

114TH CONGRESS
1ST SESSION

H. R. 1846

To provide for sustainable highway funding, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 16, 2015

Mr. RENACCI (for himself, Mr. PASCRELL, Mr. RIBBLE, Mr. LIPINSKI, Mr. AMODEI, Mr. PETERS, Mr. RIGELL, Mr. QUIGLEY, Mr. BARLETTA, Mr. SIRES, Mr. HANNA, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. GIBBS, Mr. CAPUANO, Mr. YOUNG of Alaska, Mr. LARSON of Connecticut, Mr. RYAN of Ohio, and Mr. LEWIS) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for sustainable highway funding, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE, ETC.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Bridge to Sustainable Infrastructure Act”.

6 (b) AMENDMENT OF 1986 CODE.—Except as other-
7 wise expressly provided, whenever in this Act an amend-

1 ment or repeal is expressed in terms of an amendment
 2 to, or repeal of, a section or other provision, the reference
 3 shall be considered to be made to a section or other provi-
 4 sion of the Internal Revenue Code of 1986.

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

Sec. 1. Short title, etc.

TITLE I—MOTOR FUELS

Sec. 101. Increase in fuels taxes for inflation.

Sec. 102. Repayable advances to Highway Trust Fund.

TITLE II—SUSTAINABLE HIGHWAY FUNDING

Sec. 201. Task Force for Sustainable Highway Funding.

TITLE III—FAILURE BY CONGRESS TO FULLY FUND HIGHWAY TRUST FUND

Sec. 301. Failure by Congress to fully fund Highway Trust Fund.

7 **TITLE I—MOTOR FUELS**

8 **SEC. 101. INCREASE IN FUELS TAXES FOR INFLATION.**

9 (a) MOTOR FUEL.—Paragraph (2) of section 4081(a)
 10 is amended by adding at the end the following:

11 “(E) ADJUSTMENT FOR INFLATION.—In
 12 the case of any calendar year beginning after
 13 2015, the rates of tax in subparagraphs (A)(i)
 14 and (iii) and subparagraph (D) shall each be
 15 increased by an amount equal to—

16 “(i) such rate, multiplied by

17 “(ii) the cost of living adjustment de-
 18 termined under section 1(f)(3) for the cal-
 19 endar year, determined by substituting

1 ‘calendar year 2014’ for ‘calendar year
2 1992’ in subparagraph (B) thereof.

3 Any increase under the preceding sentence shall
4 be rounded to the nearest 0.1 cents.”.

5 (b) SPECIAL FUELS.—

6 (1) IN GENERAL.—Section 4041(a) is amended
7 by adding at the end the following:

8 “(4) ADJUSTMENT FOR INFLATION.—In the
9 case of any calendar year beginning after 2015, the
10 7.3 cent rate of tax in paragraph (1)(C)(iii), the
11 24.3 cent rate of tax in paragraph (2)(B)(ii), and
12 the 18.3 cent rate of tax contained in paragraph
13 (3)(A) shall each be increased by an amount equal
14 to—

15 “(A) such rate, multiplied by

16 “(B) the cost of living adjustment deter-
17 mined under section 1(f)(3) for the calendar
18 year, determined by substituting ‘calendar year
19 2014’ for ‘calendar year 1992’ in subparagraph
20 (B) thereof.

21 Any increase under the preceding sentence shall be
22 rounded to the nearest 0.1 cents.”.

23 (2) CERTAIN ALCOHOL FUELS.—Section
24 4041(m) is amended by adding at the end the fol-
25 lowing:

1 “(3) ADJUSTMENT FOR INFLATION.—In the
2 case of any calendar year beginning after 2015, the
3 rates of tax in paragraph (1)(A) shall each be in-
4 creased by an amount equal to—

5 “(A) such rate, multiplied by

6 “(B) the cost of living adjustment deter-
7 mined under section 1(f)(3) for the calendar
8 year, determined by substituting ‘calendar year
9 2014’ for ‘calendar year 1992’ in subparagraph
10 (B) thereof.

11 Any increase under the preceding sentence shall be
12 rounded to the nearest 0.1 cents.”.

13 (3) FUEL USED IN CERTAIN BUSES.—Section
14 6427(b) is amended by adding at the end the fol-
15 lowing:

16 “(5) ADJUSTMENT FOR INFLATION.—In the
17 case of any calendar year beginning after 2015, the
18 rate of tax in paragraph (2)(A) shall be increased by
19 an amount equal to—

20 “(A) such rate, multiplied by

21 “(B) the cost of living adjustment deter-
22 mined under section 1(f)(3) for the calendar
23 year, determined by substituting ‘calendar year
24 2014’ for ‘calendar year 1992’ in subparagraph
25 (B) thereof.

1 Any increase under the preceding sentence shall be
2 rounded to the nearest 0.1 cents.”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to years beginning after December
5 31, 2015.

6 **SEC. 102. REPAYABLE ADVANCES TO HIGHWAY TRUST**
7 **FUND.**

8 (a) REPAYABLE ADVANCES.—Section 9503(f) is
9 amended by redesignating paragraph (7) as paragraph (9)
10 and by inserting after paragraph (4) the following new
11 paragraphs:

12 “(7) 2015 SHORTFALL ADVANCE.—Out of
13 money in the Treasury not otherwise appropriated,
14 there is hereby appropriated—

15 “(A) \$8,000,000,000 to the Highway Ac-
16 count (as defined in subsection (e)(5)(B)) in
17 the Highway Trust Fund; and

18 “(B) \$3,000,000,000 to the Mass Transit
19 Account in the Highway Trust Fund.

20 “(8) OBLIGATION LIQUIDATION SMOOTHING.—
21 Out of money in the Treasury not otherwise appro-
22 priated, there is hereby appropriated—

23 “(A) \$4,000,000,000 to the Highway Ac-
24 count (as defined in subsection (e)(5)(B)) in
25 the Highway Trust Fund; and

1 “(B) \$1,000,000,000 to the Mass Transit
2 Account in the Highway Trust Fund.”.

3 (b) REPAYMENT OF ADVANCES.—Section 9503(c) is
4 amended by adding at the end the following:

5 “(6) TRANSFERS FROM HIGHWAY TRUST FUND
6 FOR CERTAIN REPAYMENTS OF CERTAIN AD-
7 VANCES.—

8 “(A) IN GENERAL.—The Secretary shall
9 pay from time to time from the Highway Trust
10 Fund into the general fund of the Treasury
11 amounts equivalent to amounts transferred to
12 the Highway Trust Fund that are attributable
13 to the operation of sections 4041(a)(4),
14 4041(m)(3), and 4081(a)(2)(E).

15 “(B) LIMITATION.—No amount shall be
16 transferred under this paragraph after the ag-
17 gregate amount transferred under subpara-
18 graph (A) equals \$16,000,000,000.

19 “(C) TRANSFERS BASED ON ESTIMATES.—
20 Transfers under subparagraph (A) shall be
21 made on the basis of estimates by the Sec-
22 retary, and proper adjustments shall be made
23 in amounts subsequently transferred to the ex-
24 tent prior estimates were in excess or less than
25 the amounts required to be transferred.

1 “(D) TRANSFERS MADE PROPORTION-
2 ALLY.—Transfers under subparagraph (A) shall
3 be borne by the Highway Account and the Mass
4 Transit Account in proportion to the respective
5 revenues transferred under paragraphs (7) and
6 (8) of subsection (f) to the Highway Account
7 and the Mass Transit Account.”.

8 (c) EFFECTIVE DATES.—

9 (1) Except as provided by paragraph (2), the
10 amendments made by this section shall take effect
11 on October 1, 2015.

12 (2) Paragraph (8) of section 9503(f) of the In-
13 ternal Revenue Code of 1986, as added by sub-
14 section (a), shall take effect on June 1, 2015.

15 **TITLE II—SUSTAINABLE**
16 **HIGHWAY FUNDING**

17 **SEC. 201. TASK FORCE FOR SUSTAINABLE HIGHWAY FUND-**
18 **ING.**

19 (a) DEFINITIONS.—In this section:

20 (1) TASK FORCE.—The term “Task Force”
21 means the Bipartisan Task Force for Sustainable
22 Highway Funding established under subsection
23 (b)(1).

24 (2) TASK FORCE BILL.—The term “Task Force
25 bill” means a bill consisting of the proposed legisla-

1 tive language of the Task Force recommended under
2 subsection (b)(3)(B) and introduced under sub-
3 section (e)(1).

4 (3) FISCAL IMBALANCE.—The term “fiscal im-
5 balance” means the gap between the projected reve-
6 nues and expenditures of the Highway Trust Fund.

7 (b) ESTABLISHMENT OF TASK FORCE.—

8 (1) ESTABLISHMENT.—There is established in
9 the legislative branch a task force to be known as
10 the “Bipartisan Task Force for Sustainable High-
11 way Funding”.

12 (2) PURPOSES.—

13 (A) REVIEW.—The Task Force shall re-
14 view the fiscal imbalance of the Highway Trust
15 Fund, including—

16 (i) analyses of projected Trust Fund
17 expenditures;

18 (ii) analyses of projected Trust Fund
19 revenues; and

20 (iii) analyses of the current and long-
21 term actuarial financial condition of the
22 Highway Trust Fund.

23 (B) IDENTIFY FACTORS.—The Task Force
24 shall identify factors that affect the long-term
25 fiscal imbalance of the Highway Trust Fund.

1 (C) ANALYZE POTENTIAL COURSES OF AC-
2 TION.—The Task Force shall analyze potential
3 courses of action to address factors that affect
4 the long-term fiscal imbalance of the Highway
5 Trust Fund.

6 (D) PROVIDE RECOMMENDATIONS AND
7 LEGISLATIVE LANGUAGE.—The Task Force
8 shall provide recommendations and legislative
9 language that will balance the revenues and ex-
10 penditures of the Highway Trust Fund,
11 which—

12 (i) may include recommendations ad-
13 dressing—

14 (I) user fees;

15 (II) improper or unnecessary
16 payments;

17 (III) the reduction or elimination
18 of payments for purposes that do not
19 directly improve the condition or func-
20 tion of highway and transit systems;

21 (IV) international tax reform and
22 the use of revenues raised through the
23 repatriation of earnings and profits
24 held overseas; and

1 (V) any other proposal that will
2 balance the revenues and expenditures
3 of the Highway Trust Fund; and

4 (ii) may not make recommendations
5 modifying the Standing Rules of the House
6 or Senate.

7 (3) DUTIES.—

8 (A) IN GENERAL.—The Task Force shall
9 address the Highway Trust Fund’s long-term
10 fiscal imbalances, consistent with the purposes
11 described in paragraph (2), and shall submit
12 the report and recommendations required under
13 subparagraph (B).

14 (B) REPORT, RECOMMENDATIONS, AND
15 LEGISLATIVE LANGUAGE.—

16 (i) IN GENERAL.—Not later than Sep-
17 tember 1, 2016, the Task Force shall vote
18 on a report that contains—

19 (I) a detailed statement of the
20 findings, conclusions, and rec-
21 ommendations of the Task Force;

22 (II) the assumptions, scenarios,
23 and alternatives considered in reach-
24 ing such findings, conclusions, and
25 recommendations; and

1 (III) proposed legislative lan-
2 guage to carry out such recommenda-
3 tions as described in paragraph
4 (2)(D).

5 (ii) APPROVAL OF REPORT.—The re-
6 port of the Task Force submitted under
7 clause (i) shall require the approval of not
8 fewer than 12 of the 18 members of the
9 Task Force.

10 (iii) ADDITIONAL VIEWS.—A member
11 of the Task Force who gives notice of an
12 intention to file supplemental, minority, or
13 additional views at the time of final Task
14 Force approval of the report under clause
15 (ii), shall be entitled to not less than 3 cal-
16 endar days in which to file such views in
17 writing with the staff director of the Task
18 Force. Such views shall then be included in
19 the Task Force report and printed in the
20 same volume, or part thereof, and their in-
21 clusion shall be noted on the cover of the
22 report. In the absence of timely notice, the
23 Task Force report may be printed and
24 transmitted immediately without such
25 views.

1 (iv) TRANSMISSION OF REPORT.—No
2 later than 6 days following the vote on the
3 Task Force’s report, the Task Force shall
4 submit the Task Force bill and final report
5 to the President, the Vice President, the
6 Speaker of the House, and the majority
7 and minority leaders of both Houses.

8 (v) REPORT TO BE MADE PUBLIC.—
9 Upon the approval or disapproval of the
10 Task Force report pursuant to clause (ii),
11 the Task Force shall promptly make the
12 full report, and a record of the vote, avail-
13 able to the public.

14 (4) MEMBERSHIP.—

15 (A) IN GENERAL.—The Task Force shall
16 be composed of 18 members designated pursu-
17 ant to subparagraph (B).

18 (B) DESIGNATION.—Members of the Task
19 Force shall be designated as follows:

20 (i) The President shall designate 2
21 members, one of whom shall be the Sec-
22 retary of Transportation, and the other of
23 whom shall be an officer of the executive
24 branch.

1 (ii) The majority leader of the Senate
2 shall designate 4 members from among
3 Members of the Senate, one of whom must
4 be a member of the Senate Committee on
5 Finance and one of whom must be a mem-
6 ber of the Senate Committee on Environ-
7 ment and Public Works.

8 (iii) The minority leader of the Senate
9 shall designate 4 members from among
10 Members of the Senate, one of whom must
11 be a member of the Senate Committee on
12 Finance and one of whom must be a mem-
13 ber of the Senate Committee on Environ-
14 ment and Public Works.

15 (iv) The Speaker of the House of Rep-
16 resentatives shall designate 4 members
17 from among Members of the House of
18 Representatives, one of whom must be a
19 member of the House Committee on Ways
20 and Means and one of whom must be a
21 member of the House Committee on
22 Transportation and Infrastructure.

23 (v) The minority leader of the House
24 of Representatives shall designate 4 mem-
25 bers from among Members of the House of

1 Representatives, one of whom must be a
2 member of the House Committee on Ways
3 and Means and one of whom must be a
4 member of the House Committee on
5 Transportation and Infrastructure.

6 (C) CO-CHAIRS.—

7 (i) IN GENERAL.—There shall be 2
8 Co-Chairs of the Task Force. The Presi-
9 dent, majority leader of the Senate, and
10 Speaker of the House shall designate one
11 Co-Chair among the members of the Task
12 Force. The minority leader of the Senate
13 and minority leader of the House shall des-
14 ignate the second Co-Chair among the
15 members of the Task Force. The Co-
16 Chairs shall be appointed not later than 14
17 days after the date of enactment of this
18 section.

19 (ii) STAFF DIRECTOR.—The Co-
20 Chairs, acting jointly, shall hire the staff
21 director of the Task Force.

22 (D) DATE.—Members of the Task Force
23 shall be designated by not later than 14 days
24 after the date of enactment of this section.

1 (E) PERIOD OF DESIGNATION.—Members
2 shall be designated for the life of the Task
3 Force. Any vacancy in the Task Force shall not
4 affect its powers, but shall be filled not later
5 than 14 days after the date on which the va-
6 cancy occurs in the same manner as the origi-
7 nal designation.

8 (F) COMPENSATION.—Members of the
9 Task Force shall serve without any additional
10 compensation for their work on the Task Force.
11 However, members may be allowed travel ex-
12 penses, including per diem in lieu of subsist-
13 ence, in accordance with sections 5702 and
14 5703 of title 5, United States Code, while away
15 from their homes or regular places of business
16 in performance of services for the Task Force.

17 (5) ADMINISTRATION.—

18 (A) AUTHORITY TO ESTABLISH RULES AND
19 REGULATIONS.—The Co-Chairs, in consultation
20 with the other members of the Task Force, may
21 establish rules and regulations for the conduct
22 of Task Force business, if such rules and regu-
23 lations are not inconsistent with this section or
24 other applicable law.

1 (B) QUORUM.—Fourteen members of the
2 Task Force shall constitute a quorum for pur-
3 poses of voting, meeting, and holding hearings.

4 (C) VOTING.—

5 (i) PROXY VOTING.—No proxy voting
6 shall be allowed on behalf of the members
7 of the Task Force.

8 (ii) REPORT, RECOMMENDATIONS AND
9 LEGISLATIVE LANGUAGE.—The Task
10 Force may not vote on any version of the
11 report, recommendations, or legislative lan-
12 guage before the timing provided for in
13 paragraph (3)(B)(i).

14 (D) MEETINGS.—

15 (i) INITIAL MEETING.—Within 45
16 days after the date of enactment of this
17 section, but before September 1, 2015, the
18 Task Force shall hold its first meeting.

19 (ii) MEETINGS.—The Task Force
20 shall meet at the call of the Co-Chairs or
21 at least 10 of its members.

22 (iii) AGENDA.—An agenda shall be
23 provided to the Task Force members at
24 least 1 week in advance of any meeting.
25 Task Force members who want to have

1 items placed on the agenda for consider-
2 ation shall notify the staff director as early
3 as possible, but not less than 48 hours in
4 advance of a scheduled meeting.

5 (E) HEARINGS.—

6 (i) IN GENERAL.—Subject to subpara-
7 graph (G), the Task Force may, for the
8 purpose of carrying out this section, hold
9 such hearings, sit and act at such times
10 and places, take such testimony, receive
11 such evidence, and administer such oaths
12 the Task Force considers advisable.

13 (ii) HEARING PROCEDURES AND RE-
14 SPONSIBILITIES OF CO-CHAIRS.—

15 (I) ANNOUNCEMENT.—The Task
16 Force Co-Chairs shall make public an-
17 nouncement of the date, place, time,
18 and subject matter of any hearing to
19 be conducted at least 1 week in ad-
20 vance of such hearing, unless the Co-
21 Chairs determine that there is good
22 cause to begin such hearing at an ear-
23 lier date.

24 (II) WRITTEN STATEMENT.—A
25 witness appearing before the Task

1 Force shall file a written statement of
2 proposed testimony at least 2 days
3 prior to appearance, unless the re-
4 quirement is waived by the Co-Chairs,
5 following their determination that
6 there is good cause for failure of com-
7 pliance.

8 (F) TECHNICAL ASSISTANCE.—Upon writ-
9 ten request of the Co-Chairs, a Federal agency
10 shall provide technical assistance to the Task
11 Force in order for the Task Force to carry out
12 its duties.

13 (G) INFORMATION.—

14 (i) RESOURCES.—

15 (I) IN GENERAL.—Notwith-
16 standing section 1108 of title 31,
17 United States Code, the Task Force
18 shall have authority to access assist-
19 ance, materials, resources, statistical
20 data, and other information the Task
21 Force determines to be necessary to
22 carry out its duties directly from an
23 officer or employee of any executive
24 department, bureau, agency, board,
25 commission, office, independent estab-

1 lishment, or instrumentality of the
2 Government, including the Library of
3 Congress, the Department of Trans-
4 portation, the Department of the
5 Treasury, the Office of Management
6 and Budget, the Government Account-
7 ability Office, and the Joint Com-
8 mittee on Taxation. Each agency or
9 instrumentality shall, to the extent
10 permitted by law, furnish such infor-
11 mation to the Task Force upon writ-
12 ten request of the Co-Chairs.

13 (II) COPIES SUPPLIED.—Copies
14 of written requests and all written or
15 electronic responses provided under
16 this clause shall be provided to the
17 staff director and shall be made avail-
18 able for review by all members of the
19 Task Force upon request.

20 (ii) RECEIPT, HANDLING, STORAGE,
21 AND DISSEMINATION OF INFORMATION.—
22 Information shall only be received, han-
23 dled, stored, and disseminated by members
24 of the Task Force and its staff consistent

1 with all applicable statutes, regulations,
2 and Executive orders.

3 (iii) LIMITATION OF ACCESS TO TAX
4 INFORMATION.—Information accessed
5 under this subparagraph shall not include
6 tax data from the United States Internal
7 Revenue Service, the release of which
8 would otherwise be in violation of law.

9 (H) POSTAL SERVICES.—The Task Force
10 may use the United States mails in the same
11 manner and under the same conditions as other
12 departments and agencies of the Federal Gov-
13 ernment.

14 (I) ASSISTANCE FROM FEDERAL AGEN-
15 CIES.—

16 (i) GENERAL SERVICES ADMINISTRA-
17 TION.—Upon the request of the Co-Chairs
18 of the Task Force, the Administrator of
19 General Services shall provide to the Task
20 Force, on a reimbursable basis, the admin-
21 istrative support services necessary for the
22 Task Force to carry out its responsibilities
23 under this section. These administrative
24 services may include human resources

1 management, budget, leasing, accounting,
2 and payroll services.

3 (ii) OTHER DEPARTMENTS AND AGEN-
4 CIES.—In addition to the assistance pre-
5 scribed in clause (i), departments and
6 agencies of the United States may provide
7 to the Task Force such services, funds, fa-
8 cilities, staff, and other support services as
9 they may determine advisable and as may
10 be authorized by law.

11 (J) CONTRACT AUTHORITY.—The Task
12 Force is authorized to enter into contracts with
13 Federal and State agencies, private firms, insti-
14 tutions, and individuals for the conduct of activ-
15 ity necessary to the discharge of its duties and
16 responsibilities. A contract, lease, or other legal
17 agreement entered into by the Task Force may
18 not extend beyond the date of the termination
19 of the Task Force.

20 (c) STAFF OF TASK FORCE.—

21 (1) APPOINTMENT AND COMPENSATION OF
22 SHARED STAFF.—The Co-Chairs may appoint and
23 fix the compensation of a staff director and such
24 other personnel as may be necessary to enable the
25 Task Force to carry out its functions, without re-

1 gard to the provisions of title 5, United States Code,
2 governing appointments in the competitive service,
3 but at rates not to exceed the daily rate paid a per-
4 son occupying a position at level III of the Executive
5 Schedule under section 5314 of title 5, United
6 States Code.

7 (2) ADDITIONAL STAFF FOR TASK FORCE MEM-
8 BERS.—Each member of the Task Force may ap-
9 point up to 2 additional dedicated staff and fix the
10 compensation of such dedicated personnel without
11 regard to the provisions of title 5, United States
12 Code, governing appointments in the competitive
13 service, but at rates not to exceed the daily rate paid
14 a person occupying a position at level III of the Ex-
15 ecutive Schedule under section 5314 of title 5,
16 United States Code. Dedicated staff shall report to
17 each appointing member.

18 (3) PERSONNEL AS FEDERAL EMPLOYEES.—

19 (A) IN GENERAL.—The staff director and
20 any personnel of the Task Force who are em-
21 ployees shall be employees under section 2105
22 of title 5, United States Code, for purposes of
23 chapters 63, 81, 83, 84, 85, 87, 89, and 90 of
24 that title.

1 (B) MEMBERS OF TASK FORCE.—Subpara-
2 graph (A) shall not be construed to apply to
3 members of the Task Force.

4 (4) OUTSIDE CONSULTANTS.—No outside con-
5 sultants or other personnel, either by contract, de-
6 tail, volunteer, or through a remunerative agree-
7 ment, may be hired without the approval of the Co-
8 Chairs.

9 (5) DETAILEES.—With the approval of the Co-
10 Chairs any Federal Government employee may be
11 detailed to the Task Force with or without reim-
12 bursement from the Task Force, and such detailee
13 shall retain the rights, status, and privileges of his
14 or her regular employment without interruption. Re-
15 imbursable amounts may include the fair value of
16 equipment and supplies used by the detailee in sup-
17 port of the Task Force's activities. For the purpose
18 of this paragraph, Federal Government employees
19 shall include employees of the legislative branch.

20 (6) CONSULTANT SERVICES.—The Co-Chairs of
21 the Task Force are authorized to procure the serv-
22 ices of experts and consultants in accordance with
23 section 3109 of title 5, United States Code, but at
24 rates not to exceed the daily rate paid a person oc-
25 cupying a position at level III of the Executive

1 Schedule under section 5316 of title 5, United
2 States Code.

3 (7) TEMPORARY AND INTERMITTENT SERV-
4 ICES.—The Co-Chairs of the Task Force may pro-
5 cure temporary and intermittent services under sec-
6 tion 3109(b) of title 5, United States Code, at rates
7 for individuals which do not exceed the daily equiva-
8 lent of the annual rate of basic pay prescribed for
9 level III of the Executive Schedule under section
10 5316 of such title.

11 (8) VOLUNTEER SERVICES.—

12 (A) IN GENERAL.—Notwithstanding the
13 provisions of section 1342 of title 31, United
14 States Code, the Co-Chairs of the Task Force
15 are authorized to accept and utilize the services
16 of volunteers serving without compensation.
17 The Task Force may reimburse such volunteers
18 for local travel and office supplies, and for
19 other travel expenses, including per diem in lieu
20 of substance, as authorized by section 5703 of
21 title 5, United States Code.

22 (B) EMPLOYEE STATUS.—A person pro-
23 viding volunteer services to the Task Force
24 shall be considered an employee of the Federal
25 Government in the performance of those serv-

1 ices for the purposes of Chapter 81 of title 5,
2 United States Code, relating to compensation
3 for work-related injuries, chapter 171 of title
4 28, United States Code, relating to tort claims
5 and chapter 11 of title 18, United States Code,
6 relating to conflicts of interests.

7 (C) ETHICAL GUIDELINES FOR STAFF.—In
8 the absence of statutorily defined coverage, the
9 staff, including staff director, shall follow the
10 ethical rules and guidelines of the Senate. Staff
11 coming from the private sector or outside public
12 government may petition the Co-Chairs for a
13 waiver from provisions of Senate Ethics rules.

14 (9) ADVISORY PANEL.—The Task Force may
15 establish an advisory panel consisting of volunteers
16 with knowledge and expertise relevant to the Task
17 Force’s purpose. Membership of the Advisory Panel,
18 and the scope of the Panel’s activities, shall be de-
19 cided by the Co-Chairs in consultation with the other
20 members of the Task Force.

21 (d) TERMINATION.—

22 (1) IN GENERAL.—The Task Force shall termi-
23 nate on the date that is 90 days after the Task
24 Force submits the report required under paragraph
25 (b)(3)(B).

1 (2) CONCLUDING ACTIVITIES.—The Task Force
2 may use the 90-day period referred to in paragraph
3 (1) for the purpose of concluding its activities, in-
4 cluding providing testimony to committees of Con-
5 gress concerning its report and disseminating the
6 final report.

7 (e) EXPEDITED CONSIDERATION OF TASK FORCE
8 RECOMMENDATIONS.—

9 (1) INTRODUCTION.—

10 (A) INTRODUCTION OF TASK FORCE
11 BILL.—The proposed legislative language con-
12 tained in the report submitted pursuant to sub-
13 section (b)(3)(B), upon receipt by the Congress,
14 shall be introduced not later than 14 calendar
15 days after the date of such submission, in the
16 Senate and in the House of Representatives by
17 the majority leader of each House of Congress,
18 for himself, the minority leader of each House
19 of Congress, for himself, or any member of the
20 House designated by the majority leader or mi-
21 nority leader. If the Task Force bill is not in-
22 troduced in accordance with the preceding sen-
23 tence in either House of Congress, then any
24 Member of that House may introduce the Task
25 Force bill on any day thereafter. Upon intro-

1 duction, the Task Force bill shall be referred to
2 the appropriate committees under subparagraph
3 (C).

4 (B) COMMITTEE CONSIDERATION.—A
5 Task Force bill introduced in either House of
6 Congress shall be jointly referred to the com-
7 mittee or committees of jurisdiction of that
8 House, which committees shall report the bill
9 without any revision and with a favorable rec-
10 ommendation, an unfavorable recommendation,
11 or without recommendation, not later than 7
12 calendar days after the date of introduction of
13 the bill in that House, or the first day there-
14 after on which that House is in session. If any
15 committee fails to report the bill within that pe-
16 riod, that committee shall be automatically dis-
17 charged from consideration of the bill, and the
18 bill shall be placed on the appropriate calendar.

19 (2) EXPEDITED PROCEDURES.—

20 (A) FAST TRACK CONSIDERATION IN
21 HOUSE OF REPRESENTATIVES.—

22 (i) PROCEEDING TO CONSIDER-
23 ATION.—It shall be in order, not later than
24 2 days of session after the date on which
25 a Task Force bill is reported or discharged

1 from all committees to which it was re-
2 ferred, for the majority leader of the
3 House of Representatives or the majority
4 leader's designee, to move to proceed to
5 the consideration of the Task Force bill. It
6 shall also be in order for any Member of
7 the House of Representatives to move to
8 proceed to the consideration of the Task
9 Force bill at any time after the conclusion
10 of such 2-day period. All points of order
11 against the motion are waived. Such a mo-
12 tion shall not be in order after the House
13 has disposed of a motion to proceed on the
14 Task Force bill. The previous question
15 shall be considered as ordered on the mo-
16 tion to its adoption without intervening
17 motion. The motion shall not be debatable.
18 A motion to reconsider the vote by which
19 the motion is disposed of shall not be in
20 order.

21 (ii) CONSIDERATION.—The Task
22 Force bill shall be considered as read. All
23 points of order against the Task Force bill
24 and against its consideration are waived.
25 The previous question shall be considered

1 as ordered on the Task Force bill to its
2 passage without intervening motion except
3 60 hours of debate equally divided and
4 controlled by the proponent and an oppo-
5 nent, and any motion to limit debate. A
6 motion to reconsider the vote on passage of
7 the Task Force bill shall not be in order.

8 (iii) APPEALS.—Appeals from deci-
9 sions of the chair relating to the applica-
10 tion of the Rules of the House of Rep-
11 resentatives to the procedure relating to a
12 Task Force bill shall be decided without
13 debate.

14 (iv) APPLICATION OF HOUSE
15 RULES.—Except to the extent specifically
16 provided in paragraph (2)(A), consider-
17 ation of a Task Force bill shall be gov-
18 erned by the Rules of the House of Rep-
19 resentatives. It shall not be in order in the
20 House of Representatives to consider any
21 Task Force bill introduced pursuant to the
22 provisions of this subsection under a sus-
23 pension of the rules pursuant to Clause 1
24 of House Rule XV, or under a special rule

1 reported by the House Committee on
2 Rules.

3 (v) NO AMENDMENTS.—No amend-
4 ment to the Task Force bill shall be in
5 order in the House of Representatives.

6 (vi) VOTE ON PASSAGE.—Immediately
7 following the conclusion of consideration of
8 the Task Force bill, the vote on passage of
9 the Task Force bill shall occur without any
10 intervening action or motion, requiring an
11 affirmative vote of three-fifths of the Mem-
12 bers, duly chosen and sworn. If the Task
13 Force bill is passed, the Clerk of the
14 House of Representatives shall cause the
15 bill to be transmitted to the Senate before
16 the close of the next day of session of the
17 House. The vote on passage shall occur not
18 later than December 31, 2016.

19 (vii) VOTE.—The House Committee
20 on Rules may not report a rule or order
21 that would have the effect of causing the
22 Task Force bill to be approved by a vote
23 of less than three-fifths of the Members,
24 duly chosen and sworn.

1 (B) FAST TRACK CONSIDERATION IN SEN-
2 ATE.—

3 (i) IN GENERAL.—Notwithstanding
4 Rule XXII of the Standing Rules of the
5 Senate, it is in order, not later than 2 days
6 of session after the date on which a Task
7 Force bill is reported or discharged from
8 all committees to which it was referred, for
9 the majority leader of the Senate or the
10 majority leader’s designee to move to pro-
11 ceed to the consideration of the Task
12 Force bill. It shall also be in order for any
13 Member of the Senate to move to proceed
14 to the consideration of the Task Force bill
15 at any time after the conclusion of such 2-
16 day period. A motion to proceed is in order
17 even though a previous motion to the same
18 effect has been disagreed to. All points of
19 order against the motion to proceed to the
20 Task Force bill are waived. The motion to
21 proceed is not debatable. The motion is not
22 subject to a motion to postpone. A motion
23 to reconsider the vote by which the motion
24 is agreed to or disagreed to shall not be in
25 order. If a motion to proceed to the consid-

1 eration of the Task Force bill is agreed to,
2 the Task Force bill shall remain the unfin-
3 ished business until disposed of.

4 (ii) DEBATE.—All points of order
5 against the Task Force bill and against
6 consideration of the Task Force bill are
7 waived. Consideration of the Task Force
8 bill and of all debatable motions and ap-
9 peals in connection therewith shall not ex-
10 ceed a total of 60 hours. Debate shall be
11 divided equally between the majority and
12 minority leaders or their designees. A mo-
13 tion further to limit debate on the Task
14 Force bill is in order, shall require an af-
15 firmative vote of three-fifths of the Mem-
16 bers duly chosen and sworn, and is not de-
17 batable. Any debatable motion or appeal is
18 debatable for not to exceed 1 hour, to be
19 divided equally between those favoring and
20 those opposing the motion or appeal. All
21 time used for consideration of the Task
22 Force bill, including time used for quorum
23 calls and voting, shall be counted against
24 the total 100 hours of consideration.

1 (iii) NO AMENDMENTS.—An amend-
2 ment to the Task Force bill, or a motion
3 to postpone, or a motion to proceed to the
4 consideration of other business, or a mo-
5 tion to recommit the Task Force bill, is
6 not in order.

7 (iv) VOTE ON PASSAGE.—The vote on
8 passage shall occur immediately following
9 the conclusion of the debate on a Task
10 Force bill, and a single quorum call at the
11 conclusion of the debate if requested. Pas-
12 sage shall require an affirmative vote of
13 three-fifths of the Members, duly chosen
14 and sworn. The vote on passage shall occur
15 not later than December 31, 2016.

16 (v) RULINGS OF THE CHAIR ON PRO-
17 CEDURE.—Appeals from the decisions of
18 the Chair relating to the application of the
19 rules of the Senate, as the case may be, to
20 the procedure relating to a Task Force bill
21 shall be decided without debate.

22 (C) RULES TO COORDINATE ACTION WITH
23 OTHER HOUSE.—

24 (i) REFERRAL.—If, before the passage
25 by one House of a Task Force bill of that

1 House, that House receives from the other
2 House a Task Force bill, then the Task
3 Force bill of the other House shall not be
4 referred to a committee and shall imme-
5 diately be placed on the calendar.

6 (ii) PROCEDURE.—If the Senate re-
7 ceives the Task Force bill passed by the
8 House of Representatives before the Sen-
9 ate has voted on passage of the Task
10 Force bill—

11 (I) the procedure in the Senate
12 shall be the same as if no Task Force
13 bill had been received from House of
14 Representatives; and

15 (II) the vote on passage in the
16 Senate shall be on the Task Force bill
17 of the House of Representatives.

18 (iii) TREATMENT OF TASK FORCE
19 BILL OF OTHER HOUSE.—If one House
20 fails to introduce or consider a Task Force
21 bill under this section, the Task Force bill
22 of the other House shall be entitled to ex-
23 pedited floor procedures under this section.

24 (iv) TREATMENT OF COMPANION
25 MEASURES IN THE SENATE.—If, following

1 passage of the Task Force bill in the Sen-
 2 ate, the Senate then receives the Task
 3 Force bill from the House of Representa-
 4 tives, the House-passed Task Force bill
 5 shall not be debatable. The vote on passage
 6 of the Task Force bill in the Senate shall
 7 be considered to be the vote on passage of
 8 the Task Force bill received from the
 9 House of Representatives.

10 (v) VETOES.—If the President vetoes
 11 the Task Force bill, debate on a veto mes-
 12 sage in the Senate under this section shall
 13 be 1 hour equally divided between the ma-
 14 jority and minority leaders or their des-
 15 ignees.

16 (3) SUSPENSION.—No motion to suspend the
 17 application of this subsection shall be in order in the
 18 Senate or in the House of Representatives.

19 **TITLE III—FAILURE BY CON-**
 20 **GRESS TO FULLY FUND HIGH-**
 21 **WAY TRUST FUND**

22 **SEC. 301. FAILURE BY CONGRESS TO FULLY FUND HIGH-**
 23 **WAY TRUST FUND.**

24 (a) HIGHWAY FUELS EXCISE TAX INCREASE TO
 25 FUND 3-YEAR SHORTFALL FUNDING.—

1 (1) IN GENERAL.—If, before January 1, 2017,
2 the Secretary of the Treasury determines that Con-
3 gress has not fully funded the 3-year shortfall in the
4 Highway Trust Fund, then effective on April 1,
5 2017, each of the specified rates of tax are hereby
6 increased by the rate determined by the Secretary of
7 the Treasury to result in the elimination of such
8 shortfall over the 3-year shortfall period.

9 (2) 3-YEAR SHORTFALL.—For purposes of this
10 subsection, the term “3-year shortfall” means the
11 excess of—

12 (A) \$50,400,000,000, over

13 (B) the dollar amount of funding made
14 available by Act of Congress to the Highway
15 Trust Fund for the 3-year shortfall period.

16 (3) 3-YEAR SHORTFALL PERIOD.—For purposes
17 of this subsection, the term “3-year shortfall period”
18 means the period beginning on January 1, 2017,
19 and ending on December 31, 2019.

20 (b) HIGHWAY FUELS EXCISE TAX INCREASE TO
21 FUND 5-YEAR SHORTFALL FUNDING.—

22 (1) IN GENERAL.—If, before January 1, 2020,
23 the Secretary of the Treasury determines that Con-
24 gress has not fully funded the 5-year shortfall in the
25 Highway Trust Fund, then, in addition to the in-

1 crease in rates under subsection (a), effective April
2 1, 2020, each of the specified rates of tax are hereby
3 further increased by the rate determined by the Sec-
4 retary of the Treasury to result in the elimination of
5 such shortfall over the 5-year shortfall period.

6 (2) 5-YEAR SHORTFALL.—For purposes of this
7 subsection, the term “5-year shortfall” means the
8 excess of—

9 (A) \$89,000,000,000, over

10 (B) the dollar amount of funding made
11 available by Act of Congress to the Highway
12 Trust Fund for the 5-year shortfall period.

13 (3) 5-YEAR SHORTFALL PERIOD.—For purposes
14 of this subsection, the term “5-year shortfall period”
15 means the period beginning on January 1, 2020,
16 and ending on December 31, 2024.

17 (c) SPECIFIED RATES OF TAX.—For purposes of this
18 section, the rates of tax specified in this paragraph are
19 the rates of tax in the following sections of the Internal
20 Revenue Code of 1986:

21 (1) Section 4081(a)(2)(A)(i).

22 (2) Section 4081(a)(2)(A)(iii).

23 (3) Section 4081(a)(2)(D).

24 (4) Section 4041(a)(1)(C)(iii).

25 (5) Section 4041(a)(2)(B)(ii).

1 (6) Section 4041(a)(3)(A).

2 (7) Section 4041(m)(1)(A).

3 (d) **RULE REGARDING TAX RATES.**—In making de-
4 terminations under this section relating to excise tax in-
5 creases, the ratio that the amount of revenue raised by
6 an excise tax specified in subsection (c) bears to the aggre-
7 gate amount of revenue raised by excise taxes specified
8 in subsection (c) shall remain the same.

9 (e) **EFFECTIVE DATE.**—The effective date of an in-
10 crease in tax under this section shall be—

11 (1) January 1, 2017, in the case of an increase
12 under subsection (a), and

13 (2) January 1, 2020, in the case of an increase
14 under subsection (b).

○