa Waiver Countries.

Within 90 days of enactment, all Visa Waiver travelers would be required to have a valid, unexpired, machine-readable passport that is tamper-resistant and incorporates biometric identifiers.

The Department of Homeland Security has announced that it will roll this out administratively, but this provision would make it a clear statutory requirement.

Fourth, the bill would strengthen the intelligence sharing that is the bedrock of this program.

The Department of Homeland Security has been able to gather valuable data from Visa Waiver countries under existing information sharing agreements.

There are three such agreements. One relates to information regarding known or suspected terrorists. The second relates to sharing of fingerprint data pertaining to serious crimes. And the third requires provision of lost or stolen passport information directly or via INTERPOL.

It is my understanding that—although countries have signed these agreements—not all have fully implemented them. This bill would require that those agreements be implemented, not just signed.

The bill would also establish several new information-sharing provisions, which the Department of Homeland Security would be required to examine in assessing whether a country can join or stay in the Visa Waiver Program.

One such provision would require DHS to consider whether a country contributes to and screens against INTERPOL's lost and stolen documents database.

Let me explain why this is important. Simply put, INTERPOL's lost and stolen documents database is not as frequently used as it could be.

Increased use of INTERPOL's database could assist all nations, including those outside the Visa Waiver Program, to prevent travel using lost or stolen passports and thus to inhibit the international movement of foreign fighters.

This bill would also require DHS to consider whether a country collects and shares biometric information of refugee and asylum seekers—an important provision to help the United States ensure bad actors are prevented from traveling to the United States.

It would also require DHS to consider whether a country shares intelligence about foreign fighters with the United States, as well as with international organizations like INTERPOL.

Lastly, the bill would require that countries participating in the Visa Waiver Program have Federal Air Marshal agreements in place.

The Paris attacks demonstrate beyond any doubt that the Visa Waiver Program creates a security risk for our country.

The Visa Waiver Program Security Enhancement Act will address vulnerabilities in the Visa Waiver Program, improve information sharing, and help keep our country safe.

I urge my colleagues to support this bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 323—SUPPORTING THE DESIGNATION OF DECEMBER 1, 2015, AS ''#GIVINGTUESDAY'' AND SUPPORTING STRONG INCENTIVES FOR ALL PEOPLE OF THE UNITED STATES TO GIVE GENEROUSLY

Mr. SCHUMER (for himself, Mr. THUNE, Ms. STABENOW, and Mr. ROBERTS) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 323

Whereas the Tuesday after Thanksgiving begins the holiday giving season with a global day dedicated to charitable giving, known as ''#GivingTuesday'';

Whereas December 1, 2015, is the fourth annual #GivingTuesday;

Whereas since the inception of #GivingTuesday in 2012, #GivingTuesday has become a worldwide movement that celebrates the power of giving in all forms;

Whereas in 2012, #GivingTuesday brought together more than 2,500 organizations in all 50 States and continues to gain momentum with more than 35,000 partners in the United States and around the world;

Whereas online donations have increased 470 percent since the Tuesday after Thanksgiving in 2011;

Whereas #GivingTuesday, along with other community giving days, highlights the charitable community in the United States, which comprises approximately 1,500,000 nonprofit organizations, philanthropic organizations, and religious congregations that are dedicated to improving lives and strengthening communities;

Whereas nonprofit organizations are key partners with Federal, State, and local governments in the delivery of key programs and services, including—

(1) child learning and nutrition;

(2) emergency disaster response;

(3) services for victims; and

(4) job training and placement programs;

Whereas communities are lifted up by the exposure of all community members to the cultural, educational, and civic opportunities provided by nonprofit organizations;

Whereas the values of volunteerism and generosity toward the common good has led to over 60 percent of people in the United States, including 84 percent of millennials, making financial contributions to support the work of nonprofit organizations;

Whereas virtually every person in the United States benefits from the work of the charitable community, which—

(1) employs over 13,700,000 workers, or 10 percent of the workforce of the United States; and

(2) engages an additional 63,000,000 volunteers;

Whereas in 2014, individuals, foundations, and businesses gave over $335,000,000,000 to support charitable causes and it has been estimated that, with no deduction for charitable gifts, annual individual giving would drop by 25 to 36 percent;

Whereas other effective charitable giving incentives in the Internal Revenue Code of 1986 relating to individual retirement account contributions, food donations, and conservation easement donations expired on January 1, 2015, the fifth time in recent years;

Whereas the United States is a great country with a strong philanthropic tradition that should be continued and carried on; and

Whereas all political parties can agree on charitable giving, which transcends differences of ideology and unites people across boundaries: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that the United States needs a strong and vibrant charitable and philanthropic sector to enable communities to meet local needs;

(2) supports the designation of December 1, 2015, as ''#GivingTuesday''—

(A) to encourage charitable giving;

(B) to effect positive change; and

(C) to promote causes dedicated to progress, prosperity, and a better world; and

(3) supports strong incentives for all people of the United States to give generously to charitable organizations by—

(A) protecting the existing charitable donation tax deduction; and

(B) continuing incentives that encourage philanthropy, volunteering, and innovation.

Mr. THUNE. Mr. President, I am pleased to support S. Res. 323, a resolution I submitted today along with Senator SCHUMER, Senator STABENOW, and Senator ROBERTS, which expresses the sense of the Senate that Congress should recognize the benefits of charitable giving and express support for the designation of today, December 1, 2015, as #GivingTuesday.

Celebrated annually since 2012 on the Tuesday after Black Friday and Cyber Monday, #GivingTuesday kicks off the holiday giving season with a global day dedicated to charitable giving through a social movement that encourages giving in all its forms by people and communities across the country.

From the first year of #GivingTuesday, when more than 2,500 organizations from all 50 States came together to celebrate giving, to today, when more than 35,000 partners in the United States and around the world will participate, this movement has provided an annual opportunity for the country to come together to honor the long American history of giving back and working together.

I would also like to recognize #GivingTuesday for its power to enact positive change and promote causes that further progress and prosperity for a better world, while also enabling local communities to meet specific needs.

In my State of South Dakota, for example, many local organizations have already endorsed #GivingTuesday. Feeding South Dakota, located in Pierre, Rapid City, and Sioux Falls, is participating through numerous food programs and fundraisers with the ultimate goal of eliminating hunger entirely in my state. Likewise, the United Way & Volunteer Services of Greater Yankton is participating through a book drive that benefits local children as part of the Big Red Bookshelf program, and through financial support that will be used for the Connecting Kids Youth Scholarship program.

The success of #GivingTuesday further highlights the work of the American charitable community, which boasts 1.5 million nonprofits, philanthropic organizations, and religious congregations dedicated to improving lives and strengthening communities. These charitable organizations employ 13.7 million workers, or nearly 10 percent of the U.S. workforce, with an additional 63 million people engaged in volunteer work.

In all, more than 60 percent of Americans, including 84 percent of millennials, make financial contributions to support the work of nonprofit organizations.

As we just gave thanks last week surrounded by friends and family, it is abundantly clear that we have much to be thankful for. I hope that my colleagues will join me to continue that spirit of giving and sharing, and support #GivingTuesday.

SENATE CONCURRENT RESOLUTION 26—EXPRESSING THE SENSE OF CONGRESS REGARDING THE RIGHT OF STATES AND LOCAL GOVERNMENTS TO MAINTAIN ECONOMIC SANCTIONS AGAINST IRAN

Mr. KIRK (for himself, Mr. MANCHIN, and Mr. RUBIO) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 26

Whereas Iran is a major threat to the national security of the United States and its allies;

Whereas Iran is the world's leading state sponsor of terrorism and continues to materially support Hezbollah, Hamas, and the regime of Bashar al-Assad;

Whereas Iran is responsible for severe violations of the human rights of the people of Iran, including imprisonment, harassment, and torture against dissidents and those critical of the Iranian regime such as human rights defenders, lawyers, activists, and ethnic minorities;

Whereas the United States has led the international community in imposing crippling economic sanctions against Iran for sponsoring terrorism and its human rights violations;

Whereas section 202 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111–195; 22 U.S.C. 8532) authorizes States and local governments to divest from, or prohibit investment of the assets of the State or local government in, any person that the State or local government determines, using credible information available to the public, engages in investment activities in Iran;

Whereas section 202(a) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 states that, ''It is the sense of Congress that the United States should support the decision of any State or local government that for moral, prudential, or reputational reasons divests from, or prohibits the investment of assets of the State or local government in, a person that engages in investment activities in the energy sector of Iran, as long as Iran is subject to economic sanctions imposed by the United States.'';

Whereas section 202(f) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 states that, ''A measure of a State or local government authorized under subsection (b) or (i) is not preempted by any Federal law or regulation.'';

Whereas States have explicit authority granted by Congress and the executive

branch through the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 to enact sanctions against Iran or entities that do business with Iran and cannot have such actions be preempted by Federal law or regulation;

Whereas the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, including section 202 of such Act, was enacted by Congress out of concern for illicit Iranian behavior, including its state sponsorship of terrorism and human rights abuses;

Whereas 30 States and the District of Columbia have enacted divestment legislation or policies against Iran by refusing to invest State and local pensions in international corporations that do business with Iran;

Whereas 11 States have enacted laws or policies that prohibit awarding State or local government contracts to companies or financial institutions that do business with Iran;

Whereas such laws and regulations in no way interfere with the conduct of United States foreign policy;

Whereas States and local governments adopted such laws and regulations out of a shared concern for illicit Iranian behavior, including its state sponsorship of terrorism and human rights violations;

Whereas on July 14, 2015, the P5+1 countries and Iran agreed to the Joint Comprehensive Plan of Action (in this resolution referred to as the ''JCPOA'');

Whereas Iran divestment laws and regulations adopted by States and local governments in no way prevent the implementation of the lifting of sanctions as specified in the JCPOA;

Whereas, on July 28, 2015, under testimony to the Committee on Foreign Affairs of the House of Representatives, Secretary of State John Kerry confirmed that States' legal authority to enact sanctions against Iran would not be affected by the implementation of the JCPOA;

Whereas, on September 30, 2015, Chris Backemeyer, the Principal Deputy Coordinator for Sanctions Policy at the Department of State, stated in reference to sanctions by State and local governments against Iran, ''We certainly discussed this issue when we were in the negotiations, and at the present time we do not feel like any of those pieces of legislation jeopardize our ability to implement the JCPOA, and we are quite clear about that.''; and

Whereas sanctions targeting Iran's sponsorship of terrorism and human rights violations, including State and local government divestment laws and regulations, remain a core national security priority of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) reaffirms its commitment to stopping Iran's sponsorship of terrorism and human rights violations;

(2) reaffirms its legislative intent that the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111–195; 22 U.S.C. 8501 et seq.), including section 202 of such Act, was enacted to deter illicit Iranian behavior, including its sponsorship of terrorism and human rights violations; and

(3) strongly supports continued State and local government sanctions targeting Iran's illicit activity, including divestment of assets from companies investing in Iran and prohibition of investment of the assets of the State or local government in any person that the State or local government determines, using credible information available to the public, engages in investment activities in Iran, as authorized by section 202 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2874. Mr. MCCONNELL proposed an amendment to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016.

TEXT OF AMENDMENTS

SA 2874. Mr. MCCONNELL proposed an amendment to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; as follows:

Strike all after the enacting clause and insert the following:

TITLE I—FINANCE

SEC. 101. FEDERAL PAYMENT TO STATES.

(a) IN GENERAL.—Notwithstanding section 504(a), 1902(a)(23), 1903(a), 2002, 2005(a)(4), 2102(a)(7), or 2105(a)(1) of the Social Security Act (42 U.S.C. 704(a), 1396a(a)(23), 1396b(a), 1397a, 1397d(a)(4), 1397bb(a)(7), 1397ee(a)(1)), or the terms of any Medicaid waiver in effect on the date of enactment of this Act that is approved under section 1115 or 1915 of the Social Security Act (42 U.S.C. 1315, 1396n), for the 1-year period beginning on the date of enactment of this Act, no Federal funds provided from a program referred to in this subsection that is considered direct spending for any year may be made available to a State for payments to a prohibited entity, whether made directly to the prohibited entity or through a managed care organization under contract with the State.

(b) DEFINITIONS.—In this section:

(1) PROHIBITED ENTITY.—The term ''prohibited entity'' means an entity, including its affiliates, subsidiaries, successors, and clinics—

(A) that, as of the date of enactment of this Act—

(i) is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(ii) is an essential community provider described in section 156.235 of title 45, Code of Federal Regulations (as in effect on the date of enactment of this Act), that is primarily engaged in family planning services, reproductive health, and related medical care; and

(iii) provides for abortions, other than an abortion—

(I) if the pregnancy is the result of an act of rape or incest; or

(II) in the case where a woman suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the woman in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy itself; and

(B) for which the total amount of Federal and State expenditures under the Medicaid program under title XIX of the Social Security Act in fiscal year 2014 made directly to the entity and to any affiliates, subsidiaries, successors, or clinics of the entity, or made to the entity and to any affiliates, subsidiaries, successors, or clinics of the entity as part of a nationwide health care provider network, exceeded $350,000,000.

(2) DIRECT SPENDING.—The term ''direct spending'' has the meaning given that term under section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)).

SEC. 102. INDIVIDUAL MANDATE.

(a) IN GENERAL.—Section 5000A(c) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (2)(B) by striking clauses (ii) and (iii) and inserting the following:

''(ii) Zero percent for taxable years beginning after 2014.'', and

(2) in paragraph (3)—

(A) by striking ''$695'' in subparagraph (A) and inserting ''$0'',

(B) by striking ''and $325 for 2015'' in subparagraph (B), and

(C) by striking subparagraph (D).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2014.

SEC. 103. EMPLOYER MANDATE.

(a) LARGE EMPLOYERS NOT OFFERING HEALTH COVERAGE.—Paragraph (1) of section 4980H(c) of the Internal Revenue Code of 1986 is amended by inserting ''($0 in the case of months beginning after December 31, 2014)'' after ''$2,000''.

(b) LARGE EMPLOYERS OFFERING COVERAGE WITH EMPLOYEES WHO QUALIFY FOR PREMIUM TAX CREDITS OR COST-SHARING REDUCTIONS.—Paragraph (1) of section 4980H(b) of the Internal Revenue Code of 1986 is amended by inserting ''($0 in the case of months beginning after December 31, 2014)'' after ''$3,000''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2014.

SEC. 104. REPEAL OF MEDICAL DEVICE EXCISE TAX.

(a) IN GENERAL.—Chapter 32 of the Internal Revenue Code of 1986 is amended by striking subchapter E

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales in calendar quarters beginning after the date of the enactment of this Act.

SEC. 105. REPEAL OF THE TAX ON EMPLOYEE HEALTH INSURANCE PREMIUMS AND HEALTH PLAN BENEFITS.

(a) EXCISE TAX.—Chapter 43 of the Internal Revenue Code of 1986 is amended by striking section 4980I.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2017.

(c) REINSTATEMENT.—The amendment made by subsection (a) shall not apply to taxable years beginning after December 31, 2024, and chapter 43 of the Internal Revenue Code of 1986 is amended to read as such chapter would read if such subsection had never been enacted.

SEC. 106. RECAPTURE OF EXCESS ADVANCE PAYMENTS OF PREMIUM TAX CREDITS.

(a) IN GENERAL.—Subparagraph (2) of section 36B(f) of the Internal Revenue Code of 1986 is amended by striking subparagraph (B).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after December 31, 2015.

TITLE II—HEALTH, EDUCATION, LABOR AND PENSIONS

SEC. 201. REPEAL OF THE PREVENTION AND PUBLIC HEALTH FUND.

(a) IN GENERAL.—Section 4002(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 300u–11(b)) is amended—

(1) in paragraph (2), by striking ''2017'' and inserting ''2015''; and

(2) by striking paragraphs (3) through (5).

(b) RESCISSION OF UNOBLIGATED FUNDS.—Of the funds made available by such section 4002, the unobligated balance is rescinded.

SEC. 202. FUNDING FOR COMMUNITY HEALTH CENTER PROGRAM.

Effective as if included in the enactment of the Medicare Access and CHIP Reauthorization Act of 2015 (Public Law 114–10, 129 Stat. 87), paragraph (1) of section 221(a) of such Act is amended by inserting after ''Section 10503(b)(1)(E) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(1)(E)) is amended'' the following: ''by striking

'$3,600,000,000' and inserting '$3,835,000,000' and''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on December 1, 2015, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on December 1, 2015, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on December 1, 2015, at 2:45 p.m., in room SD–215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''International Tax: OECD BEPS & EU State Aid.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 1, 2015, at 2:30 p.m., to conduct a hearing entitled ''Nominations.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on December 1, 2015, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Puerto Rico's Fiscal Problems: Examining the Source and Exploring the Solution.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. COATS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 1, 2015, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—H.R. 427

Mr. MCCONNELL. Mr. President, I understand that there is a bill at the desk and ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The senior assistant legislative clerk read as follows:

A bill (H.R. 427) to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.

Mr. MCCONNELL. I ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

ORDERS FOR WEDNESDAY, DECEMBER 2, 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, December 2; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; lastly, that following leader remarks, the Senate then resume consideration of H.R. 3762.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:50 p.m., adjourned until Wednesday, December 2, 2015, at 9:30 a.m.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. JAIME HERRERA BEUTLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Ms. HERRERA BEUTLER. Mr. Speaker, the evening of November 30th, I am not recorded on two votes because I was absent due to illness.

If I had been present, I would have voted: Yes, on rollcall 644, to remove the use restrictions on certain land transferred to Rockingham County, Virginia, and for other purposes; and Yes on rollcall 645, the Billy Frank Jr. Tell Your Story Act.

HONORING THE JOHNSON–PHELPS VFW POST ON THEIR 80TH ANNIVERSARY

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Mr. LIPINSKI. Mr. Speaker, I rise today to honor the Johnson-Phelps Veterans of Foreign Wars Post 5220 of Oak Lawn, Illinois, on its 80th anniversary. Through the work of its members, the Johnson-Phelps VFW has made a difference in the lives of countless people and has had a tremendous positive impact on the community. The post is an exemplary organization in the Third District and its members exemplify the unyielding bravery, courage, and perseverance of America's Armed Forces.

In 1945 a group of veterans returning from the Second World War formed the post and named it for Mr. Raymond Johnson and Mr. Leslie Phelps, both killed in action during WWII. Mr. Johnson's and Mr. Phelps' names were chosen from a hat that included the names of all 23 men from the Oak Lawn area that were killed in the war. The current post building was completed in 1951, built in large part by the post's own members. Johnson-Phelps later merged with six other posts in Southwest Chicagoland, the oldest of which was chartered in 1935.

Johnson-Phelps VFW Post 5220 is led today by Commander Richard Bukowski, Sr. Vice Commander Thomas Krone, and Jr. Vice Commander Bryant Reed. Their dedication to serving the community is shown through programs such as the well-known Voice of Democracy and Patriots Pen Scholarship Competitions. They also provide for the public by hosting and sponsoring important events in the community such as Memorial Day and Veterans Day services.

Mr. Speaker, I ask my colleagues to join me in recognizing the members of the Johnson-Phelps VFW Post of Oak Lawn, Illinois, for all they have done for our nation and the community over the past 80 years.

HONORING THE 90TH ANNIVERSARY OF THE ZONTA CLUB OF KENMORE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Mr. HIGGINS. Mr. Speaker, I stand before you today to honor the Zonta Club of Kenmore on the occasion of their 90th anniversary. Their service and advocacy is deserving of recognition and gratitude.

Nine decades ago, several Kenmore women met with Marian DeForest; past Chairman of the Confederation of Zonta Clubs, Ellen Bixby; then Vice-President of the Zonta Club of Buffalo, and Florence Fuchs, at the home of Jessie E. Webster on LaSalle Avenue in Kenmore. The Club was formally organized on December 2, 1925 at the home of Mrs. Aurelia Opperman.

On December 7, 1925 the Zonta Club of Kenmore received its charter—Charter #38, with fifteen members. Their first weekly luncheon meeting was held on Wednesday, December 9, 1925 at the Kenmore YWCA. Since its inception, the Zonta Club of Kenmore has dedicated itself to service work and commitment to the community.

In their first year of service work, the members decided to help further the education of a girl or woman in need, to provide her an opportunity to earn a living. Fundraising projects, such as Monster Theater parties at the Kenmore Theater, Annual Stunt Days, book reviews, card parties, bake sales, and rummage sales all helped to accomplish this noble objective.

On April 19, 1975, the Club celebrated their 50th Anniversary at a dinner held at the Packet Inn, in Tonawanda, New York. Some of the organizations that have benefitted from the good efforts of the Zonta Club over the years are the Girl Scouts of America, The American Red Cross, Kenmore Mercy Hospital, and many more.

Today, with a membership of 20 dedicated women, the motto of the Zonta Club of Kenmore is "Small but Mighty."

Mr. Speaker, thank you for allowing me a few moments to honor and recognize the Zonta Club of Kenmore. I ask that my colleagues join me in congratulating the Zonta Club on these accomplishments and their continuous contributions to the community.

HONORING MARY ELLEN ORMOND ON THE OCCASION OF HER RETIREMENT AFTER 33 YEARS IN THE NEW HAMPSHIRE PUBLIC SCHOOL SYSTEM

HON. FRANK C. GUINTA

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Mr. GUINTA. Mr. Speaker, I would like to express my congratulations to Ms. Mary Ellen Ormond on her retirement after 33 years in the New Hampshire Public School System, and thank her for the outstanding work she did during her career.

Ms. Ormond's continuous progression within the education community from her time at Grinnell Elementary School, to her most recent position as superintendent of the Inter-Lakes School District, exemplifies her dedication and professionalism.

The creativity, knowledge, and experience Ms. Ormond brought to classrooms throughout the Granite State has been invaluable, and it's clear she leaves an example of strong leadership for others to emulate in her wake.

It is with great admiration that I congratulate Ms. Ormond on her retirement, and wish her the best on all future endeavors.

IN REMEMBRANCE OF DR. H. GILBERT MILLER

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Mrs. COMSTOCK. Mr. Speaker, on behalf of myself and Congressman ROBERT HURT, I submit these remarks in remembrance of Dr. H. Gilbert Miller, an enthusiastic innovator, a champion of technology, and a good man. We join the Miller family to mourn his loss, which is felt by all who knew him, and celebrate his life, which has left an indelible impact on many in our districts and the Commonwealth of Virginia.

Dr. Miller was a visionary—a gifted engineer who spent his career supporting the development and innovation of cutting edge technology into our federal government programs most recently as Chief Technology Officer of Noblis, Inc., a non-profit science, technology, and strategy organization. At Noblis, he was the champion behind the development of the Noblis Innovation and Collaboration Center—the NICC—a place where great minds had room to grow and an incubator for transformative collaborations that yielded innovations and discoveries. Dr. Miller's mission was to help solve the world's toughest big data and analytic challenges by seeding and developing the nation's best minds and supporting their efforts with the power of technology. His leadership brought one of the world's largest and most dynamic supercomputers to Danville, Virginia for private sector use.

But Dr. Miller's love for technology and innovation went far beyond the walls of Noblis. He was a passionate supporter of STEM educations. Dr. Miller chaired and served on numerous volunteer, educational advisory boards, including most recently as Vice Chairman of the Dean's Advisory Board for the Volgenau School of Engineering at George Mason University and on the advisory board for the Data Analytics Engineering Program at George Mason University. In recognition of his many accomplishments, his leadership role in

advancing science and technology at Noblis and in support of Noblis' federal government clients as well as advancing the public-private partnership with the Commonwealth of Virginia, in 2011 Dr. Miller received the CTO Innovator Award from the Northern Virginia Technology Council.

But more than his extensive list of professional accomplishments, Dr. Miller was a loving husband, a caring father and a devoted grandfather. His greatest joy was in spending time with his family. We extend our deepest sympathies to Gil's wife, Dot, and three children Ryan, Matthew, and Kristen, his grandchildren, and the entire Miller family. We hope that they can take comfort in the love they share and the knowledge that they do not walk alone in their grief. We have lost Gil far too soon, but his legacy lives on. Thank you for sharing him and his talents with us. We are forever grateful.

IN SUPPORT OF H.R. 2967 THE VOTING RIGHTS ADVANCEMENT ACT

HON. TERRI A. SEWELL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Ms. SEWELL of Alabama. Mr. Speaker, today I rise in support of H.R. 2967 the Voting Rights Advancement Act and to recognize today as Restoration Tuesday.

Our sacred right to vote has come under attack in numerous states across the country in the aftermath of the Supreme Court's ruling in Shelby County v. Holder. Many states, including my home state of Alabama, have enacted pernicious and burdensome voter ID laws that have the practical effect of restricting access to the polls for low income and minority voters.

Recently, Alabama closed 31 DMVs, leaving 29 Alabama counties without a DMV. Fifteen of those counties are located in rural Black Belt communities. Driver's licenses are the most popular form of photo identification used to vote. The heart of the problem lies with access. How can Alabama require a photo ID to vote, and then limit access to the most popular form of ID used? It is unconscionable that my constituents will be denied their constitutionally protected right to vote because they do not have access to a valid photo ID.

Despite the Governor's recent decision to reopen these DMVs once a month, critical access to these commonly used forms of photo IDs is still an issue for far too many minorities, senior citizens, and those living in rural communities. The reality is that opening these offices for once a month provides only bare minimum access, and that is unacceptable. Had the preclearance requirements of the Voting Rights Act of 1965 still been in place, Alabama's decision to close these DMVs would have likely had to have been reviewed by the Department of Justice.

In Alabama, the DMV closures occurred under the guise of budgetary concerns. Any budgetary savings are far outweighed by the discriminatory impact these closures will have on my constituents' ability to access the polls. But these types of discriminatory decisions are not exclusive to Alabama. These DMV closures are indicative of a broader and systematic effort that threatens to undermine our most basic right as Americans—the right to vote.

Protecting the right to vote for all Americans, especially those traditionally excluded from the democratic process should be top priority for us all. Every eligible voter must be allowed to cast his or her ballot unhindered by laws that deter participation in our democracy.

As Members of Congress, we must speak up for the voices of the excluded. If we do not act then we risk silencing these voices forever. We must fight to restore the critical protections of the Voting Rights Act of 1965 that were struck down in the Shelby vs Holder case. Now is the time to restore the vote.

CONGRATULATING THE ELDON HIGH SCHOOL CHEERLEADING SQUAD FOR THEIR 2015 MISSOURI CHEERLEADING COACHES ASSOCIATION CLASS 3 STATE CHAMPIONSHIP

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Mr. LUETKEMEYER. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating the Eldon Mustangs for their first place win in the 2015 Missouri Cheerleading Coaches Association Class 3, Large Division, State Championship.

This cheerleading squad and their coach should be commended for all of their hard work throughout this past year and for bringing home this first place state championship to their school and community.

I ask you to join me in recognizing the Eldon Mustangs for a job well done.

IN OBSERVANCE OF NATIONAL IBD AWARENESS WEEK

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Mr. CRENSHAW. Mr. Speaker, I rise today in observance of National IBD Awareness Week, which brings attention to over 1.6 million Americans affected by Crohn's disease and ulcerative colitis, collectively known as inflammatory bowel disease, or IBD.

These disorders impact the gastrointestinal tract, the area of the body where digestion takes place. They cause inflammation of the intestine, which leads to ongoing symptoms and complications. There is currently no known cause or cure for IBD, and individuals with IBD may suffer from various symptoms from mild to severe abdominal pain, diarrhea, fever, and intestinal bleeding. The impacts are devastating to both patients and their families.

Unfortunately, IBD can affect anyone, though it is most commonly diagnosed in adolescents and young adults between 15 and 25 years old. And though we still do not have all the answers, there is hope. An increasing number of genes have been identified—over 100 today—that may cause an increase in the risk of developing IBD, confirming that IBD has a strong genetic component. With these discoveries and new technological advances, researchers are working furiously to find cures. Despite this, the unpredictable nature of these painful and debilitating digestive diseases creates a significant burden on the community and economy. Every year, there is more than $1.26 billion in direct and indirect costs to the United States healthcare system due to surgeries and hospitalizations as a result of IBD complications.

This week, patient advocates from the Crohn's and Colitis Foundation of America (CCFA) are marching on Washington to meet with their Representatives and ask them to be a part of the movement and join the bipartisan Crohn's and Colitis Congressional Caucus. I would like to extend a warm welcome to Mr. Michael Osso, as CCFA celebrates the foundation's newest President and CEO. Mr. Osso is taking over from recently retired Mr. Richard Geswell, who in his turn has dedicated 10 years of remarkable leadership and service for patients with IBD. I am confident that Mr. Osso will continue Mr. Geswell's legacy of remarkable vision and drive on the journey forward towards a cure.

As co-chair of the bipartisan Crohn's and Colitis Congressional Caucus, a group of dedicated Members educating the public and other Members of Congress on IBD, I am grateful for the opportunity to raise awareness for IBD as well as improve patients' access to treatments. Let us use this week, IBD Awareness Week, as a call to action for all Americans. Together, with the help of researchers, educators, medical professionals, patients, and families, we can find a cure and end this devastating disease for millions of people around the world. Mr. Speaker, I congratulate CCFA on their efforts to bring awareness to this awful disease and I urge my colleagues to recognize Crohn's and Colitis Awareness Week as a way to build upon our efforts for the IBD patient community and to join the Crohn's and Colitis Congressional Caucus.

HONORING THE LIFE AND LEGACY OF GENERAL JOHN ROGERS GALVIN

HON. SETH MOULTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Mr. MOULTON. Mr. Speaker, I rise today to honor the memory of General John Rogers Galvin, who died on September 25 of this year at the age of 86.

Born in Wakefield, Massachusetts, General Galvin committed his life and career to defending and serving our country. As a child, he created the Pleasant Street Army to protect his neighborhood during World War II, served four years as an enlisted soldier in the Massachusetts Army National Guard, graduated from the United States Military Academy in 1954, and served two tours in Vietnam as a brigade operations officer and battalion commander.

General Galvin's forty-four year military career culminated in his service as the Supreme Allied Commander in Chief of U.S. European Command and NATO Commander in 1987 during the collapse of the Soviet Union and the end of the Cold War. During his tenure, General Galvin confronted the breakup of Yugoslavia, provided vital protection to Kurds in northern Iraq during the regime of Saddam Hussein, and transitioned NATO's military strategy from large-scale containment to

small-conflict peacekeeping and counterinsurgency.

Following his retirement from the military, General Galvin transitioned to academia, serving as the sixth dean of the Fletcher School of Law and Diplomacy at Tufts University from 1995 to 2000.

He was considered a mentor to many of our country's leading national security and military experts, including a personal mentor of mine, General David Petraeus. General Galvin liked to say the word ''impossible'' does not exist and often advised, ''it doesn't do any good to study all the books on leadership if you haven't studied yourself and know who you are.''

I join the Wakefield community in recognizing General Galvin's achievements that will continue to inspire the next generation of leaders. His legacy lives on through his wife Virginia, his four daughters, and five grandchildren.

HONORING BRUCE C. DOERING

HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Ms. JUDY CHU of California. Mr. Speaker, I rise today to recognize a dedicated leader in the labor movement and entertainment industry, Bruce C. Doering, on his retirement as the Executive Director of the International Cinematographer's Guild, IATSE Local 600. His retirement marks the end of a remarkable three decades of improving the lives and working conditions for thousands of entertainment industry union members across the United States.

Bruce Doering has been actively involved in the union movement from an early age. As a young steel worker in Chicago, Bruce helped start a union newspaper to expose poor working conditions. He was instrumental in a Chicago Sun Times exposé that led to stronger safety regulations and increased incentive bonuses for employees. In 1985, he went to work for the International Alliance of Theatrical Stage Employees (IATSE) to begin a career that would have a significant influence on a rapidly expanding creative industry.

After initially serving as the Executive Director of Local 659, in Hollywood, Bruce oversaw the merger of three camera unions into a powerful national Cinematographers Guild in 1996. Members are now able to work around the country on projects and still receive their health and retirement benefits. While retirement funds were being slashed around the country, Bruce pushed hard to maintain member eligibility and helped to grow a retirement fund based on a percentage of members' hourly earnings. As a member of the Board of Directors at the Motion Picture Pension and Health Plans since 1986, Bruce has served on numerous committees protecting and enhancing the benefits workers and their families receive.

Bruce's tenacity has helped create more job opportunities for members, and ensured them a path into the middle class. During his tenure, Local 600 expanded its reach considerably into reality television. In 2001, he was in the vanguard of the industry's rapidly changing technology, helping recognize the Digital Imaging Technician classification. After a decade-long fight, unit publicists this year finally won the ability to earn their health and pension benefits across the United States. The Local's political presence has been particularly felt in California, where Bruce led Local 600 campaigns supporting time and a half overtime pay, the doubling of unemployment benefits, and supporting union member voices in politics.

Bruce's success in guiding IATSE Local 600, and his exceptional career as leader in the union movement is a true inspiration for all of us. We thank him for his service, his leadership in the community, and for being a role model for so many.

RECOGNIZING THE 40TH ANNIVERSARY OF THE LACONIA CHRISTMAS VILLAGE

HON. FRANK C. GUINTA

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Mr. GUINTA. Mr. Speaker, I rise today to recognize the 40th anniversary of the Laconia Christmas Village in Laconia, New Hampshire. I am pleased to join with the City of Laconia and its residents in commemorating this wonderful event and holiday tradition for Granite Staters in the Lakes Region of New Hampshire.

This is a great achievement as the annual Christmas Village is organized and run by local volunteers in Laconia, who not only help build the actual village and attractions, but work together to provide all the resources needed to put on this yearly event. The event is free to the public and sees roughly 2,500 children come through to see Santa Claus and receive a Christmas present, and for some children this is their only holiday celebration. Volunteers not only help in the preparation of the event, but help with entertainment, providing refreshments and welcoming families from across the region to the city.

With the goal of providing a family friendly event to usher in the holiday season, these volunteers and the community have come together beautifully to highlight the wonder and merriment of the Christmas season. Joined with the efforts of local volunteers who give their time and resources to make the village a success, this is a testament to the strong sense of community and support this event has had in Laconia over the last 40 years.

I am proud to join with my fellow Granite Staters in recognizing the 40th anniversary of the Laconia Christmas Village, and wish them all the best in their future years.

IN RECOGNITION OF DIONNE WARWICK

HON. DONALD M. PAYNE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Mr. PAYNE. Mr. Speaker, I rise today to honor New Jersey-native and music marvel, Ms. Dionne Warwick. The legendary Ms. Warwick is world renowned not only for her incredible music career, but also for her humanitarian and philanthropic work.

Ms. Warwick is a pillar of American pop music and culture. She began singing in East Orange, New Jersey during her childhood years. Her gospel roots marry well with R&B and pop in a way that transcends culture and race. Ms. Warwick is a five-time Grammy Award-winning singer and the second most-charted female vocalist of all time, with 69 singles on the Billboard Hot 100 charts. She became a superstar with early hits like ''Walk on By'' and ''I Say a Little Prayer,'' and followed them up for decades with hits including ''Do You Know the Way to San Jose,'' ''I'll Never Love This Way Again,'' and ''That's What Friends Are For.''

As a performer, Ms. Warwick delighted audiences all around the world. Her talents received a star on Hollywood's ''Walk of Fame.'' She was also honored by Oprah Winfrey at the 2005 Legends Ball. As an activist, Ms. Warwick has devoted countless hours and supported a number of charities and causes.

Always one to aid those in need, Ms. Warwick advocates on behalf of music education, world hunger, disaster relief, and children's hospitals. She has used her stardom over five decades to raise awareness about major health issues, including AIDS and senior citizen health. For her commitment, President Ronald Reagan and the U.S. Department of Health & Human Services appointed her U.S. Ambassador of Health in 1987. In 2002, she served as Global Ambassador for Health and Ambassador for the United Nations' Food & Agriculture Organization. She is currently working to ensure Medicare covers the best method of administering FDA approved drugs in cataract surgery, a procedure she herself has undergone.

I join all of Dionne Warwick's friends and loved ones in celebrating her many achievements and contributions, and I wish Ms. Warwick—the jewel of New Jersey's 10th Congressional District—a very happy 75th birthday. I have no doubt that Ms. Warwick will continue to use her voice to captivate international audiences, through her music and her dedication to the human condition.

COMMEMORATING WORLD AIDS DAY 2015

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Mr. McDERMOTT. Mr. Speaker, December 1st is World AIDS Day. This past weekend Americans celebrated the Thanksgiving holiday. It is a time of reflection and appreciation. Similarly, World AIDS Day is a moment for us to reflect on our past challenges, appreciate the great strides we have made, and acknowledge that serious work remains to eradicate the disease. Congress has played a vital role, and our future success requires continued Congressional action and vigilance.

Today, we can take heart in the knowledge that new HIV infections worldwide have decreased by 35% since 2000. The President's Emergency Plan for AIDS Relief (PEPFAR) has been a vanguard effort through which rates of infection have dropped in areas of the world hit the hardest by the epidemic. Its initiatives are critical to saving lives and preventing new infections.

Our efforts abroad are not just about where the disease is located, but also who it impacts. From decreasing mother-to-child transmission and addressing the nuances of co-infections and co-morbidities to confronting the stigmas that undermine prevention and hinder access to life-saving healthcare, we are better positioned to confront the disease in all its stages and improve the quality of life for those living with the disease.

Complementing this effort is our continued march forward on the scientific front. While we have made great strides in drug development, this effort has been hampered by Congress' reluctance to fully support basic research in the sciences through the National Institutes of Health. Furthermore, we must work hard to ensure that treatment is accessible to everyone across the socio-economic spectrum, both domestically and internationally.

I served as a medical officer with the U.S. State Department in sub-Saharan Africa just as the full force of the AIDS epidemic became readily apparent. Infection was, by and large, a death sentence. Today, with anti-viral treatments we can talk about people living with AIDS, but this also reminds us that confronting the disease is more than just biology, but also public health and the social impact of the disease. One of my first accomplishments as a Member of Congress was to work with my colleagues to pass legislation that ensures those with AIDS have access to housing. Today, the Housing Opportunities for People with AIDS program (HOPWA) continues to help ensure that those living with AIDS affordable housing and contributes to the stability needed to promote adherence to treatment regimens.

Today, we see overall declines in infection rates, but we must acknowledge that in some communities, this is not the case. While most sub-Saharan countries of Africa have seen decreases in rates of infection, this has not been the case in Angola and Uganda. Similarly, in the United States we see a geographical shift in rates of infection with the southeastern United States showing higher rates than other parts of the country. If past is precedent, meeting these challenges must start with a strong commitment to education, based in science, and dedicated to empowering communities through knowledge to confront the disease.

As we commemorate World AIDS Day this year, we can draw inspiration from our international response to the AIDS epidemic. Rather than a fearful reaction, ill-equipped because of ignorance, and disengaged because of empty rhetoric, the United States is rising to meet the challenge of an AIDS-free generation; motivated by compassion and the pursuit of wellbeing, armed with science, and committed through the dedication of resources. We can take pride in how far we have come, but our success must not breed a false sense of security. Our work is not done and Congress must provide the resources needed to ensure the United States government maintains its leadership role, both at home and abroad, in the effort to make an AIDS-free generation a reality.

HONORING THE NATIONAL BAR ASSOCIATION'S CIVIL RIGHTS COMMEMORATION TOUR

HON. TERRI A. SEWELL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Ms. SEWELL of Alabama. Mr. Speaker, I rise today in honor of the National Bar Association's Civil Rights Commemoration Tour during the 60th Commemoration of the Montgomery Bus Boycott. Today, we honor the pivotal role that black lawyers played during the Montgomery Bus Boycott and the Civil Rights Movement.

Sixty years ago, demonstrators in Montgomery boldly challenged the segregated bus system with the help of talented black attorneys who were committed to eradicating social injustices across the State of Alabama. Gifted lawyers like Thurgood Marshall, Fred Gray, Constance Baker Motley, U.W. Clemon and countless other African American attorneys argued and won some of the most pivotal cases of the Civil Rights and Voting Rights Movement. Yet so often we overlook the courageous men and women who bravely defeated the government sanctioned oppression that was Jim Crow in the courtroom. Each of their stories is embedded in the fabric of this nation for they contributed to making America a more fair and just society.

The State of Alabama was home to some of the key black lawyers in the civil rights movement. One of the most impactful lawyers of the Movement was Alabama native, Fred Gray. Attorney Fred Gray came to prominence representing key figures in the Montgomery Bus Boycott including Dr. Martin Luther King, Jr., Claudette Colvin, and Rosa Parks. He represented Rosa Parks on appeal for her conviction for violating Montgomery's public transit segregation law which ultimately led to the desegregation of buses throughout the City of Montgomery. Attorney Fred Gray later secured a victory in Williams v. Wallace (1963) which protected the Selma to Montgomery marchers. Attorney Fred Gray continues today to provide legal counsel to so many in the fight for social and economic justice. Attorney Fred Gray's indelible legacy paved the way for many other black lawyers including Judge U.W. Clemon, Alabama's first black federal judge and Judge Oscar Adams who was the first African-American Alabama Supreme Court Justice.

Likewise, the National Bar Association has consistently been recognized for its commitment to spearheading efforts to uplift those that are oppressed and disenfranchised. Since its inception in 1924, the National Bar Association has fostered and supported the important role of black lawyers in the fight for equal justice. Today, that legacy continues under the leadership of its President Attorney Benjamin Crump who is a modern-day example of what it means to fight for equality and justice in the courtroom.

As a Member of Congress and a former member of the National Bar Association, I am honored to welcome the association to my district during the 60th commemoration of the Montgomery Bus Boycott. During this special commemoration, we thank the National Bar Association for all of the work it has done and continues to do, and we salute its individual members who are working to make a difference in the lives of everyday Americans.

I ask my colleagues to join me in saluting the significant contributions and achievements to this nation of black lawyers and the National Bar Association during this 60th commemoration of the Montgomery Bus Boycott.

IN HONOR OF BONNIE CARROLL, RECIPIENT OF THE PRESIDENTIAL MEDAL OF FREEDOM FOR HER COMMITMENT TO HEALING FAMILIES OF FALLEN MEMBERS OF THE ARMED SERVICES

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Mrs. COMSTOCK. Mr. Speaker, I rise today to recognize my constituent, Bonnie Carroll, of Loudoun County, Virginia, who received the Presidential Medal of Freedom on November 24th. The Presidential Medal of Freedom is our nation's highest civilian honor, and I am humbled to recognize Mrs. Carroll today.

Mrs. Carroll is a retired major in the United States Air Force Reserve who has dedicated her career to aiding family members of our nation's veterans and service members. Following the death of her husband—Brig. Gen. Tom Charles Carroll, who died in an Army C–12 plane crash in Alaska in 1992—she founded the Tragedy Assistance Program for Survivors (TAPS), which seeks to support families who have lost loved ones in the military.

Mrs. Carroll utilized the resources given to her following her husband's death to start this fantastic organization that offers help to so many families who are grieving. As Founder and President, Mrs. Carroll has made it her priority to provide resources to families of fallen service members in their time of need. TAPS runs a peer support network that connects families with others who are grieving across the United States. Since its founding, TAPS has assisted over 50,000 family members.

Mrs. Carroll, we thank you for your stewardship in our community and your lifelong commitment to public service. You have made your nation and the 10th District of Virginia proud. I wish you the best of success in the years to come.

RECOGNIZING MAJOR MATTHEW R. KELLEY

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Mr. ISRAEL. Mr. Speaker, I rise to pay tribute to Major Matthew R. Kelley for his dedication to duty and service as an Army Congressional Fellow and Congressional Budget Liaison for the Assistant Secretary of the Army (Financial Management and Comptroller). Major Kelley will be transitioning from his present assignment to serve in the 3rd Infantry Division at Fort Stewart, Georgia.

A native of Ekron, Kentucky, Major Kelley was commissioned as an Armor officer after his graduation from the United States Military Academy with a Bachelor of Science degree

in Electrical Engineering. He has subsequently earned a Master's degree in Legislative Affairs from the George Washington University.

Matt has served in a broad range of assignments during his Army career. Major Kelley's assignments include Armor Officer Student, United States Army Armor School, Fort Knox; Tank Platoon Leader, Troop Executive Officer, and Task Force Scout Platoon Leader, 1st Squadron, 11th Armored Cavalry Regiment, Fort Irwin; Instructor, Army Reserve Officer Training Corps at the University of Oregon; Reconnaissance Troop Commander and Headquarters Troop Commander, 4th Squadron, 2d Cavalry Regiment, Vilseck, Germany. Additionally, Major Kelley was deployed in direct support of combat operations in Iraq, from 2005–2006, and Regional Command—South, Afghanistan, from 2010–2011.

In 2013, Matt was selected to be an Army Congressional Fellow for one year, working in a Congressional office on Capitol Hill. Next, in his role as a Congressional Budget Liaison, working closely with the House and Senate Appropriations Committees, Matt ensured the Army's budget positions were well represented and articulated to the Appropriations Committees.

Throughout his career, Major Kelley has positively impacted his soldiers, peers, and superiors. Our country has been enriched by his extraordinary leadership, thoughtful judgment, and exemplary work. I join my colleagues today in honoring his dedication to our nation and invaluable service to the United States Congress as an Army Congressional Budget Liaison.

Mr. Speaker, it has been a genuine pleasure to have worked with Major Matt Kelley over the last two years. On behalf of a grateful nation, I join my colleagues today in recognizing and commending Matt for his service to his country and we wish him, his wife Erin, and children, Grace, Samuel, Jack, and Tommy all the best as they continue their journey in the United States Army.

IN HONOR OF MR. CLAYBON J. EDWARDS

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to pay tribute to an outstanding public servant, respected businessman, and loving husband, father, and friend, Mr. Claybon J. Edwards. Sadly, Mr. Edwards passed away on Tuesday, November 3, 2015. A funeral service was held on Sunday, November 8, 2015 at 3:00 p.m. at the Peach County High School Auditorium in Fort Valley, Georgia.

Often affectionately referred to as ''Clay,'' Mr. Edwards was born in Fort Valley to Martin and Julia Edwards. In 1950, Mr. Edwards earned a Bachelor of Science degree in Business Administration from Morris Brown College in Atlanta, Georgia. Upon graduation, he represented Morris Brown College in a Chicago-based Life Insurance Program sponsored by Supreme Life Insurance Company. The program was established for business administration graduates from Historically Black Colleges and Universities (HBCUs). Mr. Edwards then went on to serve our nation honorably in the military for two years.

In 1963, Mr. Edwards joined his father and his brother, A.J., in the family business at Edwards Funeral Home. He attended Worsham College of Mortuary Science of Chicago and then relocated to Fort Valley, where he became a licensed embalmer and funeral director of Georgia.

Later, Edwards Funeral Home was renamed to C.J. Edwards Funeral Home, Inc. and Mr. Edwards became President and CEO. The foundational values of the funeral home did not change, however, and it remained very much a family business. Mr. Edwards' wife, Mary, their daughter, Denise, and son-in-law Anthony, along with Mr. Edwards' sister, Mary Julia, and her daughter Karen, are all involved in the operation of the funeral home. In addition, Mr. Edwards founded Edwards Insurance Agency to add to the business structure.

Mr. Edwards put as much love into serving his community as he did into his businesses. He served numerous organizations, including the NAACP, Alpha Phi Alpha and Sigma Pi Phi fraternities, and various funeral service trade associations. He was also a Deacon at Trinity Baptist Church in Fort Valley, Georgia.

In 1970, Mr. Edwards became the first African American to be elected to serve on the City Council in Fort Valley. He served four terms and served as Mayor Pro Tem for two years.

Claybon Edwards accomplished much in his life but none of this would have been possible without the grace of God and the love and support of his wife of forty-five years, Mary; daughter, Denise; three grandchildren, Sabastian, Samantha, Courtney, and Caitlin; and one great-grandchild, Saniya.

Mr. Speaker, my wife Vivian and I, along with the more than 730,000 people of the Second Congressional District, salute Claybon J. Edwards for his dedicated service to his community. I ask my colleagues in the House of Representatives to join us in extending our deepest sympathies to his family, friends and loved ones during this difficult time. We pray that they will be consoled and comforted by an abiding faith and the Holy Spirit in the days, weeks and months ahead.

PERSONAL EXPLANATION

HON. MARK TAKAI

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Mr. TAKAI. Mr. Speaker, on Monday, November 30, I was absent from the House due to illness. Due to my absence, I am not recorded on any legislative measures for the day.

Had I been present, I would have voted ''yea'' on Roll Call 644, to remove the use restrictions on certain land transferred to Rockingham County, Virginia.

I would have voted ''yea'' on Roll Call 645, the Billy Frank Jr. Tell Your Story Act.

RECOGNIZING GOEUN CHOI, CHRISTIAN HAILE, JASMINE MARTINEZ, CHRISTINA RIMBEY, AND EITAN WOLF

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Mr. COFFMAN. Mr. Speaker, I rise today to recognize Goeun Choi, Christian Haile, Jasmine Martinez, Christina Rimbey and Eitan Wolf for their hard work and dedication to the people of Colorado's Sixth District as interns in my Washington, D.C. office for the autumn of the 114th Congress, First Session.

The work of these young men and women has been exemplary and I know they all have bright futures. They served as tour guides, interacted with constituents, and learned a great deal about our nation's legislative process. I was glad to be able to offer this educational opportunity to these five and look forward to seeing them build their careers in public service.

All five of our interns have made plans to continue their education and professional occupations in Washington, D.C. and throughout the United States. I am certain they will succeed in their new roles and wish them all the best in their future endeavors. Mr. Speaker, it is an honor to recognize Goeun Choi, Christian Haile, Jasmine Martinez, Christina Rimbey and Eitan Wolf for their service this autumn.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed Roll Call vote numbers 644 and 645. Had I been present, I would have voted aye on Roll Call vote numbers 644 and 645.

HONORING ROSA PARKS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor beloved civil rights activist and ''mother of the Civil Rights Movement,'' Rosa Parks. Sixty years ago today, Rosa Parks was arrested after refusing to give up her seat to a white passenger on a public bus in Montgomery, Alabama.

This single act of civil disobedience unwittingly helped build the foundation for a nationwide movement to end the discriminatory policies of segregation. She empowered thousands of African Americans to come together and launch a boycott of Montgomery buses that lasted 381 days. Thousands of members from the African American community rallied together to carpool, use African American-operated cabs, or even going as far to walk many miles to work. It was a huge success that sent a strong message to those who would choose to discriminate against others.

Rosa Parks endured great personal hardship following her protest. She was fired from her job at a local department store and her husband was retaliated against in his own place of work, losing his job in the process as well. Rosa Parks was ultimately forced to leave Montgomery for Detroit, Michigan where she could begin a new life. However, her suffering would not be in vain and in 1956, the United States Supreme Court upheld a lower court ruling that Jim Crow laws were unconstitutional.

Rosa Parks channeled discrimination against her into positive action. She founded the Rosa and Raymond Parks Institute for Self-Development, which is aimed at providing youth with life skills, character development, and education on civil rights history. Her contributions have been widely recognized thereafter. Rosa Parks is the recipient of the National Association for the Advancement of Colored People's (NAACP) highest award, the Spingarn Medal. She was also awarded the Presidential Medal of Freedom by President Bill Clinton, and was awarded the Congressional Gold Medal, which is the highest award that United States Congress can bestow on a civilian.

Mr. Speaker, Rosa Parks serves as an inspiration to us all. Her story teaches us how the brave actions of one individual can inspire the actions of an entire generation. Individuals like Rosa Parks light the way and show us exactly how we can achieve the change we so greatly desire. Her actions changed the course of history and her legacy will be remembered far and wide.

RECOGNIZING THE 106TH CHRISTMAS TREE LIGHTING IN PERKASIE BOROUGH

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Mr. FITZPATRICK. Mr. Speaker, three years before the lights on the famous Christmas tree in New York City's Rockefeller Center were flipped on, a small town in my district of Pennsylvania began a tradition that has spanned generations and leads the nation.

Since 1909, residents of Perkasie Borough have been gathering together in early December to light the community Christmas tree—a tradition that stands as America's oldest continuous tree lighting.

A town of under 3,000 at the time of its first Christmas celebration, Perkasie has grown steadily while community leaders, elected officials and local residents have kept its unique small town charm and timeless Christmas ritual.

Today, I recognize December 5th as what will be Perkasie's 106th consecutive community Christmas tree lighting and join in the celebration of this enduring holiday tradition.

TRIBUTE TO DUANE HARTE

HON. STEPHEN KNIGHT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Mr. KNIGHT. Mr. Speaker, I rise today in recognition of a man who dedicated his life to serving his family and his community: Duane Harte, who passed away on Monday, November 23rd, at the age of 68.

Harte was born in 1947 and moved to the Santa Clarita Valley in 1974, where he and his wife Pauline raised their two daughters. He retired in 1990 as Senior Chief Petty Officer from the U.S. Naval Reserve after 23 years of service and owned a small business called Academy Addressing and Mailing.

Harte's contributions to the Santa Clarita Valley were numerous. He was president of the Santa Clarita Valley Veteran's Memorial Committee and founding president of the SCV Senior Center Charitable Foundation. He was also active in the Friends of Mentryville, SCV Historical Society, was the President of the SCV Veterans Memorial Committee, past chairman of the SCV Chamber of Commerce, SCV Committee on Aging, Newhall Redevelopment Committee, Friends of the Libraries of the SCV, Canyon Theatre Guild Board of Directors, and the Vice-Chairman of the Santa Clarita Parade Committee.

In 2008, Harte was selected to serve as a Parks, Recreation and Community Services Commissioner, where he served until he passed away due to a massive heart attack in his Santa Clarita home.

Harte is survived by his wife of 43 years, Pauline, their two daughters, Donna and Denise, and grandson Evan Alexander.

TRIBUTE TO CARL KLUVER

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Mr. Carl Kluver of Shenandoah, Iowa, for receiving his high school diploma.

Two years after leaving the Charter Oak High School in 1942, Carl joined the military to serve his country. It wasn't until October 10th, 2015 that Carl was able to attain his diploma. Carl served our country honorably during World War II aboard the USS *Richmond* during his time in the U.S. Navy. He never regretted joining the military, but always wished he had finished high school. Carl made it known to his family that he wished he had received his high school diploma, and with the support and encouragement of his grandson he decided it wasn't too late to graduate. Carl's grandson John Olson contacted the Charter Oak-Ute Community School District and inquired about getting a diploma for his grandfather. After explaining the situation to school officials and once the Charter Oak School District verified that Carl had indeed been a student there, a diploma was granted. Surrounded by family, Carl received his diploma, saying, ''It was a great day and one I'll never forget.''

Mr. Speaker, I commend and congratulate Carl for his accomplishments and receiving his high school diploma. I am proud to represent him in the United States Congress for his distinguished service to our country. I ask that my colleagues in the United States House of Representatives join me in congratulating Carl and wishing him nothing but the best moving forward.

RECOGNIZING MR. GEORGE JOSEPH PARNESS

HON. TOM RICE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Mr. RICE of South Carolina. Mr. Speaker, I rise today to recognize the life of Mr. George Joseph Parness, a distinguished American hero, who spent his life improving the lives of others.

George joined the United States Navy just days after Pearl Harbor was bombed. He was ordered to report to the USS *Nicholson*, and also served aboard the USS *LeHardy*, the USS *President Hayes*, the USS *Phelps*, and the USS *Randall*. After WWII, George returned home only to eventually reenlist during the Korean Conflict. He served aboard many ships including the USS *Achernar*.

After returning from war George met his wife, June, and on February 12, 1954, they married. George then went on to work in the newspaper business, served as Mayor of Suffern, New York, and served as Rockland County Legislature. George and his wife then retired to Myrtle Beach, South Carolina.

George will be greatly missed and I ask that we keep his family in our thoughts and prayers.

INTRODUCTION OF THE OBSTETRIC FISTULA PREVENTION, TREATMENT, HOPE, AND DIGNITY RESTORATION ACT OF 2015

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, today I am reintroducing comprehensive legislation that both prevents new obstetric fistulas and helps to treat existing ones, helping millions of women around the world regain control of their health and dignity. The Fistula Prevention, Treatment, Hope and Dignity Restoration Act will support a cooperative effort to eradicate a heartbreaking, preventable condition that has been largely eliminated in the developed world.

Childbirth should not leave a woman disabled or ostracized by her family and community. Congress must commit to expanding access to treatment for the more than two million women worldwide who suffer from obstetric fistula and preventing new cases.

Obstetric fistula is a devastating condition that results from prolonged, obstructed labor without proper medical attention. During delivery, the infant's head presses against the woman's pelvis for so long that it creates a hole between the woman's vagina and rectum, leaving her without control of her bladder and/or bowels for the rest of her life if untreated. It also often results in a stillbirth. Mothers with fistulas are abandoned by their husbands and shunned by their families. According to the World Health Organization, there are between 50,000 and 100,000 new cases each year.

Fortunately, obstetric fistula is both treatable and preventable. Ninety percent of cases can be treated with a surgery costing an average

of $400. This legislation allows for a comprehensive, three pronged approach of prevention, treatment and reintegration which involves: increasing access to prenatal care, emergency obstetric care, postnatal care, and voluntary family planning; building local capacity and improving national health systems; addressing underlying social and economic inequities, reducing the incidence of child marriage, and increasing access to education; and supporting reintegration and training programs to help women who have undergone treatment return to full and productive lives. These essential investments create a multiplier effect of benefits for women and their communities.

It is also imperative that Congress supports ongoing efforts in the fight to end fistula. Organizations such as UNFPA (the United Nations Population Fund) and USAID are working with partners in a global campaign to prevent and treat fistula with the goal of making the condition rare in areas of the developing world, such as sub-Saharan Africa and South Asia. The legislation also supports coordination through the International Obstetric Fistula Working Group. Support for monitoring, evaluation, and research to measure the impacts of such programs throughout their planning and implementation phases will ensure the most efficient and effective allocation of U.S. foreign assistance dollars.

We are already well aware that promoting women's health is fundamental to ensuring the health of their children and families. With this bill, we can give women around the world hope for a healthy future. I urge my colleagues to join me in support of the Obstetric Fistula Prevention, Treatment, Hope, and Dignity Restoration Act.

RECOGNIZING MAYOR BETSY PATERSON UPON HER RETIREMENT

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Mr. COURTNEY. Mr. Speaker, today I rise to honor Mansfield, Connecticut's 16-year mayor, Betsy Paterson upon her retirement. For nearly two decades, Betsy has provided rock-solid leadership for her town and her community, serving the residents of Mansfield with her know-how and forward-thinking initiatives.

Starting in 2007, Betsy led her town through a landmark reinvestment campaign. Working with the Mansfield Downtown Partnership to secure millions in state and federal funding. Betsy and the town embarked on an historic downtown improvement project that delivered to Mansfield residents and to the flagship University of Connecticut located in Storrs, additional open space, economic development and improved transportation. Betsy's leadership leveraged federal infrastructure investment with outstanding private sector development to leave a long-lasting impact on the town's business development and livability and a huge enhancement to UConn's ability to draw the "best and brightest" to its mission. Today, Storrs Center serves as an important transportation and economic hub that fuels a lively community and reflects Betsy's vision and determination.

In addition to her Mayoral duties, Betsy has served on the board of the Mansfield Downtown Partnership, as a member of the Presidential Search Committee at the University of Connecticut, and on the Mansfield Democratic Town Committee and the Mansfield Historical Society.

Betsy has been a terrific friend and colleague during her time as Mayor. Although her leadership will be missed in the Mayor's office, I am confident that her deep involvement in the future of Mansfield will not end with her retirement. I ask my colleagues to please join me in thanking Betsy for her lifetime of service to Mansfield and eastern Connecticut.

REMARKS AT AMERICAN ARCHITECTURAL FOUNDATION'S OCULUS AWARD CEREMONY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Ms. McCOLLUM. Mr. Speaker, today I had the honor of addressing the American Architectural Foundation's Oculus award ceremony to celebrate leadership in cultural heritage and highlight organizations whose preservation initiatives promote vibrant, sustainable communities. This year's Oculus award was presented to Wiss, Janney, Elstner Associates for their national leadership in historic preservation.

I want to applaud the work of the American Architectural Foundation (AAF) and its president and CEO Ron Bogle. AAF's efforts to make restoration, preservation and protection of our nation's vulnerable historic buildings, collections, artifacts and works of art a national priority is commendable and it's an agenda I fully support.

Mr. Speaker, I submit my remarks from today's Oculus award.

Good afternoon.

Thank you, Mr. Ayers for the kind introduction. I appreciate all that you and your staff are doing to keep Congress working while you are restoring our beautiful Capitol dome. Thank you for your leadership.

I am thrilled to be here today.

The American Architectural Foundation is playing an important role in driving an agenda that places cultural heritage, historic preservation, and architectural restoration at its forefront.

I want to commend the vision and tremendous work of AAF President and CEO Ron Bogle, along with Mr. Thom Minner, Director of AAF's Center for Design and Cultural Heritage. Ron and Thom are working with me to get Congress re-engaged as a partner in protecting and restoring our country's historic treasures, treasures that unite communities and connect the past to the future.

We are here today to honor a company for more than 50 years of accomplishments in historic preservation. Congratulations to Wiss, Janney, Elstner Associates on receiving the 2015 Oculus award.

WJE has a long record of contributing to projects across the U.S. and around the world. They have an office in Minnesota, but I was surprised to learn how often we worked at the same places.

In the early 1970s my first full-time job was in downtown St. Paul in the First National Bank building. Later, WJE worked on the First National Bank building. As a Minnesota state legislator, I spent eight years working in our beautiful Cass Gilbert designed state capitol building. WJE has worked on the capitol. And, one of my proudest accomplishments in Congress has been to help secure the funding for the renovation of St. Paul's historic 1920's era train station—Union Depot. The Depot's $250 million restoration was completed in 2013 and, again, WJE worked on the project.

Again, congratulations WJE on your tremendous record of success.

At the beginning of this year I became the lead Democrat on the Interior-Environment Appropriations Subcommittee. Each year our subcommittee produces a bill that provides over $30 billion to fund the Environmental Protection Agency, the Department of the Interior, the U.S. Forest Service, the National Endowments for the Arts and Humanities, the Smithsonian museums, and a number of other federal agencies. It is an important portfolio that funds hundreds of millions of acres of federal land, our national parks, tribal nations, and many of America's most important historic sites.

Over the past months my office has been engaged with federal stakeholders and AAF to review the federal government's role in historic preservation. It is absolutely clear that without leadership from Congress and the Obama Administration our nation's most vulnerable treasures are at risk of being lost to time, decay, or neglect. Unfortunately, Congress and the Administration are neglecting our nation's treasures and this political apathy is costing the American people our cultural heritage.

In the 2016 House and Senate Interior-Environment appropriations bills, approximately $61 million is allocated to the Historic Preservation Fund—primarily to support historic preservation offices in states, territories and tribal nations. This amount represents less than half of the $150 million authorized funding level and it is nearly $20 million less than was spent on historic preservation in 2010.

This abandonment of historic preservation runs counter to the desires of our constituents. States, local communities, non-profits, the foundation community, and the private sector want the federal government to be a real partner. All across our country communities come together and identify endangered historic and cultural assets that uniquely reflect local character and identity. It may be a historic building, a church, an archeological site, or a collection representing a moment in a community's history that exemplifies a unique piece of our American history. And, communities are asking for help—both technical and financial—because they want their valued asset to be preserved, protected, and restored for the next generation.

From 1999 to 2010 help was available. During those years, Congress provided modest, but critical funding for a program called Save America's Treasures. $318 million in federal funding was appropriated for SAT grants over twelve years—that is less than $1 per American for a decade of investments. Those grants required a dollar-for-dollar match which leveraged over $400 million in additional funds.

But, since 2011, Congress has not provided a single dollar to Save America's Treasures.

During SAT's twelve years, more than 1,200 grants were awarded to restore 327 historic properties; 247 projects to restore collections, artifacts, artistic works, and documents were funded; and, 341 National Historic Landmarks were preserved.

The treasures saved include: the restoration of Rosa Parks' bus; restoring Little Rock's Central High School; saving Ansel

Adam's prints, negatives and equipment; restoring an 18th century South Carolina plantation house; preserving the ruins at Colorado's Mesa Verde National Park; and repairing and preserving the 1812 flag that flew over Fort McHenry that inspired the Star Spangled Banner.

In my Minnesota congressional district, a $150,000 SAT grant matched by community contributions helped to fund a sprinkler system in the longest serving Czech-Slovak Hall in the U.S. built in 1879. This grant saved the Sokol Hall while other ethnic halls have been lost to fire. On Saturday I'll be attending an event at the Sokol Hall and it is a wonderful center of community activity.

SAT has been an example of a public-private partnership that keeps history, culture, identity, and democracy vibrant and sustainable in towns and cities all across America.

In my view SAT grants have acted as venture capital that sparks a community into action. It is an investment that inspires a community and donors to invest time, money, volunteer support—all to the benefit of the project. A good project with an SAT grant becomes a great project. Without that federal support many projects will never get done and national treasures are now being lost forever.

I am passionate about restoring federal funding for SAT because I have a partner that shares my enthusiasm. That partner is the American Architectural Foundation. The National Park Service is SAT's lead federal agency while AAF is SAT's official non-profit partner.

Other federal partners include the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum and Library Services. They all have valuable technical capacity to contribute—if federal funds are made available.

In 2016 our nation will celebrate the 50th anniversary of the National Historic Preservation Act of 1966. Next year also marks the 100th anniversary of our National Parks. As citizens who care about historic preservation, now is the time to get organized and energized. Working together, we need to get Congress investing once again in Saving America's Treasures.

I am thrilled to be working with AAF and other partners who share the vision that preserving America's past helps to build America's future.

It has been wonderful being here with you. Thank you AAF for the invitation to be here today.

Thank you.

MANNINGTON MILLS ONE HUNDRED YEARS OF BUSINESS IN SOUTH JERSEY

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Mr. LoBIONDO. Mr. Speaker, I come to the floor today to celebrate the One Hundredth Anniversary of Mannington Mills, Inc. Located in my district in Salem, New Jersey, Mannington Mills is a leader in the manufacturing of residential and commercial flooring.

Mannington Mills has expanded significantly since its founding in 1915, growing from a small roots family business in South Jersey to a global industry leader today. This organization has been very successful in extending their services outside of New Jersey, recently expanding into Georgia, Alabama, North Carolina, and Florida where they invested in new facilities that helped to create several hundred new jobs in each state.

The company's many years of success has allowed them to expand internationally as well. In 2012 Mannington Mills acquired Amtico International, a producer of luxury vinyl flooring headquartered in England. This new location provided many more business opportunities and allowed the company to bring its hometown brand overseas.

Mannington Mills' commitment to social responsibility makes this company stand out among others. Chairman of the Board, Keith Campbell is a firm believer in the ''Do the Right Thing'' philosophy that the company and family has kept with them since they first opened. This has ensured a strong community connection, and only adds to their success.

Over the last century, Mannington Mills has built a reputation of quality products in southern New Jersey and the United States. Ignoring pressure to move out of state, Mannington Mills' unwavering support to the local economy and its employees is a testament to the organization's founding principles that has spanned four generations. The company, family, and employees can take great pride in this remarkable milestone.

My sincere congratulations and best wishes for many more years of success.

IN OPPOSITION TO S.J. RES. 23 AND S.J. RES. 24

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Ms. ESHOO. Mr. Speaker, I rise in strong opposition to both resolutions before us today. Congress has a constitutional duty to conduct oversight of the Executive Branch, and the Congressional Review Act is an important tool in our toolbox. However, these resolutions are nothing more than partisan attempts to nullify the EPA's Clean Power Plan, sending a message to countries around the world of political discord in the United States as global climate change negotiations are taking place in Paris.

Climate change is real and it is a threat to the entire world. The first nine months of 2015 were the warmest on record and these higher temperatures have contributed to the drought and wildfires that have ravaged my home state of California over the past five years.

It's also a fact that the costs of failing to address climate change—both human and economic—grow with every year we fail to take action. A recently released United Nations report revealed that in the past two decades weather-related disasters have killed more than 600,000 people and cost trillions of dollars in economic losses. The report cited rising ocean temperatures and melting glaciers as two main drivers of extreme weather events which have increased at an alarming rate. The White House Council on Economic Advisers also calculated that failing to meet our climate goals will cost the U.S. $150 billion per year in reduced economic output. For each decade we ignore climate change, the costs of mitigation increase by 40 percent, which works out to approximately a $500 tax on every American each year, increasing by 40 percent every ten years.

With Congress failing to act on climate change, the Administration is taking strong action which I support. As we speak, representatives from over 190 countries are working to produce a landmark agreement in Paris to cut greenhouse gas (GHG) emissions on a global scale and invest in clean energy technologies. Even before the negotiations began, countries that make up nearly 90 percent of global GHG output submitted pledges to cut their emissions, including major polluters such as China, India, and the United States. In the U.S., the Clean Power Plan is projected to reduce GHG emissions by 32 percent by 2030.

There is global recognition of the threat of climate change and the two resolutions before the House today would invalidate a key part of our nation's responsibility to reduce global GHG emissions by preventing any future EPA regulation of carbon emissions from power plants. This is a blatantly transparent attempt to influence the Paris negotiations on behalf of the status quo and the special interests in the fossil fuel industry. I believe the mere consideration of these resolutions diminishes U.S. leadership and this institution in the eyes of the world community, and it condemns us to a future of even higher risks.

I urge my colleagues to oppose these resolutions of disapproval.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was $10,626,877,048,913.08.

Today, it is $18,782,451,267,806.04. We've added $8,155,574,218,892.96 to our debt in 6 years. This is over $8 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

RECOGNIZING THE RETIREMENT OF DR. CHARLES MOJOCK, PRESIDENT OF LAKE-SUMTER STATE COLLEGE

HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Mr. WEBSTER of Florida. Mr. Speaker, it is my pleasure to recognize a close friend and highly accomplished leader in education, Dr. Charles Mojock, on his upcoming retirement. On December 31, 2015, Dr. Mojock will retire as President of Lake-Sumter State College.

Under Dr. Mojock's leadership, Lake-Sumter State College has transitioned from a community college to a state college, undergone a name change, joined the Central Florida Higher Education Consortium and DirectConnect to UCF, and launched Associate of Science degree programs in Health Information Technology, Computer Information Technology and Environmental Science. During his tenure, Dr. Mojock witnessed the growth and expansion

of LSSC with enrollment increasing by 79% from 2002 to 2012. LSSC was recognized among the Top 10% of Community Colleges by the Aspen Institute and was listed as a "Best Places to Work" in Lake and Sumter Counties.

Dr. Mojock has served on many boards including the Florida College System Council of Presidents and The Southern Association of Colleges and Schools Commission on Colleges. Dr. Mojock's remarkable service has also been recognized on the national and state levels. He was honored with the Phi Theta Kappa Shirley B. Gordon Award of Distinction and the Lake County Community Service Award.

I am honored to recognize Dr. Mojock, and thank him for his hard work and many contributions to the Central Florida community. After four decades as an educator, his commitment to excellence, leadership and service is to be admired. My sincerest wishes and congratulations to Dr. Mojock and his family on his retirement.

NATIONAL IBD AWARENESS WEEK

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Mrs. LOWEY. Mr. Speaker, I rise today on behalf of those affected by Crohn's disease and Ulcerative Colitis, or Inflammatory Bowel Diseases (IBD), in observance of National IBD awareness week.

IBD affects over 1.6 million Americans, and there is no known cause or cure. The unpredictable nature of these painful and debilitating diseases creates a significant burden on the community and the economy with more than $2.2 billion in direct and indirect healthcare costs.

As co-chair of the Crohn's and Colitis Caucus, I am dedicated to educating the American public and other Members on awareness of IBD. We must do all we can to assist research dedicated to finding cures for IBD and improve the quality of life for those affected by these diseases.

Mr. Speaker, I rise today to recognize IBD Awareness Week and the millions of Americans suffering from these diseases. I urge my colleagues to join me in observance of National IBD Awareness Week.

HONORING THE LIFE OF LOUIS PARDINI, M.D.

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Mr. COSTA. Mr. Speaker, I rise today to pay tribute to the life of Dr. Louis Pardini of Fresno, California, who recently passed away on November 3, 2015, at the age of 91. He leaves behind his loving family, including Alice, his wife of 65 years, their six sons, 21 grandchildren, and two great-grandchildren.

Louis Pardini was born in Daly City, California in 1924 to his parents Louis G. and Caroline Payne Pardini. Lou, as many called him, was a man dedicated to medicine and to helping others. He graduated from Saint Ignatius High School in the San Francisco bay area and went on to join the United States Army during World War II, serving as a Medical Corpsman from 1942 to 1946. After his service, Lou attended San Jose State College from 1946 to 1947, and then attended the University of San Francisco from 1947 to 1950, where he earned his Bachelor of Science degree in Biology. From 1950 to 1954, Lou attended Creighton University Medical School in Omaha, Nebraska, where he earned his medical degree.

While attending medical school, Lou married Alice Martin in Santa Cruz, California in 1950, and together they had two sons, Louis and Patrick. After graduating, the family moved to Fresno, California where Lou participated in an internship at Fresno General Hospital from 1954 to 1955, and also served as Chief Resident. On July 1, 1958 Lou began his Internal Medicine practice where he worked until his retirement in October 2013.

Among his many accomplishments, Lou was honored with the Knighthood of Saint Gregory 1965 Conferral of Pontifical Honors. Lou also served on numerous medical organizations throughout his practice and was President of the Fresno County Medical Society Review Board in 1984, and Medical Director of ValuCare Health Plan from 1985 to 1988. Further, he served as President of the medical staff for Saint Agnes Medical Center from, 1981 to 1982, and as a member of the Board of Trustees from 1987 to 1992. He was also a Quality Assurance Committee Member from 1987 to 1996 and Chairman of the Utilization Committee for five years.

It goes without saying that Dr. Louis Pardini was an honorable man with a strong commitment to his family and his patients for whom he served so graciously. He helped many lives through his practice of medicine, and touched many more through his kindness and wisdom. I am honored and humbled to join his family in celebrating the life of this amazing man, who will never be forgotten.

Mr. Speaker, it is with great respect that I ask my colleagues in the House of Representatives to join me in honoring the life of Louis Pardini. His memory will live on through his family and be remembered by our entire community. We are all better for having known Louis Pardini, a remarkable Californian and Central Valley native.

27TH WORLD AIDS DAY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in recognition of the 27th World AIDS Day. Each year on December 1, we support those living with HIV/AIDS, commemorate those who have died from HIV/AIDS, and encourage the scientific advances being made in the field.

Globally, there are 36 million people living with HIV and 35 million people have died from HIV and AIDS-related causes since the beginning of the epidemic since the first cases were reported in 1981. Since 70% of HIV cases are reported in sub-Saharan Africa, countries that are hit the hardest by this pandemic often face other infectious diseases, food insecurity, and other problems. While the number of newly infected individuals has declined, and the number of individuals receiving treatment has increased, we must remain vigilant with targeted funding and treatment in these vulnerable regions.

Various Presidential Administrations have responded to the HIV/AIDS epidemic by focusing on specific countries and increasing funding levels. For example, the creation of the President's Emergency Plan for AIDS Relief (PEPFAR) in 2003, which began during the Bush Administration and continued through the Obama Administration, brought new attention to address AIDS, as well as tuberculosis and malaria.

While the global HIV/AIDS pandemic continues to receive steady funding through a robust U.S. and international response, the reaction in Texas for African Americans has been slower. In Dallas County, 43% of those living with HIV are black while only 33% are white. Of newly diagnosed HIV cases, 51% are black while only 22% are white. As for black females in Dallas County, one in 144 black women are already living with HIV and are eight times more likely be become infected than their white or Hispanic counterparts.

Funding to reach and educate individuals on a grassroots level is extremely necessary to fight the types of battles we face with the HIV/AIDS in South Dallas. That is why I have been a strong supporter of the Ryan White CARE Act extension packages each time they reached the House floor. We must place our resources where they will be the most effective. On this World AIDS Day, we need to commit ourselves to eradicating AIDS here at home and globally.

IN RECOGNITION OF WORLD AIDS DAY 2015

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Ms. JACKSON LEE. Mr. Speaker, World AIDS Day affords us an opportunity to reflect on our progress in the fight against the global AIDS pandemic and to rededicate ourselves to ending the disease once and for all.

We have come a long way since the first World AIDS Day in 1988 by dramatically expanding investments in HIV/AIDS prevention, care, treatment, and research.

Strong advocacy has paved the way for the Ryan White Act, the Housing Opportunities for People with AIDS Initiative, growing investments in NIH research, and an end to the ban on federal funds for syringe exchange.

Beyond our borders, our efforts have extended care to millions in the developing world, through increased resources for PEPFAR and the Global Fund.

Our investments have saved lives—preventing millions of new HIV cases, expanding access to improved treatments, and enabling medical advances that help HIV/AIDS patients live longer and healthier.

Here and across the globe, AIDS deaths are on the decline, and studies are pointing the way to new approaches to limit the spread of the disease, with treatment as prevention.

While our efforts have grown, we still only reach half of all people eligible for HIV treatment; and more must be done.

Working together, we must continue to strengthen—not weaken—our national and international efforts to combat AIDS and other infectious diseases.

We must work to achieve the Obama Administration's goal of an AIDS-free generation.

We must honor the memory of those we have lost and act on our hope, optimism, and determination to end the HIV/AIDS pandemic.

We must continue to work with programs and clinics, like the Harris County Hospital District (HCHD), who are treating and caring for patients with HIV/AIDS.

In 1989, HCHD opened Thomas Street Health Center, the first free-standing facility dedicated to outpatient HIV/AIDS care in the nation. The center has become the cornerstone of all HIV/AIDS care available to Harris County residents.

The Thomas Street Health Center has dedicated their services to about 25 percent of Harris County's HIV/AIDS.

Annually, the health center, along with HCHD, serves 4,463 unique patients for about 37,000 patients' visits.

We will continue to fight a tough fight against HIV and AIDS. We will continue to strengthen and support centers like Thomas Street Health Center who work diligently with HIV/AIDS patients.

Our focus on HIV/AIDS prevention and awareness will be to ensure all of our friends, relatives and children live healthy and full lives.

PERSONAL EXPLANATION

HON. RODNEY DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, on Monday, November 30, 2015, I was absent from the House because I was unavoidably detained. Due to my absence, I did not record my vote on the first vote of the day. I would like to reflect how I would have voted had I been present for legislative business.

Had I been present, I would have voted "aye" on Roll Call 644.

TRIBUTE TO CARIBOU COFFEE AND EINSTEIN BROS. BAGELS

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize Caribou Coffee and Einstein Bros. Bagels for the opening of their new coffee and bagel shop in West Des Moines, Iowa.

Founded in 1992, Caribou Coffee is the second largest company-operated premium coffeehouse in the United States with more than 272 company owned stores. Caribou Coffee provides high quality, handcrafted beverages and food options. Einstein Bros. Bagels is part of the Einstein Noah Restaurant Group, Inc. family, and is a neighborhood bagel shop that's always cooking up new, innovative ways to serve its customers with more than 600 locations in 40 states.

Mr. Speaker, I commend this new business and their staff for the services they provide to the West Des Moines community. I ask that my colleagues in the United States House of Representatives join me in congratulating Caribou Coffee and Einstein Bros. Bagels for their new location. I wish them and their staff nothing but the best moving forward.

RECOGNIZING STEVE GABEL

HON. KEN BUCK

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Mr. BUCK. Mr. Speaker, I rise today to recognize Mr. Steve Gabel on being selected for induction into the Farm Credit Colorado Agriculture Hall of Fame. This honor is reserved for those who have made a significant contribution to the agricultural industry of Colorado and the United States.

Currently, Mr. Gabel owns Magnum Feedyard, a 22,500-head feedlot in Wiggins, Colorado. He also manages Gabel Cattle, his family-owned cow-calf business. In addition, he is currently a member of the National Cattlemen's Beef Association and president of the Colorado Livestock Association. He previously served for fifteen years as chairman of the Colorado Beef Council.

Mr. Gabel also understands the importance of giving back to his community. He prides himself on volunteering as a Weld County Livestock volunteer judging coach, where he mentors youth on the importance of agriculture. Mr. Gabel has shown true leadership in his industry and community.

On behalf of the 4th Congressional District of Colorado, I extend my best wishes as Mr. Gabel pursues his future endeavors. His passion and dedication to the agricultural industry makes him more than worthy of this distinct recognition. Mr. Speaker, it is an honor to recognize Mr. Steve Gabel for his accomplishments.

HONORING MAYOR JIM HAGGERTON OF TUKWILA, WASHINGTON

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Mr. SMITH of Washington. Mr. Speaker, I rise to honor Jim Haggerton, Mayor of Tukwila, Washington, on his retirement.

There have been few greater champions for the City of Tukwila than Jim Haggerton. For over four decades, Jim has dedicated himself to bettering his community in many ways. After concluding his service in the U.S. Marine Corps, Jim and his wife, Carol, purchased their home in the McMicken Heights neighborhood in 1972. There, they raised their two children, Terri and Care.

Despite the rigors of a hectic schedule with a young family and a burgeoning career, Jim found time to devote to his city. He served nine years on Tukwila's Planning Commission, helping to guide the city through a period of tremendous growth. He built on this service when he was elected to serve as a Councilmember; a position that he held for thirteen years. Then, in 2007, he was elected as Tukwila's Mayor.

As Mayor, Jim led the successful effort to develop and implement the city's first Strategic Plan, which was notable for its creation of the award-winning Community Connectors program. He also led the negotiations for dozens of major development and public infrastructure projects that have benefited the entire region. These include Jim's efforts to bring transit options to Tukwila, including light and heavy rail. Expanded transit access has accompanied and supported the development of commercial projects that attract commerce from surrounding communities.

In addition to his work at City Hall, Jim has been a tireless advocate for Tukwila in a long list of regional organizations. He has served on the Board of Directors for the Association of Washington Cities, Sound Cities Association, and the Cascade Water Alliance. He also served as the President of the Southcenter Rotary Club and is a member of the American Legion Post 235 in Tukwila.

As Jim passes the baton following his decades of service, he leaves the city on strong footing. Tukwila today has a AA rating from Standard and Poors, despite the challenges posed by the recession and ongoing recovery. Engagement with the community has never been stronger, either. This past year, Tukwila was recognized for its efforts to engage the city's diverse communities in the update of Tukwila's Comprehensive Plan.

Mr. Speaker, it is with great honor that I recognize Mr. Jim Haggerton for his years of service and his tremendous impact on the City of Tukwila and King County.

RECOGNIZING THE 60TH ANNIVERSARY OF ROSA PARKS' ACT OF CIVIL DISOBEDIENCE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Mr. CONYERS. Mr. Speaker, sixty years ago today, Rosa Parks refused to give up her seat on a bus in Montgomery, Alabama. Through a simple act of civil disobedience, she inspired a movement, gained worldwide acclaim, and secured a place in American history.

However, on that cold morning in Montgomery, Mrs. Parks was not creating a legacy—she simply saw a wrong and wanted to right it. She showed us that any person can make a difference if they have the strength of their convictions. By simply sitting down on the bus, she turned an ordinary act into something extraordinary, and inspired thousands in Montgomery—and later across America—to do the same.

But Mrs. Parks is more than just a figure to be revered—she is an example to be upheld. And on days like today, we must ask ourselves whether we honor her with our actions as well as our words.

Because of the work of Mrs. Parks and her contemporaries, our nation is an undeniably different place than it was sixty years ago. Jim Crow is no longer the law of the South. Segregation is no longer legally mandated. An African-American is President and the Congressional Black Caucus counts 43 members.

But there are still too many wrongs that need righting. The current African-American unemployment rate, 9.2%, is twice that of white workers, 4.4%. During the first half of this year, black Americans killed by the police were more than twice as likely to be unarmed as white Americans killed by police. Black children are suspended and expelled from school at three times the rate of white children. Black churches—a longtime refuge for our community—are still the target of violent extremists.

In the face of such injustice, we must be compelled—as Rosa Parks and countless others were in their time—to act.

We know that this will not be an easy fight. We know we must prepare for great sacrifice. There will be violence visited upon us—like the shooting of Black Lives Matter protesters in Minneapolis this past week.

But the price we pay will bring about change—painfully slow at times—that we can pass on to the next generation. We are seeing this in places like South Carolina, where Walter Scott's killer is facing trial. We are seeing it in Chicago, where the police chief is out and Laquan McDonald's killer is being prosecuted. We are seeing it at the U.S. Department of Justice where troubling police practices are receiving deserved scrutiny. We are even seeing it here in Congress, where bipartisan reforms are underway that will address some of the racial disparities in our criminal justice system.

I am humbled to have worked with Mrs. Parks for more than 20 years, and I am fortunate to have been her friend for many more. Today, as we honor the actions that brought her global recognition, I hope we do so in kind—with actions worthy of her memory.

SUPPORTING AID FOR MENTAL HEALTH SERVICES IN UKRAINE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 2015

Ms. DELAURO. Mr. Speaker, I rise in support of the people of Ukraine, and to highlight the need for additional aid to address post-traumatic stress among the most vulnerable populations. Today, we mark the 24th anniversary of Ukraine's referendum on the Act of Declaration of Independence. That vote was supported by 92% of Ukraine's citizens, and was a monumental event that made the Soviet era history. Now, in 2015, Ukraine and its people are under threat, and the U.S. must do more to support the people of Ukraine during this critical time.

In August, I traveled to Kyiv, which is a magnificent city in a beautiful country. Before my visit, I met with some of the leaders of the Ukrainian community in my district to learn what they had been hearing from friends and relatives in Ukraine and what their concerns were. While in Ukraine, I spoke with Ukrainian President Petro Poroshenko, Prime Minister Arseniy Yatsenyuk, and Kyiv Mayor Vitali Klitschko. I also met the Secretary of the National Security Defense Council Oleksandr Valentynovych as well as several nongovernment organizations and members of civil society.

Through these discussions, it became clear to me that we must do more to address the trauma and stress that is caused by the ongoing attacks from Russian-backed separatists in Eastern Ukraine. This year, through USAID, the United States is providing $71 million in aid for economic recovery, humanitarian coordination and logistics, nutrition, sanitation and water, and shelter. This funding has gone to support emergency needs in Ukraine, especially for the protection of refugees, internally displaced persons, and conflict victims. While the United States has been and will continue to be a critical ally to the Ukrainian people, more needs to be done.

According to the Internal Displacement Monitoring Centre there are an estimated 1.4 million internally displaced persons, most from Eastern Ukraine, and 12.6 percent are children. The long term effect of the violence in Eastern Ukraine, especially on mental health for displaced children, can be devastating. I am proud to be working with researchers from Yale University in my district, as well as nongovernmental organizations on the ground in Ukraine to find ways to support and expand training for mental health professionals in Ukraine. As one Ukrainian doctor who participated in a Yale training session last year put it: ''The effects of this violence, if left untreated, are like landmines that will cause damage in our country for decades to come.''

That is why I am calling upon Congress to support the people of Ukraine, particularly those forced from their communities, with professional mental health training and support services in Ukraine. We must do everything in our power to ensure that the most vulnerable Ukrainians are not forgotten.

Daily Digest

HIGHLIGHTS

See Résumé of Congressional Activity.

Senate

Chamber Action

Routine Proceedings, pages S8197–S8246

Measures Introduced: Five bills and two resolutions were introduced, as follows: S. 2335–2339, S. Res. 323, and S. Con. Res. 26. **Page S8241**

Measures Reported:

S. 1719, to provide for the establishment and maintenance of a National Family Caregiving Strategy, with an amendment in the nature of a substitute. **Page S8241**

Measures Considered:

Restoring Americans' Healthcare Freedom Reconciliation Act—Agreement: Senate began consideration of H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016, after agreeing to the motion to proceed, and taking action on the following amendment proposed thereto:

Pages S8233–34

Pending:

McConnell Amendment No. 2874, in the nature of a substitute. **Page S8233**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 9:30 a.m., on Wednesday, December 2, 2015. **Page S8246**

Messages from the House: **Page S8240**

Measures Referred: **Pages S8240–41**

Measures Read the First Time: **Pages S8241, S8246**

Enrolled Bills Presented: **Page S8241**

Additional Cosponsors: **Pages S8241–42**

Statements on Introduced Bills/Resolutions: **Pages S8242–45**

Additional Statements: **Pages S8239–40**

Amendments Submitted: **Pages S8245–46**

Authorities for Committees to Meet: **Page S8246**

Adjournment: Senate convened at 10 a.m. and adjourned at 6:50 p.m., until 9:30 a.m. on Wednesday, December 2, 2015. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S8246.)

Committee Meetings

(Committees not listed did not meet)

ACQUISITION REFORM

Committee on Armed Services: Committee concluded a hearing to examine acquisition reform, focusing on next steps, after receiving testimony from Jacques S. Gansler, The Gansler Group; Norman R. Augustine, *The Defense Revolution*; Ben FitzGerald, Center for a New American Security; and Lt Col Dan Ward, USAF (Ret.), *F.I.R.E.: How Fast, Inexpensive, Restrained and Elegant Methods Ignite Innovation.*

WELL CONTROL RULE

Committee on Energy and Natural Resources: Committee concluded an oversight hearing to examine the Well Control Rule and other regulations related to offshore oil and gas production, after receiving testimony from Brian Salerno, Director, Bureau of Safety and Environmental Enforcement, Department of the Interior; Erik Milito, American Petroleum Institute, and Jacqueline Savitz, Oceana, both of Washington, D.C.; and Mark Rockel, Ramboll Environ, Philadelphia, Pennsylvania.

INTERNATIONAL TAX

Committee on Finance: Committee concluded a hearing to examine international tax, focusing on OECD BEPS and European Union state aid, after receiving testimony from Robert B. Stack, Deputy Assistant Secretary of the Treasury, International Tax Affairs; and Dorothy Coleman, National Association of Manufacturers, and Michael Danilack, PricewaterhouseCoopers LLP, both of Washington, D.C.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Catherine Ebert-Gray, of Virginia, to be Ambassador to the Independent State of Papua New Guinea, and to serve concurrently and without additional compensation as Ambassador to the Solomon Islands and Ambassador to the Republic of Vanuatu, Scot Alan Marciel, of California, to be Ambassador to the Union of Burma, John D. Feeley, of the District of Columbia, to be Ambassador to the Republic of Panama, Linda Swartz Taglialatela, of New York, to be Ambassador to Barbados, and to serve concurrently and without additional compensation as Ambassador to the Federation of St. Kitts and Nevis, Saint Lucia, Antigua and Barbuda, the Commonwealth of Dominica, Grenada, and Saint Vincent and the Grenadines, Todd C. Chapman, of Texas, to be Ambassador to the Republic of Ecuador, Jean Elizabeth Manes, of Florida, to be Ambassador to the Republic of El Salvador, and Amos J. Hochstein, of the District of Columbia, to be an Assistant Secretary (Energy Resources), who was introduced by Senator Warner, all of the Department of State, after the nominees testified and answered questions in their own behalf.

PUERTO RICO'S FISCAL PROBLEMS

Committee on the Judiciary: Committee concluded a hearing to examine Puerto Rico's fiscal problems, focusing on examining the source and exploring the solution, after receiving testimony from Representative Pierluisi; Puerto Rico Governor Alejandro J. Garcia Padilla, Carlos A. Colon-De-Armas, University of Puerto Rico Graduate School of Business, and Richard L. Carrion, Banco Popular, all of San Juan; former New York Lieutenant Governor Richard Ravitch, New York; Alex J. Pollock, American Enterprise Institute, Washington, D.C.; and Stephen J. Spencer, Houlihan Lokey, Minneapolis, Minnesota.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 9 public bills, H.R. 4138–4151; and 3 resolutions, H. Con. Res. 100; and H. Res. 543–544 were introduced.

Pages H8859–60

Additional Cosponsors: **Pages H8860–61**

Reports Filed: Reports were filed today as follows:

H.R. 3459, to clarify the treatment of two or more employers as joint employers under the National Labor Relations Act, with an amendment (H. Rept. 114–355);

H.R. 189, to extend foreclosure and eviction protections for servicemembers, and for other purposes (H. Rept. 114–356);

Conference report on H.R. 22, to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act (H. Rept. 114–357);

H.R. 3016, to amend title 38, United States Code, to clarify the role of podiatrists in the Department of Veterans Affairs, with amendments (H. Rept. 114–358); and

H. Res. 542, providing for further consideration of the bill (H.R. 8) to modernize energy infrastructure, build a 21st century energy and manufacturing workforce, bolster America's energy security and diplomacy, and promote energy efficiency and government accountability, and for other purposes, and providing for consideration of the conference report to accompany the bill (S. 1177) to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves (H. Rept. 114–359).

Pages H8679–H8822, H8859

Speaker: Read a letter from the Speaker wherein he appointed Representative Kelly (MS) to act as Speaker pro tempore for today. **Page H8649**

Recess: The House recessed at 10:51 a.m. and reconvened at 12 noon. **Page H8654**

Suspensions: The House agreed to suspend the rules and pass the following measure:

Intelligence Authorization Act for Fiscal Year 2016: 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, by a ⅔ recorded vote of 364 ayes to 58 noes, Roll No. 649 (Subsequent to the announcement by the Chair that H.R. 4127 had passed by voice vote, Representative Nunes asked unanimous consent that the proceedings by which the motion to reconsider the bill was laid upon the table and by which the motion that the House suspend the rules and pass the bill was adopted be vacated to the end that the Chair put the question de novo).

Pages H8663–76, H8679

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated on Monday, November 30th.

Breast Cancer Research Stamp Reauthorization Act of 2015: S. 1170, to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research, by a ⅔ yea-and-nay vote of 422 yeas to 1 nay, Roll No. 648.

Pages H8678–79

Providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Environmental Protection Agency relating to "Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units": The House passed S.J. Res. 23, providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Environmental Protection Agency relating to "Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units", by a yea-and-nay vote of 235 yeas to 188 nays, Roll No. 651. **Pages H8658–63, H8676–78, H8822–29, H8837–38**

H. Res. 539, the rule providing for consideration of the bill (H.R. 8) and the joint resolutions (S.J. Res. 23) and (S.J. Res. 24), was agreed to by a recorded vote of 243 ayes to 181 noes, Roll No. 647, after the previous question was ordered by a yea-and-nay vote of 242 yeas to 179 nays, Roll No. 646.

Pages H8676–77

Providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Environmental Protection Agency relating to "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units": The House passed S.J. Res. 24, providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Environmental Protection Agency relating to "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units", by a yea-and-nay vote of 242 yeas to 180 nays, Roll No. 650. **Pages H8658–63, H8676–78, H8829–37**

H. Res. 539, the rule providing for consideration of the bill (H.R. 8) and the joint resolutions (S.J. Res. 23) and (S.J. Res. 24), was agreed to by a recorded vote of 243 ayes to 181 noes, Roll No. 647, after the previous question was ordered by a yea-and-nay vote of 242 yeas to 179 nays, Roll No. 646.

Pages H8676–77

Trade Facilitation and Trade Enforcement Act of 2015—Motion to go to Conference: The House agreed to the Brady (TX) motion to take from the Speaker's table the bill (H.R. 644) to reauthorize trade facilitation and trade enforcement functions and activities, with the House amendment to the Senate amendment thereto, insist on the House amendment, and agree to a conference with the Senate thereon, by a recorded vote of 252 ayes to 170 noes, Roll No. 652. **Pages H8838–39**

Debated the Kuster motion to instruct conferees. Further proceedings were postponed. **Pages H8846–49**

North American Energy Security and Infrastructure Act of 2015: The House began consideration of H.R. 8, to modernize energy infrastructure, build a 21st century energy and manufacturing workforce, bolster America's energy security and diplomacy, and promote energy efficiency and government accountability. Consideration is expected to resume tomorrow, December 2nd. **Pages H8658–63, H8676–78, H8839–46**

H. Res. 539, the rule providing for consideration of the bill (H.R. 8) and the joint resolutions (S.J. Res. 23) and (S.J. Res. 24), was agreed to by a recorded vote of 243 ayes to 181 noes, Roll No. 647, after the previous question was ordered by a yea-and-nay vote of 242 yeas to 179 nays, Roll No. 646.

Pages H8676–77

Quorum Calls—Votes: Four yea-and-nay votes and three recorded votes developed during the proceedings of today and appear on pages H8676–77, H8677, H8678–79, H8837, H8837–38 and H8838–39. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 8:45 p.m.

Committee Meetings

U.S. STRATEGY FOR SYRIA AND IRAQ AND ITS IMPLICATIONS FOR THE REGION

Committee on Armed Services: Full Committee held a hearing entitled "U.S. Strategy for Syria and Iraq and its Implications for the Region". Testimony was heard from Ashton B. Carter, Secretary of Defense;

and General Joseph F. Dunford, Jr., USMC, Chairman, Joint Chiefs of Staff.

ACQUISITION EFFICIENCY AND THE FUTURE NAVY FORCE

Committee on Armed Services: Subcommittee on Seapower and Projection Forces held a hearing entitled ''Acquisition Efficiency and the Future Navy Force''. Testimony was heard from Ronald O'Rourke, Specialist in Naval Affairs, Congressional Research Service; and Eric J. Labs, Senior Analyst for Naval Forces and Weapons, Congressional Budget Office.

RUSSIAN ARMS CONTROL CHEATING: VIOLATION OF THE INF TREATY AND THE ADMINISTRATION'S RESPONSES ONE YEAR LATER

Committee on Armed Services: Subcommittee on Strategic Forces; and the Subcommittee on Terrorism, Nonproliferation, and Trade of the House Committee on Foreign Affairs, held a joint hearing entitled ''Russian Arms Control Cheating: Violation of the INF Treaty and the Administration's Responses One Year Later''. Testimony was heard from Rose E. Gottemoeller, Under Secretary for Arms Control and International Security, Department of State; and Brian P. McKeon, Principal Deputy Under Secretary of Defense for Policy, Department of Defense.

OVERSIGHT OF THE FEDERAL ENERGY REGULATORY COMMISSION

Committee on Energy and Commerce: Subcommittee on Energy and Power held a hearing entitled ''Oversight of the Federal Energy Regulatory Commission''. Testimony was heard from the following Federal Energy Regulatory Commission officials: Norman C. Bay, Chairman; Cheryl A. LaFleur, Commissioner; Tony Clark, Commissioner; and Colette D. Honorable, Commissioner.

THE DISRUPTER SERIES: MOBILE PAYMENTS

Committee on Energy and Commerce: Subcommittee on Commerce, Manufacturing, and Trade held a hearing entitled ''The Disrupter Series: Mobile Payments''. Testimony was heard from public witnesses.

LEGISLATIVE MEASURES

Committee on the Judiciary: Full Committee held a hearing on H.R. 699, the ''Email Privacy Act''. Testimony was heard from Andrew J. Ceresney, Director, Division of Enforcement, Securities and Exchange Commission; Richard W. Littlehale, Assistant Special Agent in Charge, Criminal Investigation Division, Tennessee Bureau of Investigation; and public witnesses.

EXAMINING INVASIVE SPECIES POLICY

Committee on Oversight and Government Reform: Subcommittee on the Interior held a hearing entitled ''Examining Invasive Species Policy''. Testimony was heard from Jamie Reaser, Executive Director, National Invasive Species Council, Department of the Interior; and public witnesses.

NORTH AMERICAN ENERGY SECURITY AND INFRASTRUCTURE ACT OF 2015; CONFERENCE REPORT TO ACCOMPANY THE STUDENT SUCCESS ACT

Committee on Rules: Full Committee held a hearing on H.R. 8, the ''North American Energy Security and Infrastructure Act of 2015'' [amendment consideration]; and conference report to accompany S. 1177, the ''Student Success Act''. The committee granted, by voice vote, a structured rule for further consideration of H.R. 8. The rule provides no further general debate. The rule makes in order as original text for purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114–36 and provides that it shall be considered as read. The rule waives all points of order against that amendment in the nature of a substitute. The rule makes in order only those further amendments printed in the Rules Committee report. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The rule waives all points of order against the amendments printed in the report. The rule provides one motion to recommit with or without instructions. In section 2, the rule provides for consideration of the conference report to accompany S. 1177. The rule waives all points of order against the conference report and against its consideration. The rule provides that the conference report shall be considered as read. The rule provides that the previous question shall be considered as ordered without intervention of any motion except one hour of debate and one motion to recommit if applicable. The rule states that debate on the conference report is divided pursuant to clause 8(d) of rule XXII. Testimony was heard from Chairman Kline, and Representatives Schakowsky, Burgess, Polis, Barton, Jackson Lee, DeSantis, Swalwell of California, Palmer, Poliquin, Scott of Virginia, and Rokita.

PITFALLS OF UNILATERAL NEGOTIATIONS AT THE PARIS CLIMATE CHANGE CONFERENCE

Committee on Science, Space, and Technology: Full Committee held a hearing entitled ''Pitfalls of Unilateral Negotiations at the Paris Climate Change Conference''. Testimony was heard from public witnesses.

OECD BEPS PROJECT FINAL RECOMMENDATIONS AND ITS EFFECT ON WORLDWIDE AMERICAN COMPANIES

Committee on Ways and Means: Subcommittee on Tax Policy held a hearing on the OECD BEPS Project final recommendations and its effect on worldwide American companies. Testimony was heard from Robert B. Stack, Deputy Assistant Secretary for International Tax Affairs, Department of the Treasury; and public witnesses.

Joint Meetings

RESCUING TRAFFICKING VICTIMS

Commission on Security and Cooperation in Europe: Commission received a briefing on best practices for rescuing trafficking victims from Yaroslaba Garcia, Southwest Florida Regional Human Trafficking Coalition, Bonita Springs; Kimberly Chang, Asian Health Services Community Health Clinic, Oakland, California; and Jordan Greenbaum, Children's Healthcare of Atlanta Stephanie Blank Center for Safe and Healthy Children, Atlanta, Georgia.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1207)*

H.R. 3996, to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund. Signed on November 20, 2015. (Public Law 114–87)

H.R. 208, to improve the disaster assistance programs of the Small Business Administration. Signed on November 25, 2015. (Public Law 114–88)

H.R. 639, to amend the Controlled Substances Act with respect to drug scheduling recommendations by the Secretary of Health and Human Services, and with respect to registration of manufacturers and distributors seeking to conduct clinical testing. Signed on November 25, 2015. (Public Law 114–89)

H.R. 2262, to facilitate a pro-growth environment for the developing commercial space industry by encouraging private sector investment and creating more stable and predictable regulatory conditions. Signed on November 25, 2015. (Public Law 114–90)

S. 799, to combat the rise of prenatal opioid abuse and neonatal abstinence syndrome. Signed on November 25, 2015. (Public Law 114–91)

S. 1356, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year. Signed on November 25, 2015. (Public Law 114–92)

S. 2036, to suspend the current compensation packages for the chief executive officers of Fannie Mae and Freddie Mac. Signed on November 25, 2015. (Public Law 114–93)

COMMITTEE MEETINGS FOR WEDNESDAY, DECEMBER 2, 2015

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine agriculture's role in combating global hunger, 10 a.m., SR–328A.

Committee on Armed Services: to hold hearings to examine Department of Defense personnel reform and strengthening the all-volunteer force, 9:30 a.m., SD–G50.

Committee on Foreign Relations: to hold hearings to examine the nominations of G. Kathleen Hill, of Colorado, to be Ambassador to the Republic of Malta, Eric Seth Rubin, of New York, to be Ambassador to the Republic of Bulgaria, Kyle R. Scott, of Arizona, to be Ambassador to the Republic of Serbia, and David McKean, of Massachusetts, to be Ambassador to Luxembourg, all of the Department of State, and Carlos J. Torres, of Virginia, to be Deputy Director of the Peace Corps, 2:15 p.m., SD–419.

Full Committee, to receive a closed briefing on Joint Comprehensive Plan of Action oversight, focusing on the International Atomic Energy Agency's report on the possible military dimensions of the Iranian nuclear program, 4 p.m., SH–219.

Committee on Indian Affairs: business meeting to consider S. 1125, to authorize and implement the water rights compact among the Blackfeet Tribe of the Blackfeet Indian Reservation, the State of Montana, and the United States, and S. 1879, to improve processes in the Department of the Interior; to be immediately followed by an oversight hearing to examine the Tribal Law and Order Act (TLOA), focusing on whether the justice systems in Indian country have improved, 2:15 p.m., SD–628.

Committee on the Judiciary: to hold hearings to examine protecting trade secrets, focusing on the impact of trade secret theft on American competitiveness and potential solutions to remedy this harm, 10 a.m., SD–226.

Full Committee, to hold an oversight hearing to examine the Administration's alien removal policies, 2:30 p.m., SD–226.

Committee on Veterans' Affairs: to hold hearings to examine consolidating non-Department of Veterans Affairs care programs, 2:30 p.m., SR–418.

House

Committee on Agriculture, Full Committee, hearing to review the Farm Credit System, 10 a.m., 1300 Longworth.

Committee on Education and the Workforce, Subcommittee on Health, Employment, Labor, and Pensions, hearing entitled ''Principles for Ensuring Retirement Advice Serves the Best Interests of Working Families and Retirees'', 10 a.m., 2261 Rayburn.

Committee on Energy and Commerce, Subcommittee on Communications and Technology, markup on H.R. 1641, the ''Federal Spectrum Incentive Act of 2015''; and a discussion draft to amend the National Telecommunications and Information Administration Organization Act to facilitate that deployment of communications infrastructure by providing for an inventory of Federal assets for use in connection with such deployment, to streamline certain Federal approvals of communication facilities, to provide for measures to promote the use of utility poles in the deployment, and for other purposes, 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets and Government Sponsored Enterprises, hearing entitled ''Legislative Proposals to Improve the U.S. Capital Markets'', 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Full Committee, hearing entitled ''Iran's Islamic Revolutionary Guard Corps: Fueling Middle East Turmoil'', 10 a.m., 2172 Rayburn.

Subcommittee on Terrorism, Nonproliferation, and Trade, hearing entitled ''The Paris Attacks: A Strategic Shift by ISIS?'', 1 p.m., 2200 Rayburn.

Subcommittee on the Middle East and North Africa, hearing entitled ''Assessing the President's Strategy in Afghanistan'', 2 p.m., 2172 Rayburn.

Subcommittee on Asia and the Pacific, hearing entitled ''U.S. Strategic Interests and the APEC and East Asia Summits'', 2 p.m., 2255 Rayburn.

Committee on House Administration, Full Committee, markup on H.R. 1670, the ''National POW/MIA Remembrance Act of 2015''; hearing entitled ''Improving Customer Service for the Copyright Community: Ensuring the Copyright Office and the Library of Congress Are Able To Meet the Demands of the Digital Age'', 11 a.m., 1310 Longworth.

Committee on the Judiciary, Full Committee, markup on H.R. 2831, to make technical amendments to update statutory references to provisions classified to chapters 44, 45, 46, and 47 of title 50, United States Code; H.R. 2832, to make technical amendments to update statutory references to certain provisions classified to title 52, United States Code; and H.R. 1584, the ''CARDER Act of 2015'', 10:30 a.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on Federal Lands, hearing on discussion draft of the ''National Park Service Centennial Act'', 10 a.m., 1324 Longworth.

Committee on Rules, Full Committee, hearing on conference report to accompany H.R. 22, the ''Surface Transportation Reauthorization and Reform Act of 2015'', 3 p.m., H–313 Capitol.

Committee on Oversight and Government Reform, Subcommittee on Government Operations, hearing entitled ''Office of National Drug Control Policy: Reauthorization'', 10 a.m., 2154 Rayburn.

Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED FOURTEENTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

DATA ON LEGISLATIVE ACTIVITY

January 6 through November 30, 2015

	Senate	*House*	*Total*
Days in session	156	145	..
Time in session	985 hrs, 30′	732 hrs, 14′	..
Congressional Record:			
Pages of proceedings	8,196	8,647	..
Extensions of Remarks	..	1,679	..
Public bills enacted into law	28	65	93
Private bills enacted into law	..	..	..
Bills in conference	3	3	..
Measures passed, total	391	484	875
Senate bills	80	32	..
House bills	70	302	..
Senate joint resolutions	4	1	..
House joint resolutions	1	3	..
Senate concurrent resolutions	11	6	..
House concurrent resolutions	22	26	..
Simple resolutions	203	114	..
Measures reported, total	*256	*346	602
Senate bills	195	6	..
House bills	30	269	..
Senate joint resolutions	..	..	..
House joint resolutions	..	3	..
Senate concurrent resolutions	1	..	..
House concurrent resolutions	..	3	..
Simple resolutions	30	65	..
Special reports	20	5	..
Conference reports	1	3	..
Measures pending on calendar	195	71	..
Measures introduced, total	2,697	4,851	7,548
Bills	2,325	4,137	..
Joint resolutions	25	74	..
Concurrent resolutions	25	99	..
Simple resolutions	322	541	..
Quorum calls	6	2	..
Yea-and-nay votes	310	265	..
Recorded votes	..	378	..
Bills vetoed	2	1	..
Vetoes overridden	..	..	..

*These figures include all measures reported, even if there was no accompanying report. A total of 171 written reports have been filed in the Senate, 354 reports have been filed in the House.

DISPOSITION OF EXECUTIVE NOMINATIONS

January 6 through November 30, 2015

Civilian nominations, totaling 349, disposed of as follows:

Confirmed	136
Unconfirmed	204
Withdrawn	9

Other Civilian nominations, totaling 3,800, disposed of as follows:

Confirmed	2,734
Unconfirmed	744
Withdrawn	322

Air Force nominations, totaling 5,562, disposed of as follows:

Confirmed	5,326
Unconfirmed	233
Withdrawn	3

Army nominations, totaling 3,482, disposed of as follows:

Confirmed	3,354
Unconfirmed	128

Navy nominations, totaling 3,936, disposed of as follows:

Confirmed	3,928
Unconfirmed	8

Marine Corps nominations, totaling 1,067, disposed of as follows:

Confirmed	1,066
Unconfirmed	1

Summary

Total nominations carried over from the First Session	0
Total nominations received this Session	18,196
Total confirmed	16,544
Total unconfirmed	1,318
Total withdrawn	334
Total returned to the White House	0

Next Meeting of the **SENATE**

9:30 a.m., Wednesday, December 2

Senate Chamber

Program for Wednesday: Senate will continue consideration of H.R. 3762, Restoring Americans' Healthcare Freedom Reconciliation Act.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, December 2

House Chamber

Program for Wednesday: Continue consideration of H.R. 8—North American Energy Security and Infrastructure Act of 2015 (Subject to a Rule). Consideration of the conference report to accompany S. 1177—Every Child Achieves Act of 2015 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

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