

115TH CONGRESS
2D SESSION

S. 3587

To amend title 23, United States Code, to improve the nationally significant freight and highway projects program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 11, 2018

Mr. CARPER (for himself, Mr. NELSON, Mr. MENENDEZ, and Mr. VAN HOLLEN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend title 23, United States Code, to improve the nationally significant freight and highway projects program, 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. NATIONALLY SIGNIFICANT FREIGHT AND**
4 **HIGHWAY PROJECTS.**

5 (a) REPEAL OF LIMITATION.—

6 (1) IN GENERAL.—Section 117(d) of title 23,
7 United States Code, is amended by striking para-
8 graph (2).

9 (2) CONFORMING AMENDMENTS.—

1 (A) Section 117(d) of title 23, United
2 States Code (as amended by paragraph (1)) is
3 amended—

4 (i) by striking the subsection designa-
5 tion and heading and all that follows
6 through “Except as” in paragraph (1) in
7 the matter preceding subparagraph (A)
8 and inserting the following:

9 “(d) ELIGIBLE PROJECTS.—Except as”;

10 (ii) by redesignating subparagraphs
11 (A) and (B) as paragraphs (1) and (2), re-
12 spectively, and indenting appropriately;

13 (iii) in paragraph (1) (as so redesign-
14 ated)—

15 (I) by redesignating clauses (i)
16 through (iv) as subparagraphs (A)
17 through (D), respectively, and indent-
18 ing appropriately;

19 (II) in subparagraph (B) (as so
20 redesignated), by redesignating sub-
21 clauses (I) and (II) as clauses (i) and
22 (ii), respectively, and indenting appro-
23 priately; and

24 (III) in subparagraph (C) (as so
25 redesignated), by redesignating sub-

1 clauses (I) and (II) as clauses (i) and
 2 (ii), respectively, and indenting appro-
 3 priately; and
 4 (iv) in paragraph (2) (as so redesign-
 5 nated)—

6 (I) by redesignating clauses (i)
 7 and (ii) as subparagraphs (A) and
 8 (B), respectively, and indenting appro-
 9 priately; and

10 (II) in subparagraph (B) (as so
 11 redesignated), by redesignating sub-
 12 clauses (I) and (II) as clauses (i) and
 13 (ii), respectively, and indenting appro-
 14 priately.

15 (B) Section 117(e)(1) of title 23, United
 16 States Code, is amended—

17 (i) by striking “subsection (d)(1)(A)”
 18 and inserting “subsection (d)(1)”; and

19 (ii) by striking “subsection (d)(1)(B)”
 20 and inserting “subsection (d)(2)”.

21 (C) Section 117(m)(1)(B) of title 23,
 22 United States Code, is amended by striking
 23 “subsection (d)(1)(A)(iii)” and inserting “sub-
 24 section (d)(1)(C)”.

1 (b) GRANT ADMINISTRATION.—Section 117(b) of
 2 title 23, United States Code, is amended by adding at the
 3 end the following:

4 “(3) GRANT ADMINISTRATION.—The Secretary
 5 may—

6 “(A) retain not more than a total of 2 per-
 7 cent of the funds authorized to carry out this
 8 section for the National Surface Transportation
 9 and Innovative Finance Bureau to review appli-
 10 cations for grants under this section; and

11 “(B) transfer portions of the funds re-
 12 tained under subparagraph (A) to the Adminis-
 13 trators of the Federal Highway Administration,
 14 the Federal Railroad Administration, and the
 15 Maritime Administration to fund the award and
 16 oversight of grants provided under this sec-
 17 tion.”.

18 (c) PROJECT REQUIREMENTS.—Section 117(g) of
 19 title 23, United States Code, is amended—

20 (1) by redesignating paragraphs (2) through
 21 (7) as paragraphs (3) through (8), respectively;

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

24 “(1) the project will generate national or re-
 25 gional economic or mobility benefits;

1 “(2) the project will generate public benefits,
2 including public health or safety improvements;”;
3 and

4 (3) by striking paragraph (7) (as so redesign-
5 nated) and inserting the following:

6 “(7) a grant provided under this section will en-
7 able the project to proceed more quickly and cost-ef-
8 fectively than would otherwise be possible without a
9 grant; and”.

10 (d) PUBLIC TRANSPARENCY.—Section 117(m)(1)(A)
11 of title 23, United States Code, is amended—

12 (1) by striking the subparagraph designation
13 and heading and all that follows through “At least
14 60 days” in the first sentence and inserting the fol-
15 lowing:

16 “(A) NOTIFICATION TO CONGRESS.—

17 “(i) IN GENERAL.—Not less than 60
18 days”; and

19 (2) in clause (i) (as so designated), by striking
20 the second sentence and inserting the following:

21 “(ii) INCLUSIONS.—The notification
22 under clause (i) shall include—

23 “(I) an evaluation and justifica-
24 tion for the project;

1 “(II) the amount of the proposed
2 grant award;

3 “(III) a list of all applications re-
4 ceived for grants under this section in
5 response to the notice of funding op-
6 portunity; and

7 “(IV) the ratings each applica-
8 tion referred to in subclause (III) re-
9 ceived with respect to—

10 “(aa) the selection criteria
11 developed by the Secretary and
12 announced in the notice of fund-
13 ing opportunity; and

14 “(bb) the selection require-
15 ments under subsections (g) and
16 (h) and, as applicable, subsection
17 (e)(3).”.

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