

PROVIDING FOR FURTHER CONSIDERATION OF THE SENATE AMENDMENTS TO THE BILL (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

NOVEMBER 3, 2015.—Referred to the House Calendar and ordered to be printed

Mr. WOODALL, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 512]

The Committee on Rules, having had under consideration House Resolution 512, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for further consideration of Senate amendments to H.R. 22, the Hire More Heroes Act of 2015, under a structured rule.

Section 2 of the resolution makes in order only the further amendments to the amendment consisting of the text of Rules Committee Print 114-32 printed in part A of this report and amendments en bloc. Each further amendment printed in part A of this report shall be considered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, may be withdrawn by the proponent at any time before action thereon, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The resolution provides that it shall be in order at any time for the chair of the Committee on Transportation and Infrastructure or his designee to offer amendments en bloc consisting of amendments printed in part A of this report not earlier disposed of. Amendments en bloc shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure or

their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The resolution waives all points of order against the further amendments printed in part A of this report and amendments offered en bloc.

Section 3 of the resolution makes in order only those further amendments to the Senate amendment, as amended, printed in part B of this report. Each such further amendment printed in part B of this report shall be considered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, may be withdrawn by the proponent at any time before action thereon, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the further amendments printed in part B of this report.

Section 4 of the resolution provides that if the Committee of the Whole reports the Senate amendment, as amended, back to the House with multiple amendments, the question of their adoption shall be put to the House en gros and without division of the question. The resolution provides that if the Committee of the Whole reports the Senate amendment, as amended, back to the House without further amendment or the question of adoption of amendments en gross fails, no further consideration of the Senate amendments shall be in order except pursuant to a subsequent order of the House.

Section 5 of the resolution provides that the Chair may postpone further consideration of the Senate amendments in the House to such time as may be designated by the Speaker.

Section 6 of the resolution provides that upon adoption of the further amendment or amendments in the House: (1) a motion that the House concur in the Senate amendment to the text, as amended, with such further amendment or amendments shall be considered as adopted; (2) the Clerk shall engross the action of the House as a single amendment in the nature of a substitute; (3) a motion that the House concur in the Senate amendment to the title shall be considered as adopted; and (4) it shall be in order for the chair of the Committee on Transportation and Infrastructure or his designee to move that the House insist on its amendment to the Senate amendment to H.R. 22 and request a conference with the Senate thereon.

Section 7 of the resolution provides that the chair of the Committee on Armed Services may insert in the Congressional Record not later than November 16, 2015, such material as he may deem explanatory of defense authorization measures for the fiscal year 2016.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against amendments printed in part A of this report and amendments offered en bloc, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in part B of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

SUMMARY OF THE AMENDMENTS IN PART A MADE IN ORDER

1. Cummings (MD), Clyburn (SC), Brown, Corrine (FL), Edwards (MD), Johnson, Eddie Bernice (TX), Carson (IN): Makes a technical and conforming change to harmonize the U.S. DOT's and the U.S. Small Business Administration's small business size standards that are used for direct federal government contracting and federally assisted contracting. (10 minutes)

2. Ryan, Tim (OH): Clarifies that alternative fuel vehicles are eligible for consideration and use of funding under the Congestion Mitigation and Air Quality (CMAQ) Improvement Program (10 minutes)

3. Hunter (CA): Facilitates the supply of domestic aggregate for nationally significant freight and highway projects. (10 minutes)

4. Sablan (MP), Radewagen, Aumua Amata Coleman (AS): Allows ferry operations between U.S. territories or between a state and territory eligible for FBP funds. (10 minutes)

5. DeSaulnier (CA): Directs states and metropolitan planning organizations to develop publicly available criteria to prioritize transportation projects. (10 minutes)

6. Grijalva (AZ): Strikes Subtitle C, except section 1314. (10 minutes)

7. Hunter (CA), Curbelo (FL), Farenthold (TX), Brown, Corrine (FL): Establishes a program to permit the use of live plant materials for roadside maintenance. (10 minutes)

8. Denham (CA), Brown, Corrine (FL), Costello (PA), Ashford (NE): Clarifies the intent of Congress and ensure the motor-carrier industry can operate under one standard when engaging in commerce. Pre-empts a patchwork of 50 different state meal and rest break laws to provide certainty for regional carriers doing business. (10 minutes)

9. Aguilar (CA): Requires that the DOT, in coordination with DOD, implement the recommendations of a report issued by the Federal Motor Carrier Safety Administration to help veterans transition into civilian jobs driving commercial motor vehicles, including by obtaining commercial driver's license. (10 minutes)

10. Hahn (CA), Cicilline (RI): Directs the Secretary to conduct a study of the feasibility, costs, and economic impact of burying power lines underground. (10 minutes)

11. Heck, Denny (WA), Kilmer (WA): Requires the Department of Transportation to develop a set of best practices for the installation and maintenance of green stormwater infrastructure, and assist any state requesting help to develop a stormwater management plan by providing guidance based on those best practices. (10 minutes)

12. King, Steve (IA), Duncan (SC), Foxx (NC), Amash (MI), Franks (AZ): Requires that none of the funds made available by this Act may be used to implement, administer, or enforce the prevailing rate wage requirements of the Davis-Bacon Act (10 minutes)

13. Larsen, Rick (WA): Creates an expedited process for smaller TIFIA loans backed by local revenue sources, so they can be accessible to smaller cities and counties. (10 minutes)

14. Culberson (TX): Requires local transit entity to have a debt to equity ratio of at least 1:1 in order to be eligible for federal funds. (10 minutes)

15. Comstock (VA), Babin (TX), Beyer (VA), Connolly (VA): Amends 49 USC 5337(d)(1) to include those public transportation vehicles that operate on high-occupancy toll lanes that were converted from high-occupancy vehicle lanes during peak hours. (10 minutes)

16. Meng (NY), Love (UT): Requires the Secretary to revise the crash investigation data collection system to include additional data regarding child restraint systems whenever there are child occupants present in vehicle crashes. (10 minutes)

17. Russell (OK): Prohibits Federal financial assistance to establish, maintain, operate, or otherwise support a streetcar service. This prohibition does not apply to contracts entered into before the date of enactment of this Act. (10 minutes)

18. Edwards (MD), Comstock (VA): Gives USDOT authority to appoint and oversee the fed board members to the WMATA board, while currently GSA has this responsibility. (10 minutes)

19. Frankel (FL): Requires Compliance, Safety, Accountability (CSA) scores to remain publicly available during the National Research Council of the National Academies study of the CSA Program required by Section 5221, adds a provision to the new broker-shipper hiring standard created by Section 5224 to prohibit the hiring of "high risk carriers" as defined by the Federal Motor Carrier Safety Administration, and removes several studies. (10 minutes)

20. Duncan (TN), Paulsen (MN): Clarifies that motor carriers who have not been prioritized for a compliance review by FMCSA due to their safe operations are equal in safety status to "satisfactory" rated carriers. (10 minutes)

21. Lewis, John (GA): Strikes the graduated commercial driver's license program language in H.R. 3763 and replaces it with a study on the safety of intrastate teen truck drivers. (10 minutes)

22. Johnson, Hank (GA): Strikes language that sets up a new procedural criteria for an FMCSA study on minimum trucking insurance that is already underway. (10 minutes)

23. Ribble (WI), Hanna (NY), Cramer, Kevin (ND), Lipinski (IL): Increases the air-mile radius from 50 air-miles to 75 air-miles for the transportation of construction materials and equipment, to satisfy the 24-hour reset period under Hours of Service rules. Gives states the ability to opt out of this increase if the distance is entirely included within the state's borders. (10 minutes)

24. Schweikert (AZ): Creates a pilot program for reduction of department-owned vehicles and increase in use of ride-sharing services. (10 minutes)

25. Schweikert (AZ): Creates a study and report on reducing the amount of vehicles in federal fleets and replacing necessary vehicles with ride-sharing services. (10 minutes)

26. Reichert (WA), Schrader (OR), Newhouse (WA), Coffman (CO), Radewagen, Aumua Amata Coleman (AS): Requests a GAO study on the economic impact of contract negotiations at ports on the west coast. (10 minutes)

27. Newhouse (WA), Schrader (OR): Directs the Bureau of Transportation Statistics (BTS) to establish a port performance statistics program, with quarterly reports to Congress. The program will collect basic uniform data on port performance and provide empirical visibility into how U.S. ports are operating, identify key congestion issues, and ensure U.S. commerce continues to flow efficiently. (10 minutes)

28. Lipinski (IL), Quigley (IL), Dold (IL), Davis, Rodney (IL): Expresses the Sense of Congress that Transit Oriented Development (TOD) is an eligible activity under the RRIF program. (10 minutes)

29. DeSantis (FL): Empowers States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes. (10 minutes)

30. Moore, Gwen (WI): Express the Sense of Congress that the Department of Transportation should better enforce its existing rules requiring that small businesses owned by disadvantaged individuals are promptly paid for work satisfactorily completed on federally funded transportation projects. (10 minutes)

31. Graves, Garret (LA): Amends the nationally significant freight and highway projects program to allow consideration for projects to improve energy security and emergency evacuation routes. (10 minutes)

32. Polis (CO): Designates the freight corridor running along Route 70 from Denver, CO to Salt Lake City, UT as a 'Corridor of High Priority.' (10 minutes)

33. Bonamici (OR): Designates the Oregon 99W Newberg-Dundee Bypass Route between Newberg, Oregon and Dayton, Oregon as a high priority corridor. (10 minutes)

34. Schrader (OR): Designates Interstate Route 205 in Oregon as a High Priority Corridor from its intersection with Interstate Route 5 to the Columbia River. (10 minutes)

35. Duffy (WI), Ribble (WI): Increases weight limit restrictions for logging vehicles on a 13-mile stretch of I-39 to match Wisconsin state law. (10 minutes)

36. Crawford (AR), Nolan (MN): Permits specific vehicles to use a designated three-miles on U.S. 63 in Arkansas during daylight hours only. The exemption would eliminate the need for construction of an access road and would qualify the entire road for the designation as Interstate 555. (10 minutes)

37. Fitzpatrick (PA): Clarifies that Section 130 funds may be used for projects that eliminate hazards posed by blocked grade crossings due to idling trains, such as when an ambulance or fire truck is blocked and unable to respond to an emergency. (10 minutes)

38. Lipinski (IL), Davis, Rodney (IL), Pocan (WI), Reed (NY), McCollum (MN), Hanna (NY), Brady, Robert (PA), Hastings, Alcee (FL), Esty (CT), Garamendi (CA), Lowenthal (CA), Frankel (FL), Lieu (CA), Katko (NY), Bustos (IL): Exempts certain welding trucks used in the pipeline industry from certain provisions under the FMCSR's. (10 minutes)

39. Nolan (MN), Crawford (AR): Permits "covered logging vehicles"—which are considered raw or unfinished forest products including logs, pulpwood, biomass, or wood chips—that have a gross vehicle weight of no more than 99,000 pounds and have no less

than six-axles to operate on a 24.152 mile segment of I-35 in Minnesota. (10 minutes)

40. Cohen (TN), LoBiondo (NJ), Langevin (RI): Allows local transit agencies that have demonstrated para-transit improvement activities the flexibility to use up to 20 percent of their Section 5307 funds. (10 minutes)

41. Veasey (TX): Clarifies that public demand response transit providers includes services for seniors and persons with disabilities. (10 minutes)

42. Lipinski (IL), Nadler (NY), Dold (IL): Restores local flexibility for New Starts projects. (10 minutes)

43. Adams (NC): Clarifies minority groups to be targeted in human resources outreach and brings bill text in line with existing law in Title V. (10 minutes)

44. Foxx (NC), DelBene (WA): Makes performance assessments for the Frontline Workforce Development Program consistent with assessments currently in place for similar programs authorized through the Workforce Innovation and Opportunity Act of 2014. (10 minutes)

45. Lawrence (MI): Requires the Interagency Coordination Council on Access and Mobility to submit a report to House Committee on Transportation and Infrastructure and Senate Committee on Commerce, Science, and Transportation containing the final recommendations of the Council. (10 minutes)

46. Moore, Gwen (WI): Requires a GAO study on the impact of the changes made by MAP-21 to the Jobs Access and Reverse Commute (JARC) program on the ability of low-income individuals served by JARC to use public transportation to get to work. (10 minutes)

47. Davis, Rodney (IL), Lipinski (IL): Allows general freight to be carried by an automobile transporter on a backhaul trip only. (10 minutes)

48. Moore, Gwen (WI): Allows current teen traffic safety funding to be used to support school-based driver's education classes that promote safe driving and help meet the state's graduated driving license requirements, including behind the wheel training. (10 minutes)

49. Crawford (AR), Jenkins (KS), Ryan, Tim (OH), Johnson, Eddie Bernice (TX): Permits two light- or medium-duty trailers to be towed together, only when empty and being delivered to a retailer for sale, subject to length and weight limitations, and operated by professional CDL drivers. (10 minutes)

50. Meng (NY), Cramer, Kevin (ND): Requires that GAO perform a review of existing federal and state rules concerning school bus transportation of elementary and secondary school students, and issue recommendations on best practices for safe and reliable school bus transportation. (10 minutes)

51. Meng (NY), Cramer, Kevin (ND): Adds "consumer privacy protections" to the list of items that GAO must review when issuing its public assessment of the "organizational readiness of the Department to address autonomous vehicle technology challenges," as required by section 6024 of the Rules Committee Print. (10 minutes)

52. Napolitano (CA): Requires the Secretary to consult with States to determine whether there are safety hazards or concerns

specific to a State that should be taken into account when developing the regulations called for in the bill for railroad carriers to maintain a comprehensive oil spill response plan. (10 minutes)

53. Moulton (MA): Requires the Government Accountability Office (GAO) to conduct a study on the implementation and efficacy of the European Train Control System to determine the feasibility of implementing such a system throughout the national rail network of the United States. (10 minutes)

54. Neugebauer (TX), Farenthold (TX), Bustos (IL): Provides an exemption for various drivers in the agriculture industry with Class A CDLs so that they would no longer need to obtain a Hazardous Materials endorsement to transport more than 118 gallons of fuel, up to 1,000 gallons. (10 minutes)

55. Cummings (MD): Requires submission of a report on technologies for identifying track defects to improve rail safety (10 minutes)

56. Walz (MN), Lipinski (IL): Initiates a study on the levels and structure of insurance for a railroad carrier transporting hazardous materials. (10 minutes)

57. Herrera Beutler (WA), Schrader (OR), Larsen, Rick (WA), Loebbeck (IA), Turner (OH): Allows all 50 states to compete for bus and bus facility funding by eliminating the 7-state set aside High Density Bus program and transferring the funds to the nationwide Competitive Bus Grants, Sec. 5339(d). (10 minutes)

58. Chabot (OH): Amends certain sections of Title 49 of the U.S. Code to increase penalties relating to commercial motor vehicle safety. (10 minutes)

SUMMARY OF THE AMENDMENTS IN PART B MADE IN ORDER

1. Perry (PA), Mulvaney (SC): Increases by 5% each fiscal year for four years, the percent amount that Ex/Im should make available for small businesses. If they do not comply, they are barred for issuing any loans over \$100,000,000. (10 minutes)

2. Mulvaney (SC): Limits Export-Import Bank authorizations to countervailing purposes in order to meet competition from foreign export credit agencies. (10 minutes)

3. Mulvaney (SC): Requires Export-Import Bank authorizations above \$10 million to be contingent on at least two denials of similar assistance from the private sector. Stipulates penalties for making false claims when seeking Bank assistance. (10 minutes)

4. Mulvaney (SC): Prohibits Export-Import Bank authorizations involving countries with a sovereign wealth fund of over \$100 billion. (10 minutes)

5. Mulvaney (SC): Reduces taxpayer exposure by removing Treasury guarantees for losses at the Export-Import Bank and removes borrowing authority from the Treasury. (10 minutes)

6. Mulvaney (SC): Limits taxpayer exposure by ensuring diversification of industries and companies at the Export-Import Bank. (10 minutes)

7. Rothfus (PA): Prohibits the Export Import Bank from providing a guarantee or extending credit to a foreign borrower in connection with the export of goods or services by a U.S. company unless the U.S. company guarantees repayment of, and pledges collateral in an amount sufficient to cover, a percentage of the amount provided by the Bank and makes that guarantee senior to any

other obligation. The amendment provides an exception to this requirement for small businesses. (10 minutes)

8. Royce (CA): Prohibits Export-Import Bank assistance to state-sponsors of terrorism. The current prohibition under the Foreign Assistance Act is subject to low threshold waivers by the President. (10 minutes)

9. Schweikert (AZ): Adds Fair Value Accounting Principles to the EX-IM provision of the underlying bill. (10 minutes)

10. Young, David (IA): Requires the agency to disclose information on which a rule is based including data, studies, and cost-benefit analyses to the public. (10 minutes)

11. Pompeo (KS): Directs GAO to conduct a study on how much non-commercial jet fuel tax revenue, paid for by business and general aviation, is diverted to the Highway Trust Fund due to the "fuel fraud" tax. (10 minutes)

12. Foster (IL): Requires the Department of Transportation to issue an annual report detailing how the funds authorized in the bill are divided among the states and the sources of those amounts. It would also require the Internal Revenue Service to submit an annual report to Congress detailing the tax burden of each state. (10 minutes)

13. Williams (TX): Clarifies that only rental car companies whose primary business is renting vehicles are covered by the new requirements in the Senate passed version of H.R. 22. (10 minutes)

14. Kinzinger (IL): Requires auto parts suppliers and manufacturers provide specific information to the Secretary to further compliance of Section 30120(j) of Title 49. Information shall be made available on a public website and through databases to ensure defective auto parts are removed from the supply chain and can be tracked if a recall is ordered. (10 minutes)

15. Schakowsky (IL): Improves quality and quantity of information shared about vehicle safety issues among auto manufacturers, NHTSA, and consumers. Also improves the quality and quantity of safety information provided about used cars at point of sale. (10 minutes)

16. Mullin, Markwayne (OK): Requires the Administrator of the Environmental Protection Agency to ensure that in promulgating regulations any preference or incentive provided to electric vehicles is also provided to natural gas vehicles. (10 minutes)

17. Burgess (TX): Modifies and adds certain provisions to the Senate amendments dealing with the National Highway Traffic Safety Administration. (10 minutes)

18. Neugebauer (TX), Huizenga (MI): Executes a liquidation of the Federal Reserve surplus account and remittance of funds to the U.S. Treasury. The amendment also dissolves the existence of the surplus account on a go-forward basis. Finally, the amendment ensures future net earnings of the Federal Reserve, in excess of dividend paid, are remitted to the U.S. Treasury. (10 minutes)

19. Gosar (AZ): Removes the Administrator of the EPA from list of individuals who shall designate a council member to the Federal Permitting Improvement council in Section 61002 FEDERAL PERMITTING IMPROVEMENT COUNCIL. (10 minutes)

20. Goodlatte (VA), Marino (PA): Assigns to the Executive Director of the Federal Permitting Improvement Steering Council power to authorize extensions of permitting timetables, up to a total of

fifty percent of the time specified in an original timetable, and to the Director of the Office of Management and Budget the power to authorize any additional extensions, subject to requirements to consult with the permit applicant and report to Congress, and makes further improvements to further streamline administrative procedures for permit review. (10 minutes)

21. Hensarling (TX): This amendment provides regulatory relief to facilitate capital formation and to ensure greater consumer access to financial products and services. The amendment also provides for certain reforms concerning mint operations and housing. (10 minutes)

22. Upton (MI): Provides for a new title that includes sections to improve emergency preparedness for energy supply disruptions, resolve environmental and grid reliability conflicts, enhance critical electric infrastructure security, evaluate the feasibility of a strategic transformer reserve, and establish energy security valuation procedures. (10 minutes)

23. Westmoreland (GA): Allows companies to appeal their economic harm protest directly to the Export-Import Bank Board of Directors. (10 minutes)

PART A—TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CUMMINGS OF MARYLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 13, strike line 23 and all that follows through line 12 on page 14 and insert the following:

(A) SMALL BUSINESS CONCERN.—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)).

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RYAN OF OHIO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 56, line 8, after “diesel retrofits” insert “or alternative fuel vehicles”.

Page 56, line 9, insert “or indirect” after “direct”.

Page 56, line 14, insert “or indirectly” after “directly”.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HUNTER OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 73, line 24, strike the closed quotation mark and the final period.

Page 73, after line 24, insert the following:

“(n) FACILITATING COMMERCIAL WATERBORNE TRANSPORTATION.—Notwithstanding any other provision of law, or rights granted thereunder, and provided that the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met, a property owner may develop, construct, operate, and maintain pier, wharf, or other such load-out structures on that property and on or above adjacent beds of the navigable waters of the United States to facilitate the commercial waterborne transportation of domestic aggregate that may supply an eligible project under this sec-

tion, including salt, sand, and gravel, from reserves located within ten miles of the property.”.

4. AN AMENDMENT TO BE OFFERED BY DELEGATE SABLAN OF NORTHERN MARIANA ISLANDS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 107, after line 24, insert the following:

SEC. 1122. ASSISTANCE FOR THE ESTABLISHMENT OF FERRY SYSTEMS WITH RESPECT TO TERRITORIES.

(a) TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES.—Section 129(c)(5) of title 23, United States Code, is amended—

(1) in the first sentence by inserting after “adjoining States” the following: “(including between territories of the United States or between a territory of the United States and a State)”; and

(2) in the second sentence by inserting after “United States,” the following: “operations between territories of the United States, operations between a territory of the United States and a State,”.

(b) PUERTO RICO HIGHWAY PROGRAM.—Section 165(b)(2)(C) of title 23, United States Code, is amended—

(1) in clause (ii) by striking “and” at the end;

(2) in clause (iii) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(iv) funds authorized to be appropriated by the Surface Transportation Reauthorization and Reform Act of 2015, or any subsequent Act, may be used for operating expenses related to a ferry operated between Puerto Rico and a territory of the United States or a State.”.

(c) TERRITORIAL HIGHWAY PROGRAM.—Section 165(c)(6) of title 23, United States Code, is amended by adding at the end the following:

“(C) FERRY OPERATING EXPENSES.—Notwithstanding subparagraph (A), funds made available under this subsection, which are authorized to be appropriated by the Surface Transportation Reauthorization and Reform Act of 2015, or any subsequent Act, may be used for operating expenses related to a ferry operated between territories or operated between a territory and a State.”.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DESAULNIER OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 110, after line 23, insert the following:

(C)(i) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9); and

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

“(7) PROJECT SELECTION TRANSPARENCY AND ACCOUNTABILITY.—Projects included in the adopted transportation plan shall be selected through a publicly available transparent proc-

ess that includes use of criteria that directly support factors in subsection (h), the national transportation goals under section 150(b), and applicable State and regional goals. The criteria shall be used to publicly evaluate and identify the highest performing projects.”.

Page 111, after line 3, insert the following:

(7) in subsection (j)(3)(A), by inserting at the end the following: “Projects included in the priority list shall come from the highest performing projects identified in the transportation plan under subsection (i)(7). If a lower-performing project is included in the priority project list, an explanation shall be included to explain why the lower-performing project was selected, including the goals of achieving geographic balance or providing benefit to economically distressed areas.” after the period.

Page 114, after line 22, add the following:

(C) by redesignating paragraph (9) as paragraph (10);

(D) by inserting after paragraph (8) the following:

“(9) PROJECT SELECTION TRANSPARENCY AND ACCOUNTABILITY.—Projects included in the adopted long-range statewide transportation plan shall be selected through a publicly available transparent process that includes use of criteria that directly support factors in subsection (d), the national transportation goals under section 150(b), and applicable State and regional goals. The criteria shall be used to publicly evaluate and identify the highest performing projects.”; and

(4) in subsection (g), in paragraph (5)(A), by inserting at the end the following: “Projects included in the transportation improvement program shall come from the highest performing projects identified in the transportation plan under subsection (f)(9). If a lower-performing project is included in the priority project list, an explanation shall be included to explain why the lower-performing project was selected, including the goals of achieving geographic balance or providing benefit to economically distressed areas.”

Page 244, after line 9, insert the following:

(C)(i) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9);

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

“(7) PROJECT SELECTION TRANSPARENCY AND ACCOUNTABILITY.—Projects included in the adopted transportation plan shall be selected through a publicly available transparent process that includes use of criteria that directly support factors in subsection (h), the national transportation goals under section 150(b), and applicable State and regional goals. The criteria shall be used to publicly evaluate and identify the highest performing projects.”.

(7) in subsection (j)(3)(A), by inserting at the end the following: “Projects included in the priority list shall come from the highest performing projects identified in the transportation plan under subsection (i)(7). If a lower-performing project is included in the priority project list, an explanation shall be included to explain why the lower-performing project was selected, including the goals of achieving geographic balance or

providing benefit to economically distressed areas.” after the period

Page 247, after line 17, insert the following:

(4) in subsection (f)—

(A) by redesignating paragraph (9) as paragraph (10);

(B) by inserting after paragraph (8) the following:

“(9) PROJECT SELECTION TRANSPARENCY AND ACCOUNTABILITY.—Projects included in the adopted long-range statewide transportation plan shall be selected through a publicly available transparent process that includes use of criteria that directly support factors in subsection (d), the national transportation goals under section 150(b), and applicable State and regional goals. The criteria shall be used to publicly evaluate and identify the highest performing projects.”

(5) in subsection (g)(5)(A), by inserting at the end the following: “Projects included in the statewide transportation improvement program shall come from the highest performing projects identified in the transportation plan under subsection (f)(9). If a lower-performing project is included in the priority project list, an explanation shall be included to explain why the lower-performing project was selected, including the goals of achieving geographic balance or providing benefit to economically distressed areas.” after the period.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GRIJALVA OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike sections 1301 through 1313.

Page 168, line 12, strike “this Act.”

Strike sections 1315 through 1317.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HUNTER OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 225, strike lines 4 through 20 and insert the following:

(a) IN GENERAL.—The Secretary shall establish a program to permit the acknowledgment of roadside maintenance with the use of live plant materials.

(b) TERM.—The Secretary shall carry out the program for a 10-year period. Upon the request of a State, the Secretary may continue to carry out the program for that State for an additional 10-year period.

(c) PARTICIPATING STATES.—The Secretary shall select 10 States to participate in the program.

(d) GUIDELINES FOR SELECTION OF STATES.—

(1) IN GENERAL.—The Secretary shall establish guidelines for selecting States to participate in the program.

(2) DISCRETION OF STATES.—The guidelines shall not limit the discretion under subsection (e) of any State participating in the program. Any other guidelines relating to the participation of a State in the program shall be established by that State, subject to subsection (e).

(3) PRIORITY.—In selecting States to participate in the program, the Secretary shall give priority to any State that can provide documentation demonstrating that the State, or its

agents, prior to November 2015, actively reviewed, or stated an interest in, innovative approaches using live plant materials for acknowledging a substantial contribution to roadside maintenance.

(e) **INCONSISTENT LAWS, REGULATIONS, OR MANUALS.**—Notwithstanding any other provision of law, States participating in the program may permit acknowledgment of roadside maintenance through the use of live plant materials without being limited by any Federal, State, or other law, regulation, or manual that limits or regulates procurement actions, acknowledgment signs, advertising, landscaping, or other uses of, or actions relating to, highway rights-of-way or areas adjacent to highway rights-of-way.

(f) **FUNDS EXCLUSIVELY FOR ROADSIDE MAINTENANCE.**—Any funds paid to a State under the program shall be considered to be State funds (as defined in section 101(a) of title 23, United States Code), and shall be made available for expenditure under the direct control of the State transportation department (as defined in that section) exclusively for roadside maintenance.

(g) **REPORT.**—Before the expiration of the first 10-year period referred to in subsection (b), 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 on the results of the program.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DENHAM OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle D of title I of Division A, insert the following:

SEC. ____ . FEDERAL AUTHORITY.

(a) **IN GENERAL.**—Section 14501(c) of title 49, United States Code, is amended —

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

(2) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6) respectively;

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

“(2) **ADDITIONAL LIMITATIONS.**—

“(A) A State, political subdivision of a State, or political authority of 2 or more States may not enact or enforce a law, regulation, or other provision having the force and effect of law prohibiting employees whose hours of service are subject to regulation by the Secretary under section 31502 from working to the full extent permitted or at such times as permitted under such section, or imposing any additional obligations on motor carriers if such employees work to the full extent or at such times as permitted under such section, including any related activities regulated under part 395 of title 49, Code of Federal Regulations.

“(B) A State, political subdivision of a State, or political authority of 2 or more States may not enact or enforce a law, regulation, or other provision having the force and effect of law that requires a motor carrier that compensates employees on a piece-rate basis to pay those employees

separate or additional compensation, provided that the motor carrier pays the employee a total sum that when divided by the total number of hours worked during the corresponding work period is equal to or greater than the applicable hourly minimum wage of the State, political subdivision of the State, or political authority of 2 or more States.

“(C) Nothing in this paragraph shall be construed to limit the provisions of paragraph (1).”

(4) in paragraph (3) (as redesignated) by striking “Paragraph (1)—” and inserting “Paragraphs (1) and (2)—”; and

(5) in paragraph (4)(A) (as redesignated) by striking “Paragraph (1)” and inserting “Paragraphs (1) and (2)”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall have the force and effect as if enacted on the date of enactment of the Federal Aviation Administration Authorization Act of 1994 (Public Law 103–305).

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE AGUILAR OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle D of title I of division A, add the following:

SEC. ____ . PROGRAM TO ASSIST VETERANS TO ACQUIRE COMMERCIAL DRIVER'S LICENSES.

Not later than 1 year after the date of enactment of this Act, the Secretary, in coordination with the Secretary of Defense, shall fully implement the recommendations contained in the report submitted under section 32308 of MAP–21 (49 U.S.C. 31301 note).

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HAHN OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle D of title I of division A, add the following:

SEC. ____ . STUDY ON BURYING POWER LINES.

Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct a study and report the findings of such study to the appropriate committees of Congress regarding the feasibility, costs, and economic impact of burying power lines underground. Such study shall include the potential costs and benefits of burying power lines underground when building new roads.

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HECK OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle D of title I of division A, add the following new section:

SEC. 1431. STORMWATER REDUCTION ASSISTANCE PROGRAM.

Chapter 3 of title 23, United States Code, is amended by adding at the end the following:

“§ 330. Stormwater reduction assistance program

“(a) **DEFINITIONS.**—In this section, the term ‘green stormwater infrastructure’ refers to stormwater management techniques that

address the quality or quantity of stormwater related to highway construction or due to highway runoff.

“(b) FEDERAL HIGHWAY RUNOFF MANAGEMENT PROGRAM.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary, in consultation with the heads of other relevant Federal agencies, shall develop and publish best practices and guidance for the installation, use and maintenance of green stormwater infrastructure, including the adoption of permeable, pervious, or porous paving materials or other practices and systems that are designed to minimize environmental impacts of stormwater runoff and flooding.

“(2) CONTENTS.—The guidance shall include best practices, guidelines, and technical assistance for the installation and use of green stormwater technologies, including—

“(A) identification of existing and emerging green stormwater infrastructure technologies;

“(B) cost-benefit information relating to green stormwater infrastructure approaches;

“(C) performance analyses of green stormwater infrastructure technologies in typical use scenarios; and

“(D) guidance and best practices on the design, implementation, use, and maintenance of green stormwater infrastructure features.

“(3) UPDATES.—Not later than 5 years after the date of publication of the guidance under this paragraph, and not less frequently than once every 5 years thereafter, the Secretary, in consultation with the heads of other relevant Federal agencies, shall update the guidance, as applicable.”.

12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KING OF IOWA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle D of title I of division A, add the following:

SEC. ____ . PREVAILING RATE OF WAGE REQUIREMENTS.

None of the funds made available by this Act, including the amendments made by this Act, may be used to implement, administer, or enforce the prevailing rate of wage requirements in subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act).

13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LARSEN OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end of title II the following:

SEC. ____ . STREAMLINED APPLICATION PROCESS.

Section 603 of title 23, United States Code, is amended 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 Surface Transportation Reauthorization and Reform Act of 2015, the Secretary shall make available an expedited application process or processes available at the request of entities seeking secured loans under this chapter 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 shall include terms commonly included in prior credit agreements that are desirable to borrowers 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 commence not later than 2 years after disbursement.”.

14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CULBERSON OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 249, after line 14, insert the following:

(2) in subsection (c)(1)—

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

(B) in subparagraph (B)(iii) by striking the period and inserting “; and” ; and

(D) by adding at the end of subparagraph (B) the following:

“(iv) the applicant shall have a current operating ratio, as such ratio is set forth by the Federal Transit Administration using the ratio of current assets to current liabilities, of 1:1.”.

15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COMSTOCK OF VIRGINIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 281, line 22, insert “and public transportation that is provided on high-occupancy toll lanes converted from high-occupancy vehicle lanes during peak hours” after “hours”.

16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MENG OF NEW YORK OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title I (page 233, after line 8), insert the following:

SEC. 1431. 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).

17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RUSSELL OF OKLAHOMA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title III of division A, insert the following:

SEC. ____ . STREETCAR FUNDING PROHIBITION.

Notwithstanding any other provision of law, Federal financial assistance may not be provided for any project or activity to establish, maintain, operate, or otherwise support a streetcar service. This section does not apply to a contract entered into before the date of enactment of this Act.

18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE EDWARDS OF MARYLAND OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title III of division A, add the following:

SEC. ____ . APPOINTMENT OF DIRECTORS OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY.

(a) DEFINITIONS.—In this section—

(1) the term “Compact” means the Washington Metropolitan Area Transit Authority Compact (Public Law 89–774; 80 Stat. 1324);

(2) 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); and

(3) 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).

19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FRANKEL OF FLORIDA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Beginning on page 424, strike line 17 and all that follows through page 426, line 24.

Page 428, line 20, strike “and” at the end.

Page 428, line 23, strike the period and insert “; and”.

Page 428, after line 23, insert the following:

(4) is not a high-risk carrier, as identified by the Federal Motor Carrier Safety Administration.

Beginning on page 449, strike line 5 and all that follows through page 451, line 22.

20. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DUNCAN JR. OF TENNESSEE OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 428, line 23, before the period, insert “or be unrated”.

Page 428, after line 23, insert the following:

(4) has not been issued an out-of-service order to prohibit a motor carrier from conducting operations at the motor carrier level—

(A) for failing to pay fines under part 385.14 of title 49, Code of Federal Regulations;

(B) for a proposed “unsatisfactory” safety rating under part 385.13(d) of title 49, Code of Federal Regulations;

(C) for failing to respond to a new entrant audit under part 385.325 of title 49, Code of Federal Regulations; and

(D) and currently is being considered as an imminent hazard at the carrier level (not the individual driver or equipment level).

21. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LEWIS OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 441, beginning line 3, strike section 5404 and insert the following new section:

SEC. 5404. STUDY ON COMMERCIAL DRIVER'S LICENSE PROGRAM.

(a) STUDY.—The Secretary shall conduct a study to evaluate the safety effects of the laws and regulations of States that allow licensed drivers between the ages of 18 years and 21 years to obtain a commercial driver's license to operate a commercial motor vehicle within the State.

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

(1) A review of the requirements for licensed drivers between the ages of 18 years and 21 years to obtain commercial driver's licenses described in such subsection.

(2) A review of collision rates and fatal collision rates for such drivers while operating a commercial motor vehicle.

(3) A review of any other safety factors and metrics determined appropriate by the Secretary in accordance with subsection (c).

(c) INPUT.—In conducting the study under subsection (a), including with respect to the safety factors and metrics reviewed under subsection (b)(3), the Secretary shall solicit input from representatives of State motor vehicle administrators, motor carriers, labor organizations, independent truck drivers, safety advocates, medical associations and medical professionals, and other persons determined appropriate by the Secretary.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall publish a report containing the results of the study under subsection (a), including any recommendations for statutory changes.

22. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JOHNSON OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 449, beginning line 5, strike section 5501 relating minimum financial responsibility rulemaking.

23. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RIBBLE OF WISCONSIN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title V of division A, add the following:

SEC. ____ . 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.”.

24. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHWEIKERT OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VI of division A, add the following new section:

SEC. 6027. PILOT PROGRAM FOR REDUCTION OF DEPARTMENT-OWNED VEHICLES AND INCREASE IN USE OF RIDE-SHARING SERVICES.

(a) PILOT PROGRAM REQUIREMENT.—The Secretary of each covered department shall establish a pilot program within the department for the following purposes:

(1) To reduce the inventory of light vehicles owned by the department by 10 percent for each of the fiscal years described in subsection (b), through the sale or other appropriate disposal of such vehicles.

(2) At the discretion of the Secretary of the department, to increase the use by the department of commercial ride-sharing companies.

(b) FISCAL YEARS DESCRIBED.—The fiscal years described in this subsection are the following:

(1) The first fiscal year beginning after the expiration of the 1-year period starting on the date of the enactment of this Act.

(2) Each of the four fiscal years following the fiscal year described in paragraph (1).

(c) REPORT TO CONGRESS.—Not later than 60 days after the end of the fiscal year described in subsection (b)(1), and annually thereafter for the duration of the pilot program, the Secretary of each covered department shall submit to Congress a report on the results of the pilot program in the department. The report shall include information about the transportation budget of the department and such findings and recommendations as the Secretary of the department considers appropriate.

(d) COVERED DEPARTMENT.—In this Act, the term “covered department” means each of the following:

(1) The Department of Agriculture.

(2) The Department of the Interior.

(3) The Department of Energy.

25. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHWEIKERT OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VI of division A, add the following new section:

SEC. 6027. 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.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the feasibility of—

(1) reducing the amount of vehicles owned by a covered department; and

(2) increasing the use of commercial ride-sharing companies by a covered department.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that contains the results and conclusions of the study conducted under subsection (a).

(c) COVERED DEPARTMENT DEFINED.—In this section, the term “covered department” means each of the following:

(1) The Department of Agriculture.

(2) The Department of the Interior.

(3) The Department of Energy.

26. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE REICHERT OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 580, in the matter following line 20, add to the analysis for chapter 702 of title 49, United States Code, after the item relating to section 70203, the following:

“70204. GAO study on economic impact of labor contract negotiations at ports on west coast.

Page 584, line 20, strike the closing quotation marks and the period at the end.

Page 584, after line 20, insert the following:

“§ 70204. GAO study on economic impact of labor contract negotiations at ports on west coast

“(a) STUDY.—With respect to the slowdown that occurred during labor contract negotiations at ports on the west coast of the United States during the period from May 2014 to February 2015, the Comptroller General of the United States shall conduct a study to—

“(1) determine the economic impact of such slowdown on the United States and on each port in the United States, including changes in the amount of cargo arriving at and leaving from ports on the west coast and other changes in cargo patterns, including congestion;

“(2) calculate the cost, including the cost to importers, exporters, farmers, manufacturers, and retailers, of contingency plans put in place to avoid disruptions from such slowdown;

“(3) review steps taken by the Federal Mediation and Conciliation Service to resolve the dispute that caused such slowdown;

“(4) identify tools such Service or the President could have used to facilitate a resolution to such dispute;

“(5) evaluate what other mechanisms are available to the President to avoid disruptions during future labor negotiations at ports in the United States;

“(6) suggest how such mechanisms could be changed to improve the ability to avoid such disruptions in order to prevent serious economic harm to importers, exporters, farmers, manufacturers, and retailers; and

“(7) suggest any legislation that might ensure better regulation of the operations of ports in the United States with respect to such labor negotiations.

“(b) REPORT.—Not later than 1 year after the date of the enactment of this section, the Comptroller General of the United States shall submit a report to Congress containing the findings of the study conducted under subsection (a).”.

27. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE NEWHOUSE OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VIII of Division A of the bill, add the following:

SEC. ____ . FINDINGS ON PORT PERFORMANCE.

Congress finds the following:

(1) America’s ports play a critical role in the Nation’s transportation supply chain network.

(2) Reliable and efficient movement of goods through the Nation’s ports ensures that American goods are available to customers throughout the world.

(3) Breakdowns in the transportation supply chain network, particularly at the Nation's ports, can result in tremendous economic losses for agriculture, businesses, and retailers that rely on timely shipments.

(4) A clear understanding of terminal and port productivity and throughput should help—

- (A) to identify freight bottlenecks;
- (B) to indicate performance and trends over time; and
- (C) to inform investment decisions.

SEC. ____ . 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 monthly port performance measures for each of the United States ports referred to in subsection (a) that receives Federal assistance or is subject to Federal regulation to submit a quarterly report to the Bureau of Transportation Statistics that includes monthly statistics on capacity and throughput as applicable to the specific configuration of the port.

“(A) **MONTHLY MEASURES.**—The Director shall collect monthly measures, including—

- “(i) the average number of lifts per hour of containers by crane;
- “(ii) the average vessel turn time by vessel type;
- “(iii) the average cargo or container dwell time;
- “(iv) the average truck time at ports;
- “(v) the average rail time at ports; and
- “(vi) any additional metrics, as determined by the Director after receiving recommendations from the working group established under subsection (c).

“(B) **MODIFICATIONS.**—The Director may consider a modification to a metric under subparagraph (A) if the modification meets the intent of the section.

“(c) **RECOMMENDATIONS.**—

“(1) **IN GENERAL.**—The Director shall obtain recommendations for—

- “(A) specifications and data measurements for the port performance measures listed in subsection (b)(2);
- “(B) additionally needed data elements for measuring port performance; and
- “(C) a process for the Department of Transportation to collect timely and consistent data, including identifying

safeguards to protect proprietary information described in subsection (b)(2).

“(2) WORKING GROUP.—Not later than 60 days after the date of the enactment of this section, the Director shall commission a working group composed of—

“(A) operating administrations of the Department of Transportation;

“(B) the Coast Guard;

“(C) the Federal Maritime Commission;

“(D) U.S. Customs and Border Protection;

“(E) the Marine Transportation System National Advisory Council;

“(F) the Army Corps of Engineers;

“(G) the Saint Lawrence Seaway Development Corporation;

“(H) the Advisory Committee on Supply Chain Competitiveness;

“(I) 1 representative from the rail industry;

“(J) 1 representative from the trucking industry;

“(K) 1 representative from the maritime shipping industry;

“(L) 1 representative from a labor organization for each industry described in subparagraphs (I) through (K);

“(M) 1 representative from a port authority;

“(N) 1 representative from a terminal operator;

“(O) representatives of the National Freight Advisory Committee of the Department; and

“(P) representatives of the Transportation Research Board of the National Academies.

“(3) RECOMMENDATIONS.—Not later than 1 year after the date of the enactment of this section, the working group commissioned under this subsection shall submit its recommendations to the Director.

“(d) ACCESS TO DATA.—The Director shall ensure that the statistics compiled under this section are readily accessible to the public, consistent with applicable security constraints and confidentiality interests.”

(b) PROHIBITION ON CERTAIN DISCLOSURES.—Section 6307(b)(1) of title 49, United States Code, is amended by inserting “or section 6314(b)” after “section 6302(b)(3)(B)” each place it appears.

(c) COPIES OF REPORTS.—Section 6307(b)(2)(A) of such title is amended by inserting “or section 6314(b)” after “section 6302(b)(3)(B)”.

(d) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents for chapter 63 of such title is amended by adding at the end the following:

“6314. Port performance freight statistics program.”

28. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LIPINSKI OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 601, before line 3, add the following new subsection:

(c) SENSE OF CONGRESS REGARDING RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM.—It is the sense of Congress that, under the railroad rehabilitation and improvement fi-

nancing program, the Federal Railroad Administration and Department of Transportation are authorized to issue loans and loan guarantees for transit oriented development and projects that finance economic development, including commercial and residential development, and related infrastructure activities that incorporate private investment and are physically or functionally related to a passenger rail station or a multimodal station that includes rail service.

29. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DESANTIS OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle D of title I of division A, add the following new section:

SEC. 1431. SENSE OF CONGRESS ON INSOLVENCY OF THE HIGHWAY TRUST FUND AND RETURNING POWER TO STATES.

- (a) FINDINGS.—Congress finds the following:
- (1) The Highway Trust Fund is nearing insolvency.
 - (2) It is critical for Congress to phase down the Federal gas and diesel taxes and empower the States to tax and regulate their highway and infrastructure projects.
 - (3) The Federal role and funding of surface transportation should be refocused solely on Federal activities and empower States with control and responsibility over their transportation funding and spending decisions.
 - (4) The objective of the Federal highway program has been to facilitate the construction of a modern freeway system that promotes efficient interstate commerce by connecting all States.
 - (5) The Interstate System connecting all States is near completion.
 - (6) Each State has the responsibility of providing an efficient transportation network for the residents of the State.
 - (7) Each State has means to build and operate a network of transportation systems, including highways, that best serves the needs of the State.
 - (8) Each State is best capable of determining the needs of the State and acting on those needs.
 - (9) The Federal role in highway transportation has, over time, usurped the role of the States by taxing motor fuels used in the States and then distributing the proceeds to the States based on the perceptions of the Federal Government on what is best for the States.
 - (10) The Federal Government has used the Federal motor fuel tax revenues to force all States to take actions that are not necessarily appropriate for individual States.
 - (11) The Federal distribution, review, and enforcement process wastes billions of dollars on unproductive activities.
 - (12) The Federal mandates that apply uniformly to all 50 States, regardless of the different circumstances of the States, cause the States to waste billions of hard-earned tax dollars of projects, programs, and activities that the States would not otherwise undertake.

(13) Congress has expressed a strong interest in reducing the role of the Federal Government by allowing each State to manage its own affairs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary should provide a new policy blueprint to govern the Federal role in transportation once existing and prior financial obligations are met;

(2) this policy should return to the individual States maximum discretionary authority and fiscal responsibility for all elements of the national surface transportation systems that are not within the direct purview of the Federal Government;

(3) this policy will preserve the Federal responsibility for the Dwight D. Eisenhower National System of Interstate and Defense Highways and will preserve responsibility of the Department of Transportation for design construction and preservation of transportation facilities on Federal public land, preserving responsibility of the Department of Transportation for national programs of transportation research and development and transportation safety; and

(4) this policy will preserve responsibility of the Department of Transportation to eliminate, to the maximum extent practicable, Federal obstacles to the ability of each State to apply innovative solutions to the financing, design, construction, operation, and preservation of Federal and State transportation facilities with respect to transportation activities carried out by States, local governments, and the private sector.

30. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MOORE OF WISCONSIN OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 17, after line 14, insert the following:

(8) SENSE OF CONGRESS ON PROMPT PAYMENT OF DBE SUB-CONTRACTORS.—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.

31. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GRAVES OF LOUISIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 65, strike lines 16 and 17, and insert the following:

“(5) enhance the resiliency of critical highway infrastructure, including highway infrastructure that supports national energy security.

32. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POLIS OF COLORADO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 198, line 3, strike the closing quotation marks and the final period and insert the following:

“(86) Interstate Route 70 from Denver, Colorado, to Salt Lake City, Utah.”.

33. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BONAMICI OF OREGON OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 198, line 3, strike the closing quotation marks and final period.

Page 198, after line 3, insert the following:

“(86) The Oregon 99W Newberg-Dundee Bypass Route between Newberg, Oregon, and Dayton, Oregon.”.

34. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHRAEDER OF OREGON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 198, line 3, striking the closing quotation mark and the second period.

Page 198, insert after line 3 the following:

“(86) Interstate Route 205 in Oregon from its intersection with Interstate Route 5 to the Columbia River.”.

35. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DUFFY OF WISCONSIN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 229, line 23, strike the closing quotation marks and final period.

Page 229, after line 23, insert the following:

“(n) CERTAIN LOGGING VEHICLES IN 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 Wisconsin from mile marker 175.8 to mile marker 189.”.

36. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CRAWFORD OF ARKANSAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end of the title I of the bill the following:

SEC. ____ . 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 section 127(a) of title 23, United States Code, and the width limitation under section 31113(a) of title 49, United States Code, shall not apply to that segment with respect to the operation of any vehicle that may have legally operated on that segment before the date of the designation.

37. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FITZPATRICK OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle D of title I of Division A, insert the following:

SEC. ____ . 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 to eliminate hazards posed by blocked grade crossings due to idling trains”.

38. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LIPINSKI OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle D of title I of division A, add the following:

SEC. ____ . 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.

39. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE NOLAN OF MINNESOTA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title I of division A, add the following:

SEC. ____ . WAIVER.

(a) **IN GENERAL.**—The Secretary shall waive, for a covered logging vehicle, the application of any vehicle weight limit established under section 127 of title 23, United States Code.

(b) **COVERED LOGGING VEHICLE DEFINED.**—In this section, the term “covered logging vehicle” means a vehicle that—

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

(2) has a gross vehicle weight of not more than 99,000 pounds;

(3) has not less than 6 axles; and

(4) is operating on a segment of Interstate Route 35 in Minnesota from mile marker 235.4 to mile marker 259.552.

40. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COHEN OF TENNESSEE OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 241, line 10, strike “and”.

Page 241, after line 10, insert the following:

(2) by amending paragraph (3)(I) to read as follows:

“(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 one 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 American Job Centers to in-

crease access to employment opportunities for people with disabilities.”.

41. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE VEASEY OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 248, beginning on line 6, strike “or general public demand response service” and insert “or demand response service, excluding ADA complementary paratransit service,”.

42. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LIPINSKI OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 252, strike lines 14 through 19 and insert the following: “exceed 80 percent of the net capital project cost. A full funding grant agreement for a new fixed guideway project shall not include a share of more than 50 percent from the funds made available under this section. Funds made available under section 133 of title 23, United States Code, may not be used for a grant agreement under subsection (d). A grant for a core capacity project shall not exceed 80 percent of the net capital project cost of the incremental cost to increase the capacity in the corridor. A grant for a small start project shall not exceed 80 percent of the net capital project costs.”; and

43. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ADAMS OF NORTH CAROLINA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 263, line 18, strike “minority, and female” and insert the following: “female, individual with a disability, minority (including American Indian or Alaska Native, Asian, Black or African American, native Hawaiian or other Pacific Islander, and Hispanic)”.

44. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FOXX OF NORTH CAROLINA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 268, line 14, strike “and”.

Page 268, line 17, strike the period and insert a semicolon and after such line insert the following:

“(iv) the percentage of program participants who are in unsubsidized employment during the second quarter after exit from any such program;

“(v) the percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from any such program;

“(vi) the median earnings of program participants who are in unsubsidized employment during the second quarter after exit from any such program;

“(vii) the percentage of program participants who obtain a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent, during participation in or within 1 year after exit from any such program; and

“(viii) the percentage of program participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable skill gains toward such a credential or employment.”.

Page 267, line 25, strike “and”.

Page 268, line 4, strike the period and insert a semicolon and after such line insert the following:

“(x) 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).”.

45. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LAWRENCE OF MICHIGAN OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 314, after line 15, insert the following new subsection:

(d) 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 Commerce, Science, and Transportation of the Senate.

46. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MOORE OF WISCONSIN OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title III of division A, add the following:

SEC. ____ . 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.

47. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DAVIS OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 466, after line 21, insert the following:

(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.”.

Page 466, line 22, insert “(d) STINGER-STEERED AUTOMOBILE TRANSPORTERS.—” before “Section”.

48. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MOORE OF WISCONSIN OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 322, strike line 8 and insert the following:

“(vii) support for school-based driver’s education classes to improve teen knowledge about—

“(I) safe driving practices; and

“(II) State’s graduated driving license requirements, including behind-the-wheel training required to meet those requirements; and”.

49. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CRAWFORD OF ARKANSAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle E of title V of Division A of the bill, add the following:

SEC. ____ . 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:

“(5) 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.

“(6) TOWAWAY TRAILER TRANSPORTER COMBINATION.—The term ‘towaway trailer transporter combination’ means a combination of vehicles consisting of a trailer transporter towing unit and two 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—

(1) in subparagraph (E) by striking “or” at the end;

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

(3) by adding at the end the following:

“(G) 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,”.

50. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MENG OF NEW YORK OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle E of title V, insert the following new section:

SEC. 5515. 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.

51. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MENG OF NEW YORK OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 524, line 12, after “challenges” insert “, including consumer privacy protections”.

52. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE NAPOLITANO OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 541, line 15, add at the end the following: “In developing such regulations, the Secretary shall consult with States to determine whether there are safety hazards or concerns specific to a State that should be taken into account in developing the requirements for a comprehensive oil spill response plan.”

53. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MOULTON OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 571, line 3, redesignate section 7015 as section 7016.

Page 571, after line 2, insert after section 7014 the following new section:

SEC. 7015. STUDY ON THE EFFICACY AND IMPLEMENTATION OF THE EUROPEAN TRAIN CONTROL SYSTEM.

(a) IN GENERAL.—The Comptroller General of the United States shall, in consultation with other heads of Federal agencies as appropriate, conduct a study on the European Train Control System.

(b) ISSUES.—In conducting the study described in subsection (a), the Comptroller General shall examine, at a minimum, the following issues:

(1) The process by which the European Train Control System came to replace the more than 20 separate national train control systems throughout the European continent.

(2) The costs associated with implementing the European Train Control System across all affected railroads in Europe.

(3) The impact of the European Train Control System on operating capacity and rail passenger safety.

(4) The efficacy of the European Train Control System and the feasibility of implementing such a system throughout the national rail network of the United States.

(5) A comparison of the costs associated with adopting European Train Control System technology with the costs associated with developing and implementing Positive Train Control in the United States.

(c) REPORT.—Not later than 180 days after the date of the 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 Commerce, Science, and Transportation of the Senate a report on the results of the study described in subsection (a).

54. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE NEUGEBAUER OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VII, add the following:

SEC. ____ . 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.

55. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CUMMINGS OF MARYLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 573, after line 11, add the following:

SEC. ____ . TRACK SAFETY: VERTICAL TRACK DEFLECTION.

(a) **REPORT.**—Not later than March 31, 2016, the Secretary shall transmit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate 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 railroad car, including the ability of such a system to identify poor track support from fouled ballast, deteriorated cross ties, or other conditions.

(b) **INCLUSIONS.**—This report 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 within 3 years after the date of enactment of this Act.

56. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WALZ OF MINNESOTA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VII, add the following:

SEC. _____ . HAZARDOUS MATERIALS BY RAIL LIABILITY STUDY.

(a) **IN GENERAL.**—Not later than 30 days after the date of enactment of this Act, the Secretary shall initiate a study on the levels and structure of insurance for a railroad carrier transporting hazardous materials.

(b) **CONTENTS.**—In conducting the study under subsection (a), the Secretary shall evaluate—

(1) the level and structure of insurance, including self-insurance, available in the private market against the full liability potential for damages arising from an accident or incident involving a train transporting hazardous materials; and

(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.

(c) **REPORT.**—Not later than 1 year after the date the study under subsection (a) is initiated, the Secretary shall submit a report containing the results of the study and recommendations for addressing liability issues with rail transportation of hazardous materials to—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

(d) **DEFINITIONS.**—In this section:

(1) **HAZARDOUS MATERIAL.**—The term “hazardous material” means a substance or material the Secretary designates under section 5103(a) of title 49, United States Code.

(2) **RAILROAD CARRIER.**—The term “railroad carrier” has the meaning given the term in section 20102 of title 49, United States Code.

57. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HERRERA BEUTLER OF WASHINGTON OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 289, strike lines 11 through 14 and insert the following:

- “(i) \$352,950,000 for fiscal year 2016;
- “(ii) \$462,950,000 for fiscal year 2017;
- “(iii) \$468,288,000 for fiscal year 2018;
- “(iv) \$473,653,500 for fiscal year 2019;
- “(v) \$479,231,500 for fiscal year 2020; and
- “(vi) \$484,816,000 for fiscal year 2021.”.

Beginning on page 289, strike line 21 and all that follows through page 290, line 8, and insert the following:

- “(i) \$262,950,000 for fiscal year 2016;
- “(ii) \$262,950,000 for fiscal year 2017;
- “(iii) \$268,288,000 for fiscal year 2018;
- “(iv) \$273,653,500 for fiscal year 2019;
- “(v) \$279,231,500 for fiscal year 2020; and
- “(vi) \$284,816,000 for fiscal year 2021.”.

At the end of title III of division A, add the following:

SEC. ____ . INCREASE SUPPORT FOR GROWING STATES.

Section 5340 of title 49, United States Code, is amended—

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

“(b) APPORTIONMENT.—Of the amounts made available for each fiscal year under section 5338(b)(2)(M), the Secretary shall apportion 100 percent to States and urbanized areas in accordance with subsection (c).”; and

(2) by striking subsection (d).

58. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CHABOT OF OHIO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle D of title I of division A, add the following new section:

SECTION 1431. INCREASING CERTAIN PENALTIES RELATING TO COMMERCIAL MOTOR VEHICLE SAFETY.

(a) CIVIL PENALTY.—Section 521(b)(2)(A) of title 49, United States Code, is amended by striking “\$2,500” and inserting “\$5,000”.

(b) CRIMINAL PENALTY.—Section 521(b)(6)(A) of title 49, United States Code, is amended by striking “\$2,500” and inserting “\$5,000”.

(c) DISQUALIFICATIONS.—

(1) FIRST VIOLATION OR COMMITTING FELONY.—Section 31310(b)(1) of title 49, United States Code, is amended—

(A) in subparagraph (D), by striking “; or” and inserting a semicolon;

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

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

“(F) determined by the Secretary to have operated a commercial motor vehicle that the individual knew or reasonably should have known had a defect that resulted in a fatality.”.

(2) SECOND AND MULTIPLE VIOLATIONS.—Section 31310(c)(1) of title 49, United States Code, is amended—

(A) in subparagraph (E), by striking “; or” and inserting a semicolon;

(B) by redesignating subparagraph (F) as subparagraph (G);

(C) in subparagraph (G) (as so redesignated)—

(i) by striking “(E)” and inserting “(F)”; and

(ii) by inserting “, operations,” after “violations”; and

(D) by inserting after subparagraph (E) the following new subparagraph:

“(F) determined by the Secretary to have more than once operated a commercial motor vehicle that the individual knew or reasonably should have known had a defect that resulted in a fatality; or”.

PART B—TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PERRY OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 1022, strike lines 5 through 7 and insert the following:

(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—

(1) by striking “20 percent of such authority for each fiscal year” and inserting “25 percent of such authority for fiscal year 2016, 30 percent of such authority for fiscal year 2017, 35 percent of such authority for fiscal year 2018, and 40 percent of such authority for each fiscal year thereafter”; and

(2) by adding at the end the following: “If the Bank fails to comply with the 2nd preceding sentence with respect to a fiscal year, the Bank may not approve the provision of a guarantee, insurance, or credit, or any combination thereof benefitting a single person, in an amount exceeding \$100,000,000 until the beginning of the 2nd succeeding fiscal year.”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MULVANEY OF SOUTH CAROLINA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 1032, after line 4, insert the following:

SEC. _____ . RESTRICT BANK LENDING TO SERVING AS COUNTERVAILING LENDER.

(a) BAN ON PROVIDING CREDIT ASSISTANCE FOR TRANSACTION THAT DOES NOT MEET FOREIGN COMPETITION.—Section 2(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)) is amended by adding at the end the following:

“(14) PROHIBITION ON ASSISTANCE FOR TRANSACTION THAT DOES NOT MEET FOREIGN COMPETITION.—The Bank shall not guarantee, insure, or extend (or participate in the extension of) credit involving any transaction, with respect to which credit assistance from the Bank is first sought after the effective date of this paragraph, that does not meet competition from a foreign, officially sponsored, export credit agency.”.

(b) ANNUAL CERTIFICATION THAT EACH PROVISION BY THE BANK OF CREDIT ASSISTANCE IS MADE TO MEET FOREIGN COMPETITION.—Section 8(h) of such Act (12 U.S.C. 535g(h)) is amended to read as follows:

“(h) CERTIFICATION THAT EACH PROVISION OF CREDIT ASSISTANCE IS MADE TO MEET FOREIGN COMPETITION.—The Bank shall include in its annual report to the Congress under subsection (a) a certification that—

“(1) each provision by the Bank of a loan, guarantee, or insurance, with respect to which credit assistance from the Bank was first sought after the effective date of this subsection, in

the period covered by the report was made to meet competition from a foreign, officially sponsored, export credit agency; and
“(2) no such provision was made to fill market gaps that the private sector is not willing or able to meet.”.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MULVANEY OF SOUTH CAROLINA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 1032, after line 4, insert the following:

SEC. 95004. CERTIFICATION THAT BANK ASSISTANCE DOES NOT COMPETE WITH THE PRIVATE SECTOR.

Section 2 of the Export-Import Bank Act of 1945 (12 U.S.C. 635), as amended by section 95001 of this Act, is amended by adding at the end the following:

“(1) RECIPIENTS OF BANK ASSISTANCE FOR A TRANSACTION OF MORE THAN \$10,000,000 REQUIRED TO CERTIFY INABILITY TO OBTAIN CREDIT ELSEWHERE.—The Bank shall not guarantee, insure, or extend credit, or participate in an extension of credit, in connection with a transaction, with respect to which credit assistance from the Bank is first sought after the effective date of this paragraph, of more than \$10,000,000, to a person, unless the person has—

“(1) certified to the Bank that the person has sought, and has been unable to obtain, private sector financing for the transaction without any Federal Government support; and

“(2) provided the Bank with documentation that at least 2 private financial institutions have declined to provide financing for the transaction.”.

SEC. 95005. FALSE CLAIMS ACT PROVISIONS.

(a) APPLICABILITY OF FALSE CLAIMS PROVISIONS TO EXPORT-IMPORT BANK TRANSACTIONS.—Section 3729(a) of title 31, United States Code, is amended—

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

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

“(3) ADDITIONAL VIOLATIONS.—Any person who—

“(A) receives a loan or guarantee from the Export Import Bank of the United States for the purposes of supporting a project or venture, without conducting reasonable diligence to determine whether private sector financing would have been available to support the project or venture, whether or not the terms of the private sector financing would have been substantially different from the terms of the financing provided by the Export Import Bank of the United States; or

“(B) receives a loan or guarantee from the Export Import Bank of the United States for the purposes of supporting a project or venture, knowing that private sector financing would have been available to support the project or venture, whether or not the terms of the private sector financing would have been substantially different from financing provided by the Export Import Bank of the United States,

is liable to the United States Government for the face value or the appraised value of the loan or guarantee, whichever amount is greater.”; and

(3) in paragraph (2)(A), by striking “the violation of this subsection” and inserting “a violation under paragraph (1)”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to acts described in paragraph (3) of section 3729(a) of title 31, United States Code, as added by subsection (a)(2) of this section, that are committed on or after the date of the enactment of this Act.

SEC. 95006. STATUTORY REQUIREMENT FOR EXPORT-IMPORT BANK CONTRACTS.

Section 2 of the Export-Import Bank Act of 1945 (12 U.S.C. 635), as amended by sections 95001 and 95004 of this Act, is amended by adding at the end the following:

“(m) EFFECTS OF FINDING BY INSPECTOR GENERAL THAT CONTRACT RECIPIENT MADE INACCURATE REPRESENTATION ABOUT AVAILABILITY OF COMPETING FOREIGN FINANCING OR PRIVATE SECTOR FINANCING.—

“(1) RESCISSION OF CONTRACT.—The Bank may not enter into a contract under which the Bank provides a loan or guarantee, unless the contract provides that, if the Inspector General of the Bank determines that a representation made by the recipient of the loan or guarantee about the availability of competing foreign export financing or private sector financing was inaccurate at the time the representation was made—

“(A) the contract shall be considered rescinded; and

“(B) the recipient shall immediately repay to the Bank an amount equal to—

“(i) in the case of a loan, the amount of the loan; or

“(ii) in the case of a guarantee, an amount equal to the appraised value of the guarantee.

“(2) INELIGIBILITY FOR FUTURE FINANCIAL SUPPORT.—A person whose contract is rescinded under paragraph (1) shall not be eligible for any financial support from the Bank.”.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MULVANEY OF SOUTH CAROLINA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 1032, after line 4, insert the following:

SEC. ____ . PROHIBITION ON SUPPORT TO CERTAIN ENTERPRISES IN COUNTRIES WITH SOVEREIGN WEALTH FUNDS OVER \$100,000,000,000.

Section 2(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635) is amended by adding at the end the following:

“(14) PROHIBITION ON SUPPORT TO CERTAIN ENTERPRISES IN COUNTRIES WITH SOVEREIGN WEALTH FUNDS OVER \$100,000,000,000.—

“(A) IN GENERAL.—The Bank shall not guarantee or extend (or participate in an extension of) credit in connection with a transaction, with respect to which credit assistance from the Bank is first sought after the effective date of this paragraph, with a foreign company (or joint venture including a foreign company) that benefits from support from a foreign govern-

ment if the foreign government has 1 or more sovereign wealth funds with an aggregate value of at least \$100,000,000,000.

“(B) SOVEREIGN WEALTH FUND DEFINED.—In clause (i), the term ‘sovereign wealth fund’ means, with respect to a government, an investment fund owned by the government, excluding foreign currency reserve assets, any asset held by a central bank for the execution of monetary policy, and any government-managed pension fund.”.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MULVANEY OF SOUTH CAROLINA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 1032, after line 4, insert the following:

SEC. ____ . SATISFACTION OF OBLIGATIONS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES.

(a) ELIMINATION OF AUTHORITY TO ISSUE OBLIGATIONS TO THE SECRETARY OF THE TREASURY.—Section 5 of the Export-Import Bank Act of 1945 (12 U.S.C. 635d) is repealed.

(b) REQUIREMENT THAT THE EXPORT-IMPORT BANK OF THE UNITED STATES COVER ALL ITS LOSSES.—

(1) IN GENERAL.—Section 2 of Public Law 90-390 (12 U.S.C. 635k) is amended—

(A) by striking “the first \$100,000,000 of such losses shall be borne by the Bank; the second \$100,000,000 of such losses shall be borne by the Secretary of the Treasury; and any losses in excess thereof” and inserting “all losses”; and

(B) by striking the 2nd and 3rd sentences.

(2) CONFORMING REPEAL.—Section 3 of Public Law 90-390 (12 U.S.C. 635l) is repealed.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MULVANEY OF SOUTH CAROLINA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 1032, after line 4, insert the following:

SEC. ____ . STRENGTHENING PORTFOLIO DIVERSIFICATION AND RISK MANAGEMENT.

(a) LIMITATIONS ON SECTORAL CREDIT EXPOSURE OF THE BANK.—Section 2 of the Export-Import Bank Act of 1945 (12 U.S.C. 635), as amended by section 95001 of this Act, is amended by adding at the end the following:

“(1) LIMITATIONS ON SECTORAL CREDIT EXPOSURE OF THE BANK.—

“(1) IN GENERAL.—The Bank shall not guarantee, insure, or extend (participate in the extension of) credit in connection with a transaction in a single industrial sector if the provision of the guarantee, insurance, or credit would result in the total credit exposure of the Bank in the sector being more than 20 percent of the total credit exposure of the Bank.

“(2) EFFECT OF EXCESSIVE SECTORAL CREDIT EXPOSURE.—If, as of the end of a fiscal year, the credit exposure of the Bank in a single industrial sector exceeds the limit specified in paragraph (1), the Bank may not guarantee, insure, or extend (par-

ticipate in the extension of) credit in connection with a transaction in the sector until the President of the Bank reports to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that, as of the end of the calendar month preceding the month in which the report is made, the credit exposure of the Bank in the sector does not exceed the limit.”.

(b) LIMITATIONS ON BANK ASSISTANCE BENEFITTING A SINGLE PERSON.—Section 2 of the Export-Import Bank Act of 1945 (12 U.S.C. 635), as amended by section 95001 of this Act and subsection (a) of this section, is amended by adding at the end the following:

“(m) LIMITATIONS ON BANK ASSISTANCE BENEFITTING A SINGLE PERSON.—

“(1) IN GENERAL.—The Bank shall not guarantee, insure, or extend (participate in the extension of) credit in a fiscal year if the provision of the guarantee, insurance, or credit would result in a single person benefitting from more than 10 percent of the total dollar amount of credit assistance provided by the Bank in the fiscal year.

“(2) EFFECT OF EXCESSIVE BENEFIT FOR A SINGLE EXPORTER.—If, in a fiscal year, a person has benefitted from more than 10 percent of the total dollar amount of credit assistance provided by the Bank in the fiscal year, the Bank may not guarantee, insure, or extend (participate in the extension of) credit so as to benefit the person until the beginning of the 2nd succeeding fiscal year.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2016.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROTHFUS OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 1032, after line 4, insert the following:

SEC. ____ . GUARANTEE FROM UNITED STATES EXPORTER REQUIRED AS A CONDITION OF PROVIDING GUARANTEE OR EXTENDING CREDIT TO FOREIGN PERSON.

Section 2 of the Export-Import Bank Act of 1945 (12 U.S.C. 635), as amended by section 95001 of this Act, is amended by adding at the end the following:

“(1) GUARANTEE FROM UNITED STATES EXPORTER REQUIRED AS A CONDITION OF PROVIDING GUARANTEE OR EXTENDING CREDIT TO FOREIGN PERSON.—

“(1) IN GENERAL.—The Bank may not provide a guarantee or extend (or participate in the extension of credit) to a foreign person in a fiscal year in connection with the export of goods or services by a United States company, unless—

“(A) the United States company—

“(i) guarantees the repayment by the foreign person of the applicable percentage for the fiscal year of the amount of the guarantee or credit provided by the Bank; and

“(ii) pledges collateral in an amount sufficient to cover the applicable percentage for the fiscal year of

the amount guaranteed by the United States company;
and

“(B) the guarantee by the United States company is senior to any other obligation of the United States company.

“(2) APPLICABLE PERCENTAGE DEFINED.—In paragraph (1), the term ‘applicable percentage’ means—

“(A) in the case of fiscal year 2016, 10 percent;

“(B) in the case of fiscal year 2017, 20 percent;

“(C) in the case of fiscal year 2018, 30 percent;

“(D) in the case of fiscal year 2019, 40 percent;

“(E) in the case of fiscal year 2020, 50 percent;

“(F) in the case of fiscal year 2021, 60 percent;

“(G) in the case of fiscal year 2022, 70 percent;

“(H) in the case of fiscal year 2023, 80 percent;

“(I) in the case of fiscal year 2024, 90 percent; and

“(J) in the case of fiscal year 2025 and each succeeding fiscal year, 100 percent.

“(3) INAPPLICABILITY TO SMALL BUSINESS EXPORTERS.—Paragraph (1) shall not apply with respect to the provision of a guarantee or credit in connection with an export by a small business concern (as defined in section 3(a) of the Small Business Act).”.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROYCE OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 1032, after line 4, insert the following:

SEC. ____ . PROHIBITION ON AID TO STATE-SPONSORS OF TERRORISM.

Section 2(b)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)) is amended—

(1) in the paragraph heading, by inserting “OR STATE-SPONSORS OF TERRORISM” before the period;

(2) in subparagraph (A)—

(A) by striking “or” at the end of clause (i);

(B) by redesignating clause (ii) as clause (iii) and inserting after clause (i) the following:

“(ii) in connection with the purchase or lease of any product by a country that is designated as a state-sponsor of terrorism, or any agency or national thereof; or”; and

(C) in clause (iii) (as so redesignated), by inserting “or a state-sponsor of terrorism” before the period;

(3) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively, and inserting after subparagraph (B) the following:

“(C) STATE-SPONSOR OF TERRORISM DEFINED.—In this paragraph, the term ‘state-sponsor of terrorism’ means a country the government of which the Secretary of State has determined, for purposes of section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)), section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)), or any

other provision of law, to be a government that has repeatedly provided support for acts of international terrorism.”;

(4) in subparagraph (D) (as so redesignated)—

(A) in the subparagraph heading, by inserting “OR A STATE-SPONSOR OF TERRORISM” after “MARXIST-LENINIST”;

(B) by inserting “or that any country described in subparagraph (C) has ceased to be a state-sponsor of terrorism” after “(B)(i)”;

(C) by inserting “or a state-sponsor of terrorism, as the case may be,” before “for purposes”; and

(D) by inserting “or a state-sponsor of terrorism, as the case may be” before the period at the end; and

(5) in subparagraph (E) (as so redesignated)—

(A) in clause (i)—

(i) by striking “Subparagraph” and inserting “Clauses (i) and (iii) (but only to the extent applicable with respect to Marxist-Leninist countries) of subparagraph”; and

(ii) by striking “(ii)” and inserting “(iii) (but only to the extent applicable with respect to Marxist-Leninist countries)”;

(B) in clause (ii), by striking “(ii)” and inserting “(iii) (but only to the extent applicable with respect to Marxist-Leninist countries)”.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHWEIKERT OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 1032, after line 4, insert the following:

SEC. _____ . USE OF FAIR VALUE ACCOUNTING PRINCIPLES.

The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) is amended by adding at the end the following:

“SEC. 16. USE OF FAIR VALUE ACCOUNTING PRINCIPLES.

“The Bank shall prepare the financial statements of the Bank in accordance with fair value accounting principles.”.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE YOUNG OF IOWA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Amend the table of contents by inserting after the item pertaining to section 62001 the following:

TITLE LXIII—REQUIREMENTS REGARDING RULE MAKINGS

Sec. 63001. Requirements regarding rule makings.

Page 988, insert after line 20 the following:

**TITLE LXIII—REQUIREMENTS
REGARDING RULE MAKINGS**

SEC. 63001. REQUIREMENTS REGARDING RULE MAKINGS.

For each publication in the Federal Register required to be made by law and pertaining to a rule made to carry out this Act or the

amendments made by this Act, the agency making the rule shall include in such publication a list of information on which the rule is based, including data, scientific and economic studies, and cost-benefit analyses, and identify how the public can access such information online.

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POMPEO OF KANSAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 12, after the item relating to section 62001, insert the following:

Sec. 62002. GAO report on refunds to registered vendors of kerosene used in non-commercial aviation.

Page 988, after line 20, insert the following:

SEC. 62002. 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(1)(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 non-commercial aviation who are registered under section 4101 of such Code,

(B) the number of vendors of kerosene used in non-commercial aviation who are not so registered,

(C) the number of vendors described in subparagraph (A) who receive payments under section 6427(1)(4)(C)(ii) of such Code,

(D) the excess of—

(i) the amount of payments which would be made under section 6427(1)(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.

12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FOSTER OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 12, after the item relating to section 62001, insert the following:

Sec. 62002. Determination of certain spending and tax burdens by State.

Page 988, after line 20, insert the following:

SEC. 62002. DETERMINATION OF CERTAIN SPENDING AND TAX BURDENS BY STATE.

(a) CALCULATION OF FEDERAL REVENUE CONTRIBUTIONS BY STATE.—

(1) IN GENERAL.—The Secretary of Treasury, acting through the Commissioner of the Internal Revenue Service, shall calculate the Federal tax burden of each State for each calendar year.

(2) CALCULATION OF FEDERAL TAX BURDEN.—For purposes of calculating the Federal tax burden of each State under paragraph (1), the Secretary shall—

(A) treat Federal taxes paid by an individual as a burden on the State in which such individual resides; and

(B) treat Federal taxes paid by a legal business entity as a burden on each State in which economic activity of such entity is performed in the same proportion that the economic activity of such entity in such State bears to the economic activity of such entity in all the States.

(3) REPORT.—Not later than the date that is 180 days after the beginning of each calendar year, the Secretary of the Treasury shall—

(A) submit to Congress a report containing the results of the calculations described in sections 1 and 2 with respect to such calendar year; and

(B) publish the report on a publicly accessible website of the Internal Revenue Service.

(b) ANNUAL REPORT ON THE FLOW OF TRANSPORTATION FUNDS BY STATE.—

(1) IN GENERAL.—Not later than the first Monday in February of each year, the Secretary of Transportation shall, in consultation with the Secretary of the Treasury, 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 Ways and Means of the House of Representatives a report that includes—

(A) a description of the total amount of the funds authorized by this Act which were obligated with respect to each State during the last ending fiscal year,

(B) a description of the total amount of revenue contributed from each State to the Highway Trust Fund during such fiscal year.

(2) DETERMINATION OF STATE AMOUNTS.—For purposes of this subsection—

(A) IN GENERAL.—the State with respect to which an amount is obligated and the State from which revenue is contributed shall be determined under principles similar to the principles for determining the Federal tax burden of each State under subsection (a).

(B) SPECIAL RULE FOR GENERAL FUND TRANSFERS.—For purposes of paragraph (1)(B), any transfer from the general fund of the Treasury to the Highway Trust Fund during any fiscal year shall be taken into account as revenue contributed from each State in proportion to each State's Federal tax burden (as determined under subsection (a)) for the calendar year in which such fiscal year began.

13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WILLIAMS OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 563, line 15, insert “primarily” before “engaged”.

14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KINZINGER OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title XXXIV of division C, add the following:

SEC. 34216. AVAILABILITY OF CERTAIN INFORMATION ON MOTOR VEHICLE EQUIPMENT.

Section 30118 of title 49, United States Code, is amended by adding at the end the following:

“(f) INFORMATION ON DEFECTIVE OR NONCOMPLIANT PARTS.—

“(1) PROVISION OF INFORMATION BY SUPPLIERS.—A supplier of parts that are determined to be defective or noncompliant by the Secretary under subsection (a) or (b) shall identify all parts that are subject to the recall and provide to the Secretary and each affected manufacturer, not later than 3 business days after receiving notification of the determination, for each affected part—

“(A) all part names;

“(B) all part numbers; and

“(C) a description of the part.

“(2) PROVISION OF INFORMATION BY MANUFACTURERS.—Upon receipt of notification of a determination by the Secretary under subsection (a) or (b) or notification from a supplier of parts under paragraph (1), a manufacturer of motor vehicles shall—

“(A) identify the vehicle identification number for each affected vehicle; and

“(B) not later than 5 business days after receiving such notification, provide to the Secretary, in a searchable format determined by the Secretary—

“(i) the vehicle identification numbers identified under subparagraph (A); and

“(ii) the specific part names, numbers, and descriptions used by the manufacturer for all affected parts the sale or lease of which is prohibited by section 30120(j).

“(3) AVAILABILITY OF INFORMATION ON THE INTERNET.—In the case of information provided by a manufacturer under paragraph (2)(B), the Secretary shall make such information available, or require the manufacturer to make such information available, on an Internet website that may be accessed by any person who sells or leases motor vehicle equipment for purposes of assisting such person in complying with section 30120(j). Such information shall be made available in real-time or near-real-time as provided under paragraph (2)(B) and at no cost to the person obtaining access.

“(g) INFORMATION ON ORIGINAL EQUIPMENT.—Not later than July 31, 2016, a manufacturer of motor vehicles shall make available on

an Internet website information about the original equipment contained in such vehicles, which shall include—

- “(1) all parts or component numbers for such equipment; and
- “(2) specific part names and descriptions associated with each manufacturer vehicle identification number.”.

15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHAKOWSKY OF ILLINOIS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 574, insert after line 6 the following new sections:

SEC. 34216. IMPROVED VEHICLE SAFETY DATABASES.

Not later than 2 years after the date of enactment of this Act, the Secretary shall increase public accessibility to and timeliness of information on the National Highway Traffic Safety Administration’s vehicle safety databases including by—

(1) improving organization and functionality, including modern web design features, and allowing for data to be searched, aggregated, and downloaded;

(2) providing greater consistency in presentation of vehicle safety issues;

(3) improving searchability about specific vehicles and issues through standardization of commonly used search terms and the integration of databases to enable all to be simultaneously searched using the same keyword search function; and

(4) improving the publicly accessible early warning database, by—

(A) enabling users to search for incidents across multiple reporting periods for a given make and model name, model year, or type of potential defect; and

(B) ensuring that search results, in addition to being downloadable, are sortable within an Internet browser by make, model name, model year, State or foreign country of the incident, number of deaths, number of injuries, date of the incident, and type of potential defect.

SEC. 34217. IMPROVED USED CAR BUYERS GUIDE.

In addition to the information already required to be included pursuant to section 455.2 of title 16, Code of Federal Regulations (the Used Motor Vehicle Trade Regulation Rule), the Buyers Guide window form shall include—

(1) a statement of the vehicle’s brand history, total loss history, and salvage history according to the vehicle’s National Motor Vehicle Title Information System (NMVTIS) vehicle history report, the date on which the dealer obtained the vehicle history report, and the website where a consumer can obtain a vehicle history report; and

(2) a statement of the vehicle’s recall repair history according to the vehicle identification number search tool established pursuant to section 31301 of the Moving Ahead for Progress in the 21st Century Act (49 U.S.C. 30166 note), the date on which the used vehicle dealer obtained the recall repair history, and the website where a consumer may obtain this information.

SEC. 34218. RETENTION OF SAFETY RECORDS BY MANUFACTURERS.

(a) **RULE.**—Not later than 18 months after the date of enactment of this Act, the Secretary 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, including documents, reports, correspondence, or other materials that contain information concerning malfunctions that may be related to motor vehicle safety (including any failure or malfunction beyond normal deterioration in use, or any failure of performance, or any flaw or unintended deviation from design specifications, that could in any reasonably foreseeable manner be a causative factor in, or aggravate, an accident or an injury to a person), for a period of not less than 20 calendar years from the date on which they were generated or acquired by the manufacturer. Such requirement shall also apply to all underlying records on which information reported to the Secretary under part 579 of title 49, Code of Federal Regulations, is based.

(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. 34219. ELIMINATION OF REGIONAL RECALLS.

Section 30118 of title 49, United States Code, is amended by adding at the end the following new subsections:

“(f) **LONG-TERM EXPOSURE TO ENVIRONMENTAL CONDITIONS.**—If a manufacturer of a motor vehicle or replacement equipment learns the vehicle or equipment contains a safety problem caused by long-term exposure to environmental conditions, the manufacturer shall give notice under subsection (c) as if the manufacturer learned the vehicle or equipment contains a defect and decides in good faith that the defect is related to motor vehicle safety.

“(g) **NATIONAL ORDERS AND NOTIFICATIONS.**—All orders under subsection (b)(2) and notifications under subsection (c) shall be carried out on a national basis and shall not be limited to vehicles or equipment in certain States or territories or other geographic regions of the United States. This paragraph shall not prevent the Secretary from permitting the prioritization of the shipment of replacement parts by geographic location when appropriate.”.

SEC. 34220. APPLICATION OF REMEDIES FOR DEFECTS AND NON-COMPLIANCE.

Section 30120(g)(1) of title 49, United States Code, is amended by striking “the motor vehicle or replacement equipment was bought by the first purchaser more than 10 calendar years, or”.

SEC. 34221. PEDESTRIAN SAFETY IMPROVEMENT RULE.

(a) **SAFETY RESEARCH INITIATIVE.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall complete research into the development of safety standards or performance requirements to reduce the number of injuries and fatalities suffered by pedestrians and other non-occupants who are struck by passenger motor vehicles.

(b) **SPECIFICATIONS.**—In carrying out subsection (a), the Secretary shall consider means for protecting especially vulnerable pedestrian and non-occupant populations, including children, older adults, and individuals with disabilities.

(c) RULEMAKING OR REPORT.—

(1) RULEMAKING.—Not later than 1 year after the completion of each testing and research initiative required under subsection (a), the Secretary shall initiate a rulemaking proceeding to issue a Federal motor vehicle safety standard if the Secretary determines that such a standard meets the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code.

(2) REPORT.—If the Secretary determines that the standard described in paragraph (1) does not meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code, the Secretary shall submit a report describing the reasons for not prescribing such a standard to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(d) PASSENGER MOTOR VEHICLE DEFINED.—In this section, the term “passenger motor vehicle”—

(1) means a motor vehicle (as defined in section 30102(a) of title 49, United States Code) that is rated at less than 10,000 pounds gross vehicular weight; and

(2) does not include—

(A) a motorcycle;

(B) a trailer; or

(C) a low speed vehicle (as defined in section 571.3 of title 49, Code of Federal Regulations).

SEC. 34222. RULEMAKING ON REAR SEAT CRASHWORTHINESS.

(a) SAFETY RESEARCH INITIATIVE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall complete research into the development of safety standards or performance requirements for the crashworthiness and survivability for passengers in the rear seats of motor vehicles.

(b) SPECIFICATIONS.—In carrying out subsection (a), the Secretary shall consider side- and rear-impact collision testing, additional airbags, head restraints, seatbelt fit, seatbelt airbags, belt anchor location, and any other factors the Secretary considers appropriate.

(c) RULEMAKING OR REPORT.—

(1) RULEMAKING.—Not later than 1 year after the completion of each research and testing initiative required under subsection (a), the Secretary shall initiate a rulemaking proceeding to issue a Federal motor vehicle safety standard if the Secretary determines that such a standard meets the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code.

(2) REPORT.—If the Secretary determines that the standard described in paragraph (1) does not meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code, the Secretary shall submit a report describing the reasons for not prescribing such a standard to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MULLIN OF OKLAHOMA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle D of title XXXIV insert the following new part:

PART IV—ALTERNATIVE FUEL VEHICLES

SEC. 34441. REGULATION PARITY FOR ELECTRIC AND NATURAL GAS VEHICLES.

(a) IN GENERAL.—In promulgating regulations, the Administrator of the Environmental Protection Administration shall ensure that any preference or incentive provided to an electric vehicle is also provided to a natural gas vehicle.

(b) REVISION OF EXISTING REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall revise any regulations of the Administrator in existence as of that date concerning electric vehicles as necessary to ensure that the regulations conform to subsection (a).

17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BURGESS OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 550, strike line 24 and all that follows through page 551, line 4, and insert the following:

- (A) \$31,270,000 for fiscal year 2016.
- (B) \$36,537,670 for fiscal year 2017.
- (C) \$42,296,336 for fiscal year 2018.
- (D) \$47,999,728 for fiscal year 2019.
- (E) \$54,837,974 for fiscal year 2020.
- (F) \$61,656,407 for fiscal year 2021.

Insert after subtitle D of title XXXIV the following new subtitle:

Subtitle E—Additional Motor Vehicle Provisions

SEC. 34501. 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 Committee on Energy and Commerce 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. 34502. APPLICATION OF REMEDIES FOR DEFECTS AND NON-COMPLIANCE.

Section 30120(g)(1) of title 49, United States Code, is amended by striking “10 calendar years” and inserting “15 calendar years”.

SEC. 34503. 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. 34504. NONAPPLICATION OF PROHIBITIONS RELATING TO NON-COMPLYING 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 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;

“(C) if applicable, has identified an agent for service of process in accordance with part 551 of such title; and

“(D) agrees not to sell or offer for sale the motor vehicle at the conclusion of the testing or evaluation.”.

SEC. 34505. 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 500 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) 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 60 days to review and approve a registration submitted under paragraph (2). Any registration not approved or denied within 60 days after submission 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. 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 on 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 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.”.

(b) VEHICLE EMISSION COMPLIANCE STANDARDS FOR LOW-VOLUME MOTOR VEHICLE MANUFACTURERS.—Part A of title II of the Clean Air Act (42 U.S.C. 7521 et seq.) is amended—

(1) in section 206(a) by adding at the end the following new paragraph:

“(5)(A) A motor vehicle engine (including all engine emission controls) from a motor vehicle that has been granted a certificate of conformity by the Administrator for the model year in which the motor vehicle is assembled, or a motor vehicle engine that has been granted an Executive order subject to regulations promulgated by the California Air Resources Board for the model year in which the motor vehicle is assembled, may be installed in an exempted specially produced motor vehicle, if—

“(i) the manufacturer of the engine supplies written instructions 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 II’), except with respect to evaporative emissions diagnostics;

“(ii) the manufacturer of the exempted specially produced motor vehicle installs the engine in accordance with such instructions; and

“(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.

“(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 manufactured or imported in the model year in which the exempted specially produced motor vehicle is assembled.

“(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

“(ii) subject to civil penalties under the first and third sentences of 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, 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; and

“(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.

“(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) A person engaged in the manufacturing or assembling of exempted specially produced motor vehicles shall not be treated as a manufacturer for purposes of this Act by virtue of such manufacturing or assembling, so long as such person complies with subparagraphs (A) through (E).”; and

(2) in section 216 by adding at the end the following new paragraph:

“(12) EXEMPTED SPECIALLY PRODUCED MOTOR VEHICLE.—The term ‘exempted specially produced motor vehicle’ means a replica motor vehicle that is exempt from specified standards pursuant to section 30114(b) of title 49, United States Code.”.

(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. 34506. NO LIABILITY ON THE BASIS OF NHTSA MOTOR VEHICLE SAFETY GUIDELINES.

Section 30111 of title 49, United States Code, is amended by adding at the end the following new subsection:

“(f) **NO LIABILITY ON THE BASIS OF MOTOR VEHICLE SAFETY GUIDELINES ISSUED BY THE SECRETARY.**—(1) No guidelines issued by the Secretary with respect to motor vehicle safety shall provide a basis for or evidence of liability in any action against a defendant whose practices are alleged to be inconsistent with such guidelines. A person who is subject to any such guidelines may use an alternative approach to that set forth in such guidelines that complies with any requirement in a provision of this subtitle, a motor vehicle safety standard issued under this subtitle, or another relevant statute or regulation.

“(2) No such guidelines shall confer any rights on any person nor shall operate to bind the Secretary or any person who is subject to such guidelines to the approach recommended in such guidelines. In any enforcement action with respect to motor vehicle safety, the Secretary must prove 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 build a case against or negotiate a consent order with any person based in whole or in part on practices of the person that are alleged to be inconsistent with any such guidelines.

“(3) A defendant may use compliance with any such guidelines as evidence of compliance with the provision of this subtitle, motor vehicle safety standard issued under this subtitle, or other statute or regulation under which such guidelines were developed.”.

18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE NEUGEBAUER OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike sections 52203 and 52205.

Insert after section 52202 the following:

SEC. 52203. ELIMINATION OF SURPLUS FUNDS OF FEDERAL RESERVE BANKS.

(a) **ELIMINATION OF SURPLUS FUNDS.**—Section 7 of the Federal Reserve Act (12 U.S.C. 289 et seq.) is amended—

(1) in subsection (a)—

(A) in the heading of such subsection, by striking “AND SURPLUS FUNDS”; and

(B) in paragraph (2), by striking “deposited in the surplus fund of the bank” and inserting “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”; and

(2) by striking the first subsection (b) (relating to a transfer for fiscal year 2000).

(b) **TRANSFER TO THE TREASURY.**—The Federal reserve banks shall transfer all of the funds of the surplus funds of such banks 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.

19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GOSAR OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 942, strike lines 7 and 8 (and redesignate subsequent clauses accordingly).

20. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GOODLATTE OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 964, line 6, insert after “the participating agencies” the following: “and the project sponsor”.

Page 964, line 7, strike “and”.

Page 964, line 11, strike the period and insert the following: “; and”

Page 964, after line 11, insert the following:

(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.

Page 964, after line 15, insert the following:

(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 speci-

ficity 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 61010.

(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.

21. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HENSARLING OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following:

DIVISION J—FINANCIAL SERVICES

SEC. 1. TABLE OF CONTENTS.

The table of contents for this division is as follows:

Sec. 1. Table of contents.

TITLE I—IMPROVING ACCESS TO CAPITAL FOR EMERGING GROWTH COMPANIES

Sec. 101. Filing requirement for public filing prior to public offering.

Sec. 102. Grace period for change of status of emerging growth companies.

Sec. 103. Simplified disclosure requirements for emerging growth companies.

TITLE II—DISCLOSURE MODERNIZATION AND SIMPLIFICATION

Sec. 201. Summary page for form 10-K.

Sec. 202. Improvement of regulation S-K.

Sec. 203. Study on modernization and simplification of regulation S-K.

TITLE III—BULLION AND COLLECTIBLE COIN PRODUCTION EFFICIENCY AND COST SAVINGS

Sec. 301. Technical corrections.

Sec. 302. American Eagle Silver Bullion 30th Anniversary.

TITLE IV—SBIC ADVISERS RELIEF

Sec. 401. Advisers of SBICs and venture capital funds.

Sec. 402. Advisers of SBICs and private funds.

Sec. 403. Relationship to State law.

TITLE V—ELIMINATE PRIVACY NOTICE CONFUSION

Sec. 501. Exception to annual privacy notice requirement under the Gramm-Leach-Bliley Act.

TITLE VI—REFORMING ACCESS FOR INVESTMENTS IN STARTUP
ENTERPRISES

Sec. 601. Exempted transactions.

TITLE VII—PRESERVATION ENHANCEMENT AND SAVINGS OPPORTUNITY

Sec. 701. Distributions and residual receipts.

Sec. 702. Future refinancings.

Sec. 703. Implementation.

TITLE VIII—TENANT INCOME VERIFICATION RELIEF

Sec. 801. Reviews of family incomes.

TITLE IX—HOUSING ASSISTANCE EFFICIENCY

Sec. 901. Authority to administer rental assistance.

Sec. 902. Reallocation of funds.

TITLE X—CHILD SUPPORT ASSISTANCE

Sec. 1001. Requests for consumer reports by State or local child support enforcement agencies.

TITLE XI—PRIVATE INVESTMENT IN HOUSING

Sec. 1101. Budget-neutral demonstration program for energy and water conservation improvements at multifamily residential units.

TITLE XII—CAPITAL ACCESS FOR SMALL COMMUNITY FINANCIAL
INSTITUTIONS

Sec. 1201. Privately insured credit unions authorized to become members of a Federal home loan bank.

Sec. 1202. GAO Report.

TITLE XIII—SMALL BANK EXAM CYCLE REFORM

Sec. 1301. Smaller institutions qualifying for 18-month examination cycle.

TITLE XIV—SMALL COMPANY SIMPLE REGISTRATION

Sec. 1401. Forward incorporation by reference for Form S-1.

TITLE XV—HOLDING COMPANY REGISTRATION THRESHOLD
EQUALIZATION

Sec. 1501. Registration threshold for savings and loan holding companies.

TITLE I—IMPROVING ACCESS TO CAPITAL FOR EMERGING GROWTH COMPANIES

SEC. 101. 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. 102. 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. 103. 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 C.F.R. 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 C.F.R. 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 II—DISCLOSURE
MODERNIZATION AND SIMPLIFICATION**

SEC. 201. 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 C.F.R. 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. 202. 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 C.F.R. 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 203 is necessary to determine the efficacy of such revisions to regulation S-K.

SEC. 203. 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 C.F.R. 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 III—BULLION AND COLLECTIBLE COIN PRODUCTION EFFICIENCY AND COST SAVINGS

SEC. 301. TECHNICAL CORRECTIONS.

Title 31, United States Code, is amended—

(1) in section 5112—

(A) in subsection (q)—

(i) in 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. 302. 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 IV—SBIC ADVISERS RELIEF

SEC. 401. 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. 402. 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. 403. 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 V—ELIMINATE PRIVACY NOTICE CONFUSION

SEC. 501. 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 VI—REFORMING ACCESS FOR INVESTMENTS IN STARTUP ENTERPRISES

SEC. 601. 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 C.F.R. 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 C.F.R. 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 VII—PRESERVATION ENHANCEMENT AND SAVINGS OPPORTUNITY

SEC. 701. 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. 702. 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. 703. 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 VIII—TENANT INCOME VERIFICATION RELIEF

SEC. 801. 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 IX—HOUSING ASSISTANCE EFFICIENCY

SEC. 901. 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. 902. 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 X—CHILD SUPPORT ASSISTANCE

SEC. 1001. 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 XI—PRIVATE INVESTMENT IN HOUSING

SEC. 1101. 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 XII—CAPITAL ACCESS FOR SMALL COMMUNITY FINANCIAL INSTITUTIONS

SEC. 1201. 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. 1202. 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 XIII—SMALL BANK EXAM CYCLE REFORM

SEC. 1301. 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 XIV—SMALL COMPANY SIMPLE REGISTRATION

SEC. 1401. 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 XV—HOLDING COMPANY REGISTRATION THRESHOLD EQUALIZATION

SEC. 1501. 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),”.

22. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE UPTON OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 1032, after line 4, add the following:

DIVISION J—ENERGY SECURITY

SEC. 99001. 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. 99002. 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. 99003. 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 under subsection (d)(2). 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 the United States (including the territories) 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 United States (including the territories) 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, in consultation with the Secretary of Energy, shall promulgate such regulations and issue such orders as necessary to—

“(A) 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 Com-

mission 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) CONSIDERATIONS.—In promulgating regulations and issuing orders under paragraph (2), the Commission 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.

“(4) PROTOCOLS.—The Commission 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.

“(5) 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.

“(6) 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.

“(7) DISCLOSURE OF NONPROTECTED INFORMATION.—In implementing this section, the Commission 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.

“(8) 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.

“(9) REMOVAL OF DESIGNATION.—The Commission shall remove the designation of critical electric infrastructure information, in whole or in part, from a document or electronic communication if the Commission determines that the unauthorized disclosure of such information could no longer be used to im-

pair the security or reliability of the bulk-power system or distribution facilities.

“(10) JUDICIAL REVIEW OF DESIGNATIONS.—Notwithstanding section 313(b), any determination by the Commission 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,”.

SEC. 99004. 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 one 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 Trans-

former 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) ESTABLISHMENT.—The Secretary may establish a Strategic Transformer Reserve in accordance with the plan prepared pursuant to subsection (c) after the date that is 6 months after the date on which such plan is submitted to Congress.

(e) 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. 99005. ENERGY SECURITY VALUATION.

(a) ESTABLISHMENT OF ENERGY SECURITY VALUATION METHODS.—Not later than one 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 develops 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.

23. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WEST-MORELAND OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 1032, after line 4, insert the following:

SEC. ____ . PROCEDURES REQUIRED IN RESPONSE TO COMMENT ALLEGING ECONOMIC HARM WILL RESULT IF PROPOSED BANK TRANSACTION IS APPROVED.

Section 3(c) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(c)) is amended by adding at the end the following:

“(11) PROCEDURES REQUIRED IN RESPONSE TO COMMENT ALLEGING ECONOMIC HARM WILL RESULT IF PROPOSED BANK TRANSACTION IS APPROVED.—If the Board of Directors receives a comment from a representative of a United States company, in response to a notice that the Board has caused to be published in the Federal Register, that alleges that the company will suffer economic harm if a proposed Bank transaction is approved, then, unless the Board unanimously votes to do otherwise, the Board shall provide for—

“(A) a 60-day discussion period that begins at the end of the comment period otherwise required by law, with respect to all comments received by the Board in response to the notice, which period shall be extended by not more than 60 days if at least 1 Board member recommends such an extension; and

“(B) an opportunity for any such commenter who makes such an allegation to appear before the Board and be heard with respect to the notice if at least 1 Board member recommends that the commenter be invited to do so.”.