The motion was agreed to.

HIRE MORE HEROES ACT OF 2015

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A 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.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT proclaims the majority leader is recognized.

AMENDMENT NO. 2266, AS MODIFIED

Mr. MCCONNELL. Madam President, I call up amendment No. 2266, as modified with the changes at the desk.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDENT. Without objection, it is so ordered.

The amendment, as modified, is as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Developing a Reliable and Innovative Vision for the Economy Act" or the "DRIVE Act".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) Divisions.—This Act is organized into 8 divisions as follows:

(1) Division A—Federal-aid Highways and Highway Safety Construction Programs.

(2) Division B—Public Transportation.

(3) Division C—Comprehensive Transportation and Consumer Protection Act of 2015.

(4) Division D—Freight and Major Projects.

(5) Division E—Finance.

(6) Division F—Miscellaneous.

(7) Division G—Surface Transportation Extension.

(8) Division H—Budgetary Effects.

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Definitions.

Sec. 4. Effective date.

DIVISION A—FEDERAL-AID HIGHWAYS AND HIGHWAY SAFETY CONSTRUCTION PROGRAMS

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

Sec. 11001. Authorization of appropriations.

Sec. 11002. Obligation ceiling.

Sec. 11003. Apportionment.

Sec. 11004. Surface transportation program.

Sec. 11005. Metropolitan transportation planning.

Sec. 11006. Statewide and nonmetropolitan transportation planning.

Sec. 11007. Highway use tax evasion projects.

Sec. 11008. Bundling of bridge projects.

Sec. 11009. Flexibility for certain rural road and bridge projects.

Sec. 11101. Construction of ferry sites and ferry terminal facilities.

Sec. 11102. Data collection on unpaved public roads.

Sec. 11103. Congestion mitigation and air quality improvement program.

Sec. 11104. Transportation alternatives.

Sec. 11105. Consolidation of programs.

Sec. 11106. State flexibility for National Highway System modifications.

Sec. 11107. Toll roads, bridges, tunnels, and ferries.

Sec. 11108. HOV facilities.

Sec. 11109. Interstate system reconstruction and rehabilitation pilot program.

Sec. 11110. Emergency relief for federally owned roads.

Sec. 11111. Bridges requiring closure or load restrictions.

Sec. 11112. National electric vehicle charging and natural gas fueling corridors.

Sec. 11113. Asset management.

Sec. 11114. Tribal transportation program amendment.

Sec. 11115. Nationally significant Federal lands and Tribal projects program.

Sec. 11116. Federal lands programmatic activities.

Sec. 11117. Federal lands transportation program.

Sec. 11118. Innovative project delivery.

Sec. 11119. Obligation and release of funds.

Sec. 11120. Vehicle-to-infrastructure equipment.

Sec. 11121. High priority corridors on the National Highway System.

Sec. 11122. Transfer and sale of toll credits.

Sec. 11123. Regional infrastructure accelerator demonstration program.

TITLE II—TRANSPORTATION INNOVATION

Subtitle A—Research

Sec. 12001. Research, technology, and education.

Sec. 12002. Intelligent transportation systems.

Sec. 12003. Future interstate study.

Sec. 12004. Researching surface transportation system funding alternatives.

Subtitle B—Data

Sec. 12101. Tribal data collection.

Sec. 12102. Performance management data support program.

Sec. 12103. Transparency and Best Practices

Sec. 12104. Every Day Counts initiative.

Sec. 12105. Department of Transportation performance measures.

Sec. 12106. Grant program for achievement in transportation for performance and innovation.

Sec. 12107. Highway trust fund transparency and accountability.

Sec. 12108. Report on highway trust fund administrative expenditures.

Sec. 12109. Availability of reports.

Sec. 12110. Performance period adjustment.

Sec. 12111. Design standards.

TITLE III—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT OF 1998 AMENDMENTS

Sec. 13001. Transportation Infrastructure Finance and Innovation Act of 1998 amendments.

TITLE IV—TECHNICAL CORRECTIONS

Sec. 14001. Technical corrections.

TITLE V—MISCELLANEOUS

Sec. 15001. Appalachian development highway system.

Sec. 15002. Appalachian regional development program.

Sec. 15003. Water infrastructure finance and innovation.

Sec. 15004. Administrative provisions to encourage pollinator habitat and forage on transportation rights-of-way.

Sec. 15005. Study on performance of bridges.

Sec. 15006. Sport fish restoration and recreational boating opportunity program.

DIVISION B—PUBLIC TRANSPORTATION

TITLE XXI—FEDERAL PUBLIC TRANSPORTATION ACT

Sec. 21001. Short title.

Sec. 21002. Definitions.

Sec. 21003. Federal lands transportation program.

Sec. 21004. Service club, charitable association, or religious service signs.

Sec. 21005. Urbanized area formula grants.

Sec. 21006. Fixed guideway capital investment grants.
Sec. 35203. State-supported route committee.

Sec. 35204. Route and service planning decisions.

Sec. 35205. Competition.

Sec. 35206. Rolling stock purchases.

Sec. 35207. Food and beverage policy.

Sec. 35208. Local products and promotional events.

Sec. 35209. Right-of-way leveraging.

Sec. 35210. Station development.

Sec. 35211. Amtrak.

Sec. 35212. Amtrak pilot program for passengers transporting domesticated cats and dogs.

Sec. 35213. Amtrak board of directors.

Sec. 35214. Amtrak boarding procedures.

Subtitle C—Intercity Passenger Rail Policy

Sec. 35301. Competitive operating grants.

Sec. 35302. Federal-State partnership for good repair.

Sec. 35303. Large capital project requirements.

Sec. 35304. Small business participation.

Sec. 35305. Gulf coast rail service working group.

Sec. 35306. Integrated passenger rail working groups.

Sec. 35307. Shared-use study.

Sec. 35308. Northeast Corridor Commission.

Sec. 35309. Northeast Corridor through-ticketing and procurement efficiencies.

Sec. 35310. Data and analysis.

Sec. 35311. Performance-based proposals.

Sec. 35312. Amtrak Inspector General.

Sec. 35313. Miscellaneous provisions.

Subtitle D—Rail Safety

PART I—SAFETY IMPROVEMENT

Sec. 34001. Highway-rail grade crossing safety.

Sec. 34002. Speed limit action plans.

Sec. 34003. Signage.

Sec. 34004. Alerters.

Sec. 34005. Signal protection.

Sec. 34006. Technology implementation plans.

Sec. 34007. Commuter rail track inspections.

Sec. 34008. Emergency response.

Sec. 34009. Private highway-rail grade crossings.

Sec. 34010. Repair and replacement of damaged track inspection equipment.

Sec. 34011. Rail police officers.

Sec. 34012. Operation deep dive; report.

Sec. 34013. Post-accident assessment.

Sec. 34014. Technical and conforming amendments.

Sec. 34015. GAO study on use of locomotive horns at highway-rail grade crossings.

Sec. 34016. Bridge inspection reports.

PART II—CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS

Sec. 34201. Consolidated rail infrastructure and safety improvements.

PART III—HAZARDOUS MATERIALS BY RAIL

SAFETY AND OTHER SAFETY ENHANCEMENTS

Sec. 34301. Real-time emergency response information.

Sec. 34302. Thermal blankets.

Sec. 34303. Comprehensive oil spill response plans.

Sec. 34304. Hazardous materials by rail liability study.

Sec. 34305. Study and testing of electronically-controlled pneumatic brakes.

Sec. 34306. Recording devices.

Sec. 34307. Rail passenger transportation liability.

Sec. 34308. Modification reporting.

Sec. 34309. Report on crude oil characteristics research study.

PART IV—POSITIVE TRAIN CONTROL

Sec. 35401. Coordination of spectrum.

Sec. 35402. Updated plans.

Sec. 35403. Efficient environmental reviews.

Sec. 35404. Advance acquisition.

Sec. 35405. Railroad rights-of-way.

Sec. 35406. Savings clause.

Sec. 35407. Transitions.

Subtitle F—Financing

Sec. 35408. Eligible purposes.

Sec. 35409. Eligible applicants.

Sec. 35410. Program administration.

Sec. 35411. Loan terms and repayment.

Sec. 35412. Credit risk premiums.

Sec. 35413. Master credit agreements.

Sec. 35414. Priorities and conditions.

Sec. 35415. Savings provision.

DIVISION D—FREIGHT AND MAJOR PROJECTS

TITLE XI—FREIGHT POLICY

Sec. 41001. Establishment of freight chapter.

Sec. 41002. National multimodal freight policy.

Sec. 41003. National multimodal freight network.

Sec. 42001. National freight strategic plan.

Sec. 42002. State freight advisory committee.

Sec. 42003. State freight plans.

Sec. 42004. Freight data and tools.

Sec. 42005. Savings provision.

TITLE XII—PLANNING

Sec. 43001. National highway freight program.

TITLE XIII—FORMULA FREIGHT PROGRAM

Sec. 44001. Purpose; definitions; administration.

Sec. 44002. Grants.

DIVISION E—FREIGHT AND MAJOR PROJECTS

SEC. 44003. Permitting process improvement.

DIVISION F—FINANCING

TITLE XVI—FEDERAL PERMITTING IMPROVEMENT

Sec. 41001. Definitions.


Sec. 41003. Permitting process improvement.

Sec. 41004. Interstate compacts.

Sec. 41005. Coordination of required reviews.

Sec. 41006. Delegated State permitting programs.

Sec. 41007. Litigation, judicial review, and savings provision.

Sec. 41008. Report to Congress.

Sec. 41009. Funding for governance, oversight, and processing of environmental reviews and permits.

Sec. 41010. Application.

Sec. 41011. GAO Report.

DIVISION L—SURFACE TRANSPORTATION EXTENSION

Sec. 70001. Short title.

TITLE LXXI—EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS

Sec. 71001. Extension of Federal-aid highway programs.

Sec. 71002. Administrative expenses.

DIVISION LXXII—TEMPORARY EXTENSION OF PUBLIC TRANSPORTATION PROGRAMS

Sec. 72001. Formula grants for rural areas.

Sec. 72002. Apportionment of appropriations for formula grants.

Sec. 72003. Authorizations for public transportation programs.

Sec. 72004. Bus and bus facilities formula grants.

TITLE LXXIII—EXTENSION OF HIGHWAY SAFETY PROGRAMS

Sec. 73001. Extension of Highway Safety Programs.


Sec. 73102. Extension of Federal Motor Carrier Safety Administration programs.

Sec. 73103. Dingell-Johnson Sport Fish Restoration Act.

DIVISION LXXIV—SAFETY PROGRAMS

Subtitle A—Extension of Highway Safety Programs

Sec. 74001. Extension of trust fund expenditure authority.

Sec. 74002. Maintenance of highway trust fund cash balance.

Sec. 74003. Prohibition on rescissions of certain contract authority.

Sec. 74105. Return due date modifications.

Sec. 74106. Reform of rules relating to qualified tax collection contracts.

Sec. 74107. Special compliance personnel.

Sec. 74108. Transfers of excess pension assets to retiree health accounts.

Subtitle B—Fees and Receipts

Sec. 74201. Extension of depositories of security service fund in the general fund.

Sec. 74202. Adjustment for inflation of fees for certain customs services.

Sec. 74203. Dividends and surplus funds of Reserve Banks.

Sec. 74204. Strategic Petroleum Reserve drawdown and sale.

Sec. 74205. Extension of enterprise guarantee fee.

Subtitle C—Outlays

Sec. 74201. Interest on overpayment.
SEC. 3. DEFINITIONS. In this Act:
(1) DEPARTMENT.—The term “Department” means the Department of Transportation.
(2) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

SEC. 4. EFFECTIVE DATE.
Except as otherwise provided, divisions A, B, C, and D, including the amendments made by those divisions, take effect on October 1, 2015.

DIVISION A—FEDERAL-AID HIGHWAYS AND HIGHWAY SAFETY CONSTRUCTION PROGRAMS

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

SEC. 11001. AUTHORIZATION OF APPROPRIATIONS.

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

(1) FEDERAL-AID HIGHWAY PROGRAM.—For the national highway performance program under section 118 of title 23, United States Code, the surface transportation program under section 133 of that title, the highway safety improvement program under section 148 of that title, the alternative fuel vehicle corrosion mitigation and air quality improvement program under section 149 of that title, the national freight program under section 147 of that title, the transportation alternatives program under section 213 of that title, and to carry out section 134 of that title:
   (A) $30,570,500,000 for fiscal year 2016;
   (B) $40,771,300,000 for fiscal year 2017;
   (C) $42,127,100,000 for fiscal year 2018;
   (D) $36,476,400,000 for fiscal year 2019;
   (E) $44,575,700,000 for fiscal year 2020; and
   (F) $45,691,900,000 for fiscal year 2021.

(2) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION PROGRAM.—For credit assistance and transportation infrastructure finance and innovation program under chapter 6 of title 23, United States Code, $300,000,000 for each of fiscal years 2016 through 2021.

(3) FEDERAL LANDS AND TRIBAL TRANSPORTATION PROGRAMS.—(A) TRIBAL TRANSPORTATION PROGRAM.—For the tribal transportation program under section 202 of title 23, United States Code—
   (i) $400,000,000,000 for fiscal year 2016;
   (ii) $570,000,000,000 for fiscal year 2017;
   (iii) $650,000,000,000 for fiscal year 2018;
   (iv) $500,000,000,000 for fiscal year 2019;
   (v) $500,000,000,000 for fiscal year 2020; and
   (vi) $310,000,000,000 for fiscal year 2021.

(B) FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Federal lands and tribal transportation program under section 204 of title 23, United States Code—
   (i) $255,000,000,000 for fiscal year 2016;
   (ii) $280,000,000,000 for fiscal year 2017;
   (iii) $280,000,000,000 for fiscal year 2018;
   (iv) $270,000,000,000 for fiscal year 2019; and
   (v) $275,000,000,000 for fiscal year 2020; and

(4) TERRITORIAL AND PUERTO RICO HIGHWAY PROGRAM.—For the territorial and Puerto Rico highway program under section 165 of title 23, United States Code, $200,000,000,000 for each of fiscal years 2016 through 2021.

(b) RESEARCH, TECHNOLOGY, AND EDUCATION AUTHORIZATIONS.—(1) IN GENERAL.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):
   (A) HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.—To carry out the highway research and development program under section 503(b) of title 23, United States Code, $130,000,000 for each of fiscal years 2016 through 2021.
   (B) TECHNOLOGY AND INNOVATION DEPLOYMENT PROGRAM.—To carry out the technology and innovation deployment program under section 503(c) of title 23, United States Code, $62,500,000 for each of fiscal years 2016 through 2021.
   (C) TRAINING AND EDUCATION.—To carry out training and education under section 504 of title 23, United States Code, $24,000,000 for each of fiscal years 2016 through 2021.

(c) INTELLIGENT TRANSPORTATION SYSTEMS PROGRAM.—To carry out the intelligent transportation systems program under section 512 through 518 of title 23, United States Code, $175,000,000 for each of fiscal years 2016 through 2021.

(d) UNIVERSITY TRANSPORTATION CENTERS PROGRAM.—To carry out the university transportation centers program under section 5505 of title 49, United States Code, $72,500,000 for each of fiscal years 2016 through 2021.

(4) BUREAU OF TRANSPORTATION STATISTICS.—There are authorized to be appropriated out of the general fund of the Treasury to carry out chapter 63 of title 49, United States Code, $25,000,000 for each of fiscal years 2016 through 2021.

(5) UNIFORM CERTIFICATION.—(D) INCLUSIONS.—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)).

(B) T ECHNOLOGY AND INNOVATION DEPLOY - MENT PROGRAM.—To carry out the tech - nology and innovation deployment program under section 503(c) of title 23, United States Code, $62,500,000 for each of fiscal years 2016 through 2021.

(C) TRAINING AND EDUCATION.—To carry out training and education under section 504 of title 23, United States Code, $24,000,000 for each of fiscal years 2016 through 2021.

(2) INCLUSIONS.—In this subsection, the following definitions apply:

(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)).

(B) EXCLUSIONS.—The term “small business concern” does not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual.

(C) not be transferable.

(3) AMOUNTS FOR SMALL BUSINESS CONCERNS.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available for payment by this Act and section 403 of title 23, United States Code, shall be expended through small business concerns and concerns controlled by socially and economically disadvantaged individuals.

(4) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State shall annually—

(A) survey and compile a list of the small business concerns referred to in paragraph (2) in the State, including the location of the small business concerns in the State; and

(B) notify the Secretary, in writing, of the percentage of the small business concerns that are controlled by—
   (i) women;
   (ii) socially and economically disadvantaged individuals (other than women); and
   (iii) individuals who are women and are otherwise socially and economically disadvantaged individuals.

(5) UNIFORM CERTIFICATION.—(A) IN GENERAL.—The Secretary shall establish minimum uniform criteria for use by State governments in certifying whether a concern qualifies as a small business concern for the purpose of this subsection.

(6) ENFORCEMENT.—The Secretary shall ensure that State governments are enforcing the uniform certification criteria established under paragraph (A) and enforces the criteria to the fullest extent practicable.
(iv) analyses of stock ownership; (v) listings of equipment; (vi) analyses of bonding capacity; (vii) listings of work completed; (viii) determination of the resumes of principal owners; (ix) analyses of financial capacity; and (x) analyses of the type of work preferred.

(6) The Secretary shall—

(a) establish minimum requirements for use by State governments in reporting to the Secretary—

(i) information concerning disadvantaged business enterprise awards, commitments, and achievements; and

(ii) such other information as the Secretary determines to be appropriate for the proper administration of the disadvantaged business enterprise program.

(7) COMPLIANCE WITH COURT ORDERS.—Nothing in this subsection limits the eligibility of an individual or entity to receive funds made available under title I of this Act and section 403 of title 23, United States Code, if the individual or entity is prevented, in whole or in part, from complying with paragraph (2) because a Federal court issues a final order in which the court finds that a requirement or limitation imposed on the individual or entity to receive funds made available under this subsection limits the eligibility of an individual or entity to receive funds made available under this subsection.

SEC. 11002. OBLIGATION CEILING.

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

(1) $41,625,500,000 for fiscal year 2016;

(2) $42,896,300,000 for fiscal year 2017;

(3) $44,221,000,000 for fiscal year 2018;

(4) $45,759,400,000 for fiscal year 2019;

(5) $46,882,700,000 for fiscal year 2020; and

(6) $48,032,900,000 for fiscal year 2021.

(b) AVAILABILITY.—The limitations under subsection (a) shall not apply to obligations under or for—

(1) section 125 of title 23, United States Code;

(2) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714); (3) section 104 of the Federal-Aid Highway Act of 1961 (95 Stat. 1701);

(4) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (96 Stat. 1874); (5) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Federal-aid Highway Act of 1987 (101 Stat. 198); (6) section 108 through 108 of the Interstate-Modal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027);

(7) section 157 of title 23, United States Code (as in effect on June 8, 1990);

(8) section 105 of title 23, United States Code (as in effect for fiscal years 1998 through 2004, but in only an amount equal to $639,000,000 for each of those fiscal years);

(9) section 105 of title 23, United States Code (as in effect for fiscal years 2005 through 2012, but in only an amount equal to $639,000,000 for each of those fiscal years);

(10) Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century (112 Stat. 28) or subsequent Acts for multiple years or to remain available until expended, but only to the extent that the obligation authority has not lapse after fiscal year 2004 and the funds were initially made available for obligation; (11) section 1603 of SAFETEA–LU (23 U.S.C. 118 note; 119 Stat. 1248), to the extent that funds obligated in accordance with that section were not a limitation on obligations at the time at which the funds were initially made available for obligation; (12) section 119 of title 23, United States Code (as in effect for fiscal years 2013 through 2015, but in only an amount equal to $639,000,000 for each of those fiscal years); and

(13) section 119 of title 23, United States Code (but, for each of fiscal years 2016 through 2021, only in an amount equal to $639,000,000 for each of those fiscal years).

(c) DISTRIBUTION OF OBLIGATION AUTHORITY.—For each of fiscal years 2016 through 2021, the Secretary shall—

(1) not distribute obligation authority provided by subsection (a) that is equal to the unobligated balance of amounts—

(A) made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highway and highway safety construction programs for penny construction projects for fiscal years the funds for which are allocated for obligation by the Secretary or (apportioned by the Secretary under section 222 or 204 of title 23, United States Code); and

(B) for which obligation authority was provided in a previous fiscal year;

(3) determine that—

(i) the obligation authority provided by subsection (a) for the fiscal year; and

(ii) the aggregate amount not distributed under paragraphs (1) and (2); bears to

(B) an amount equal to the difference between—

(i) the total of the sums authorized to be appropriated for the Federal-aid highway and highway safety construction programs other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (12) of subsection (b) and sums authorized to be appropriated for sections 119 of title 23, United States Code, equal to the amount referred to in subsection (b)(13) for the fiscal year; and

(ii) the total amount not distributed under paragraphs (1) and (2);

(4) distribute the obligation authority provided by subsection (a), less the aggregate amount not distributed under paragraphs (1) and (2), for each of the programs (other than programs to which paragraph (1) applies) that are allocated by the Secretary under this title and title 23, United States Code, or apportioned by the Secretary under section 202 or 204 of that title, by multiplying—

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

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

(5) distribute the obligation authority provided by subsection (a), less the aggregate amount not distributed under paragraphs (1) and (2) and the amounts distributed under paragraph (4), for Federal-aid highway and highway safety construction programs that are apportioned by the Secretary under title 23, United States Code, (other than the amounts authorized for the national highway performance program under section 119 of title 23, United States Code, that are exempt from the limitation under subsection (c)(5) of that title) in the proportion that—

(A) the amounts authorized to be appropriated for fiscal years; bears to

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

(d) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (c), the Secretary shall, after August 1 of each of fiscal years 2016 through 2021—

(1) declare a distribution of the obligation authority made available under subsection (c) if an amount distributed cannot be obligated during that fiscal year; and

(2) distribute amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 144 (as in effect on the day before the date of enactment of MAP–21 (126 Stat. 405)) and 104 of title 23, United States Code.

(e) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—In general.—Except as provided in paragraph (2), obligation limitations imposed by subsection (a) shall apply to contract authority for transportation research programs carried out under chapter 5 of title 23, United States Code.

(2) EXCEPTION.—Obligation authority made available under paragraph (1) shall—

(1) remain available for a period of 4 fiscal years; and

(2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(f) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—In general.—Not later than 30 days after the date of distribution of obligation authority under subsection (c) for each of fiscal years 2016 through 2021, the Secretary shall distribute to those States any funds (excluding funds authorized for the program under section 202 of title 23, United States Code) that—

(A) are authorized to be appropriated for the fiscal year for Federal-aid highway programs; and

(B) the Secretary determines will not be allocated to the States (or will not be apportioned to the States under section 204 of title 23, United States Code), and will not be available for obligations for the fiscal year because of the limitation of any obligation limitation for the fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same proportion as the distribution of obligation authority under subsection (c)(5).

(3) AVAILABLE.—Funds distributed to each State under paragraph (1) shall be available for any purpose described in section 133(b) of title 23, United States Code.

SEC. 11003. APPOINTMENT.

(a) In general.—Section 104 of title 23, United States Code, is—

(1) in subsection (a)(1) by striking subparagraphs (A) and (B) and inserting the following:

“(A) $456,000,000 for fiscal year 2016;

(B) $465,000,000 for fiscal year 2017;

(C) $474,000,000 for fiscal year 2018;

(D) $483,000,000 for fiscal year 2019;

(E) $492,000,000 for fiscal year 2020; and

(F) $501,000,000 for fiscal year 2021.”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “and the congestion mitigation and air quality improvement program” and inserting “the congestion mitigation and air quality improvement program; the national freight program;”;

(B) in each of paragraphs (1), (2), and (3) by striking “(paragraphs (4) and (5))” each place
it appears and inserting ‘‘paragraphs (4), (5), and (6), and section 213(a)’’;
(C) in paragraph (1), by striking ‘‘63.7 percent’’ and inserting ‘‘65 percent’’;
(D) by striking ‘‘29.3 percent’’ and inserting ‘‘29 percent’’;
(E) in paragraph (3), by striking ‘‘7 percent’’ and inserting ‘‘6 percent’’;
(F) by striking the matter preceding subparagraph (A), by striking ‘‘determined for the State under subparagraph (c)’’ and inserting ‘‘remaining under subsection (c) after set-asides in accordance with paragraph (5) and section 213(a)’’;
(G) by redesignating paragraph (5) as paragraph (6);
(H) by inserting after paragraph (4) the following:

‘‘5 NATIONAL FREIGHT PROGRAM.—

(A) IN GENERAL.—For the national freight program under section 167, the Secretary shall set aside from the amount determined for a State under subsection (c) an amount determined for the State under subparagraphs (B) and (C).

(B) TOTAL AMOUNT.—The total amount set aside for the national freight program for all States shall be

(i) $1,450,000,000 for fiscal year 2016;
(ii) $1,400,000,000 for fiscal year 2017;
(iii) $1,300,000,000 for fiscal year 2018;
(iv) $1,200,000,000 for fiscal year 2019;
(v) $1,100,000,000 for fiscal year 2020;
(vi) $1,000,000,000 for fiscal year 2021.

(C) STATE SHARE.—The Secretary shall distribute among the States the total set-aside amount for the national freight program under paragraph (2) so that each State receives an amount equal to the proportion that

(i) the total apportionment determined under subsection (c) for a State; bears to

(ii) the total apportions for all States.

(D) METROPOLITAN PLANNING.—Of the amount set aside under this paragraph for a State, the Secretary shall use to carry out section 134 an amount determined by multiplying the set-aside amount by the proportion that

(i) the amount apportioned to the State to carry out section 134 for fiscal year 2009; bears to

(ii) the total amount of funds apportioned to the State for that fiscal year for the programs referred to in section 105(a)(2), except for the high priority projects program referred to in section 105(a)(2)(H) (as in effect on the day before the date of enactment of MAP–21 (Public Law 112–141; 126 Stat. 405).); and

(i) in paragraph (6) (as redesignated by subparagraph (G)), in the matter preceding subparagraph (A), by striking ‘‘determined for the State under subsection (c)’’ and inserting ‘‘remaining under subsection (c) after making the set-asides in accordance with paragraph (5) and section 213(a)’’; and

(3) in subparagraph (c) by adding at the end the following:

‘‘3 FOR FISCAL YEARS 2016 THROUGH 2021.—

(A) STATE SHARE.—For each of fiscal years 2016 through 2021, the amount for each State of combined apportionments for the national highway performance program under section 119, the surface transportation program under section 133, the highway safety improvement program under section 148, the congestion mitigation and air quality improvement program under section 148, the national freight program under section 167, the transportation alternatives program under section 213, and to carry out section 134, shall be determined as follows:

(i) initial amount.—The initial amount for each State shall be determined by multiplying the total amount available for apportionment by the share for each State, which shall be equal to the proportion that

(I) the amount of apportionments that the State received for fiscal year 2014; bears to

(II) the amount of those apportionments received by all States for that fiscal year.

(ii) adjustments to amounts.—The initial amount apportioned to the State under clause (I) shall be adjusted to ensure that, for each State, the amount of combined apportionments for the programs shall not be less than 65 percent of the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the most recent fiscal year for which data are available.

(B) STATE APPORTIONMENT.—For each of fiscal years 2016 through 2021, on October 1, the Secretary shall use to carry out section 134 for fiscal year 2009; bears to

(i) the total apportionment determined under subsection (c) after set-asides in accordance with paragraph (5) and section 213(a); and

(ii) the amount equal to not less than 50 percent of the amount set aside under subparagraph (A).

(b) CONFORMING AMENDMENTS.—

(1) Section 104(d)(1)(A) of title 23, United States Code, is amended by striking ‘‘subsection (b)(5)’’ each place it appears and inserting ‘‘paragraphs (5)(D) and (6) of subsection (b)’’.

(2) Section 120(c)(3) of title 23, United States Code, is amended—

(A) in subparagraph (A), in the matter preceding clause (i), by striking ‘‘or (5)’’ and inserting ‘‘or (5), (6) and (D)’’;

(B) in subparagraph (C)(i), by striking ‘‘and (5)’’ and inserting ‘‘and (5), (6) and (D)’’;

(C) in paragraph (6) of section 104(b) of title 23, United States Code, is amended by striking ‘‘subsection (b)(6)’’ and inserting ‘‘paragraphs (5)(D) and (6) of subsection (b)’’.

(3) Section 135(i) of title 23, United States Code, is amended by striking ‘‘subsection (b)(5)’’ and inserting ‘‘paragraphs (5)(D) and (6) of subsection (b)’’.

(4) Section 136(b) of title 23, United States Code, is amended in the first sentence by striking ‘‘paragraphs (1) through (5) of section 104(b)(2)’’ and inserting ‘‘paragraphs (1) through (6) of section 104(b)(2)’’.

(5) Section 141(b)(2) of title 23, United States Code, is amended by striking ‘‘paragraphs (1) through (5) of section 104(b)’’ and inserting ‘‘paragraphs (1) through (6) of section 104(b)’’.

(6) Section 505(a) of title 23, United States Code, is amended in the matter preceding paragraph (1) by striking ‘‘through (4)’’ and inserting ‘‘through (5)’’.

SEC. 11004. SURFACE TRANSPORTATION PROGRAM.

Section 133 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (10), by inserting ‘‘, including emergency evacuation plans’’ after ‘‘programs’’;

(B) in paragraph (13), by adding a period at the end;

(2) in subsection (c)—

(A) in paragraph (1), by striking the semicolon at the end and inserting ‘‘or for projects described in paragraphs (2), (4), (6), (7), (11), (20), (25), and (26) of subsection (b); and’’;

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2);

(3) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A)—
SEC. 11005. METROPOLITAN TRANSPORTATION PLANNING.

Section 134 of title 23, United States Code, is amended—

(1) in subsection (a)(1), by inserting "resilient" before "surface transportation systems";

(2) in subsection (c)(2), by striking "and bicycle transportation facilities" and inserting "bicycle transportation facilities, intermodal facilities that support intercity transportation and in section 5301(c) of title 49, "intercity bus facilities, and commuter vanpool providers";

(3) in subsection (d)—

(A) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively;

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

"(3) REPRESENTATION.—

"(A) In general.—Designation or selection of officials or representatives under paragraphs (1) and (2) may be made by the metropolitan planning organization according to the bylaws or enabling statute of the organization.

"(B) Public Transportation Representation.—Subject to the bylaws or enabling statute of the metropolitan planning organization, a representative of a provider of public transportation may also serve as a representative of a local municipality.

"(C) Powers of Certain Officials.—An official described in paragraph (2)(B) shall have responsibilities, actions, duties, voting rights, and any other authority commensurate with other officials described in paragraph (2)(B); and

(C) an urbanized area, which is comprised of a population of 145,000 in the State of California and a population of 65,000 in the State of Nevada.

"(c) Suballocated Funding.—

"(A) Section 133.—When determining the amount under subparagraph (A) of section 133(d)(1), the Secretary shall calculate the population under each of those clauses.

"(ii) the date of enactment of the DRIVE Act.

"(2) Use of Funds.—Funds designated under this subsection shall be available under the requirements of section 1303 of SAFETEA-LU (23 U.S.C. 101 note; Public Law 109-59).

"(3) Certification.—Before making a designation under paragraph (1), the Governor shall certify that the designation is consistent with transportation planning requirements under this title.

"(4) Notification.—Not later than 30 days after making a designation under paragraph (1), the Governor shall submit to the relevant intergovernmental planning organizations within the border region a written notification of any suballocated or distributed amount of funds available for obligation by jurisdiction.

"(5) Limitation.—This subsection applies only to funds apportioned to a State after the date of enactment of the DRIVE Act.

"(6) Deadline for Designation.—A designation under paragraph (1) shall—

"(A) be submitted to the Secretary not later than 30 days before the beginning of the fiscal year for which the designation is being made; and

"(B) remain in effect for the funds designated under paragraph (1) for the fiscal year for which the designation is being terminated shall be made available to the State for the purposes described in subsection (d)(1)(B)."

"(7) Unobligated Funds After Termination.—On the date of a termination under paragraph (6)(B), all remaining unobligated funds that were designated under paragraph (1) for a fiscal year for which the designation is being terminated shall be made available to the State for the purposes described in subsection (d)(1)(B)."

SEC. 11006. STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.

(a) In General.—Section 135 of title 23, United States Code, is amended—

(1) in subsection (a)(2), by striking "and bicycle transportation facilities" and inserting "bicycle transportation facilities, intermodal facilities that support intercity transportation, including intercity bus systems, and commuter vanpool providers";

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by inserting "public ports," before "freight shippers,

(ii) by inserting "(including intercity bus operators and commuter vanpool providers)" after "private providers of transportation";

(C) in paragraph (5), by striking "(C) in paragraph (5)" and inserting "subsection (l)";

II by inserting "intercity bus systems, including systems that are privately owned and operated" before the period at the end;

(B) in paragraph (6)(C), by striking "public ports," before "freight shippers," and inserting "private providers of transportation";

(B) in paragraph (2)(A), by striking "and in paragraph (2)(B)(i), by striking "subparagraph (A)" and inserting "subsection (l)";

(i) in clause (i), by striking "subsection (l)";

(ii) in clause (ii), by striking "subsection (l)";

(iii) in clause (iii), by striking "subsection (l)";

(3) Suballocated Funding.—

"(3) Suballocated Funding.—

"(A) Section 133.—When determining the amount under subparagraph (A) of section 133(d)(1) that shall be obligations for a fiscal year for which the States of California and Nevada under clauses (i), (ii), and (iii) of that subparagraph, the Secretary shall, for each of those States—

(i) calculate the population under each of those subparagraphs;

(ii) determine the amount under section 133(d)(1)(A)(i) by the population specified in paragraph (2) of this subsection for the Lake Tahoe Region in that State; and

(iii) increase the amount under section 133(d)(1)(A)(i) by the population specified in paragraph (2) of this subsection for the Lake Tahoe Region in that State.

"(B) Section 213.—When determining the amount under paragraph (1) of section 213(c) that shall be obligated for a fiscal year in the States of California and Nevada under subparagraphs (A), (B), and (C) of that paragraph, the Secretary shall, for each of those States—

(i) calculate the population under each of those subparagraphs;

(ii) determine the amount under section 213(c)(1)(B) by the population specified in paragraph (2) of this subsection for the Lake Tahoe Region in that State; and

(iii) increase the amount under section 213(c)(1)(B) by the population specified in paragraph (2) of this subsection for the Lake Tahoe Region in that State.

"(c) Treatment of Lake Tahoe Region.—

"(1) Definition of Lake Tahoe Region.—In this subsection, the term 'Lake Tahoe Region' has the meaning given the term 'region' in subsection (a) of Article II of the Lake Tahoe Regional Planning Compact (Public Law 96–551; 94 Stat. 3234).

"(2) Treatment.—For the purpose of this title, the Lake Tahoe Region shall be treated as—

(A) a metropolitan planning organization;

"(B) a transportation management area under subsection (k); and

"(C) an urbanized area, which is comprised of a population of 145,000 in the State of California and a population of 65,000 in the State of Nevada.
SEC. 11007. HIGHWAY USE TAX EVASION PENALTIES

Section 143(b) of title 23, United States Code, is amended by striking paragraph (2A) and inserting the following:

(A) in general.—From administrative funds made available under section 109(a), the Secretary shall deduct such sums as are necessary, not to exceed $1,000,000 for each fiscal year, to carry out this section.

SEC. 11008. BUNDLING OF BRIDGE PROJECTS.

Section 144 of title 23, United States Code, is amended—

(1) by inserting after subsection (c) the following:

(1)(A) the number of vehicles carried by a ferry system in the most recent calendar year for which data is available; or

(B) the number of vehicles carried by all ferry systems in the most recent calendar year for which data is available; and

(2) 35 percent shall be allocated among eligible entities in the proportion that—

(a) the number of vehicles carried by each ferry system in the most recent calendar year for which data is available; bears to

(b) the number of vehicles carried by all ferry systems in the most recent calendar year for which data is available; and

(c) the number of vehicles carried by all ferry systems in the most recent calendar year for which data is available.

Securing Federal funds for national ferry systems

SEC. 11010. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

(a) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—Section 147 of title 23, United States Code, is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by redesignating subsection (l) as subsection (k).

(b) DATA COLLECTION.—Notwithstanding subsection (c), data shall have been submitted in the most recent collection of data for the national ferry database under section 180(e) of SAFETEA–LU (23 U.S.C. 129 note; 119 Stat. 1456) for at least 1 ferry service within the State.

(c) ADJUSTMENTS.—On review of the data submitted under paragraph (1)(B), the Secretary may make adjustments to the data as the Secretary determines necessary to correct misreported or inconsistent data.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $500,000 to maintain the database.
(1) in paragraph (2), in the first sentence, by inserting "or on a public transit ferry eligible under chapter 53 of title 49 after "Interstate System"; (2) in paragraph (3) (A) by striking "(3) Such ferry" and inserting "(3)(A) The ferry"; and (B) by adding at the end the following: "(4) The State may elect not to carry out this section for a project on that road until the State completes a collection of the required model inventory of roadway elements for the road.".

SEC. 11013. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.
Section 11013 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)(i)(I), by inserting "in the designated nonattainment area after "air quality standard"; (B) in paragraph (3)(B), by inserting "or maintenance after "likely to contribute to the attainment"; (C) in paragraph (4), by striking "attainment or maintenance of the area of"; and (D) in paragraph (b)(A)(ii)—

(i) in the matter preceding subclause (i), by inserting "in a nonattainment or maintenance area" and inserting "that is a nonattainment or maintenance area"; and (ii) by adding at the end the following:

"(xxv) Installation of vehicle-to-infrastructure communication equipment.

"(xxvi) Pedestrian hybrid beacons.

"(xxvii) Roadway improvements that provide separation between pedestrians and motor vehicles, including medians and pedestrian crossing islands.

"(xxviii) An infrastructure safety project not described in clauses (i) through (xxvii)."

(2) by striking paragraph (10) and redesignating paragraphs (11) through (13) as paragraphs (10) through (12), respectively;

(2) in paragraph (1)—

(A) by striking "includes, but is not limited to," and inserting "would otherwise be eligible under subparagraph (b) if the project were carried out in a nonattainment or maintenance area or after May 20, 1990"; and (II) in clause (i), by striking "(excluding the amount of funds reserved under paragraph (1))"; and (ii) in subparagraph (B)(i), by striking "(giving priority to corridors designated under section 151)" after "at any location in the State";

(3) in subsection (d)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(ii) in the matter preceding clause (i), by inserting "would otherwise be eligible under subparagraph (b) if the project were carried out in a nonattainment or maintenance area or after May 20, 1990"; and (II) in clause (i), by striking "(excluding the amount of funds reserved under paragraph (1))"; and (ii) in subparagraph (B), by striking "(not later than)" and inserting "not later than"; (B) in paragraph (3), by striking "in a manner consistent with the approach that was in effect on the day before the date of enactment of MAP–21"; and (ii) in subparagraph (A)—

(i) by striking "(A), (B), and (C)," and inserting "(A)"; (ii) by striking "the Secretary shall modify" and inserting "the Secretary shall modify and the Secretary shall modify"; (B) in paragraph (4), by striking (B)(i), by striking "(MAP–21a)" and inserting "MAP–21c"; and (C) in paragraph (5), by striking "(B) IN GENERAL.—Section 407 of title 23, United States Code, is amended—

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

"(a) RESERVATION OF FUND.—

(i) IN GENERAL.—On October 1 of each fiscal year, the Secretary shall set aside from the amount determined for a State under section 104(c) an amount determined for the State under paragraphs (2) and (3)."

"(2) TOTAL AMOUNT.—The total amount set aside for the program under this section shall be $850,000,000 for each fiscal year.

"(3) STATE SHARE.—The Secretary shall distribute among the States the total amount under paragraph (2) so that each State receives an amount equal to the proportion that—

(A) the amount apportioned to the State for the transportation enhancement programs for fiscal year 2009 bears to

(B) the total amount of funds apportioned to all States for that fiscal year for the transportation enhancement programs for fiscal year 2009; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "of 5,000 or more"; and (ii) by striking subparagraph (A) and inserting "Funds reserved in a State under this section shall be obligated under paragraph (1)"; and (B) in paragraph (2), by striking "priority to corridors designated under section 151)" after "at any location in the State";

(B) CALCULATION.—If subparagraph (A) applies to a nonattainment or maintenance area in a State, the percentage of the PM2.5 set-aside under paragraph (1) shall be reduced for that State proportionately based on the weighted population of the area in fine particulate matter nonattainment.

(C) APPLICATION TO EQUIPMENT AND VEHICLES.—To meet the requirements under paragraph (1), a State or metropolitan planning organization may elect to obligate funds to the extent of cost-effectiveness to reduce emissions from port-related landside nonroad or on-road equipment that is operated within the boundaries of a PM2.5 nonattainment or maintenance area.

(3) the nonattainment or maintenance area; and (D) by adding at the end the following:

"(section 104(b)(4))."

SEC. 11014. TRANSPORTATION ALTERNATIVES.
Section 104(b)(4) of title 23, United States Code, is amended—

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

"(a) IN GENERAL.—To meet the requirements under paragraph (1), the Secretary shall—

(i) in the matter preceding subparagraph (A), by striking "pm 2.5" and inserting "pm 2.5"; and (ii) by striking subparagraph (A) and inserting "Funds reserved in a State under this section shall be obligated under paragraph (1)"; and (B) in paragraph (2), by striking "priority to corridors designated under section 151)" after "at any location in the State";

(C) by adding at the end the following:

"(B) USE OF FUNDING FROM OTHER SOURCES.—The Secretary shall, in awarding Federal-aid grants, give priority to projects that—

(ii) involves the construction or purchase, for private ownership, of a ferry boat, ferry terminal facility, or other eligible project under this section "";

(3) in subsection (k)—

(A) in paragraph (1)—

(i) by striking "that has a nonattainment or maintenance area" and inserting "that has one or more nonattainment or maintenance areas"; (ii) by striking "a nonattainment or maintenance area" and inserting "nonattainment or maintenance areas that are"; (iii) by striking "such area" both places it appears and inserting "such areas"; and (iv) by striking "such fine particulate" and inserting "directly-emitted fine particulate"; (B) in paragraph (2), by striking "highway construction" and inserting "transportation construction"; and (C) by adding at the end the following:

"(3) PM2.5 NONATTAINMENT AND MAINTENANCE IN LOW POPULATION DENSITY STATES.—

(A) EXCEPTION.—In any State with a population density of 80 or fewer persons per square mile of land area, based on the most recent decennial census, the requirements under subsection (g)(3) and paragraphs (1)(i) and (iv) of this section shall apply only to a nonattainment or maintenance area in the State if—

(i) the nonattainment or maintenance area does not have projects that are part of the emissions analysis of a metropolitan transportation plan or transportation improvement program; and

(2) in subsection (c)—

(A) by striking subparagraph (B); and (ii) by redesigning clauses (i) through (iii) as subparagraphs (A) through (C), respectively;

(iv) in subparagraph (B) (as so redesignated), by striking "greater than 5,000" and inserting "of 5,000 or more"; and (C) by inserting an appropriate period.
SEC. 11015. CONSOLIDATION OF PROGRAMS.

(a) NATIONAL HIGHWAY SYSTEM FLEXIBILITY.—Not later than 3 months after the date of enactment of this Act, the Secretary shall issue guidance relating to working with State departments of transportation that request assistance from the division offices of the Federal Highway Administration—

(1) to review roads classified as principal arterials in the State that were added to the National Highway System as of October 1, 2012, so as to comply with section 103 of title 23, United States Code; and

(2) to identify any necessary functional classification changes to rural and urban principal arterials.

(b) ADMINISTRATIVE ACTIONS.—The Secretary shall direct the division offices of the Federal Highway Administration to work with the applicable State department of transportation that requests assistance under this section—

(1) to assist in the review of roads in accordance with guidance issued under subsection (a); and

(2) to expediently review and facilitate requests from States to reclassify roads classified as principal arterials; and

(c) NATIONAL HIGHWAY SYSTEM MODIFICATIONS.—

(1) to assist in the review of roads in accordance with guidance issued under subsection (a); and

(2) to expediently review and facilitate requests from States to reclassify roads classified as principal arterials; and

(d) SEC. 11016. STATE FLEXIBILITY FOR NATIONAL HIGHWAY SYSTEM MODIFICATIONS.

(a) NATIONAL HIGHWAY SYSTEM FLEXIBILITY.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue guidance relating to working with State departments of transportation that request assistance from the division offices of the Federal Highway Administration—

(1) to review roads classified as principal arterials in the State that were added to the National Highway System as of October 1, 2012, so as to comply with section 103 of title 23, United States Code; and

(2) to identify any necessary functional classification changes to rural and urban principal arterials.

(b) ADMINISTRATIVE ACTIONS.—The Secretary shall direct the division offices of the Federal Highway Administration to work with the applicable State department of transportation that requests assistance under this section—

(1) to assist in the review of roads in accordance with guidance issued under subsection (a); and

(2) to expediently review and facilitate requests from States to reclassify roads classified as principal arterials; and

(c) NATIONAL HIGHWAY SYSTEM MODIFICATIONS.—

(1) to assist in the review of roads in accordance with guidance issued under subsection (a); and

(2) to expediently review and facilitate requests from States to reclassify roads classified as principal arterials; and

(d) SEC. 11017. TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES.

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

(1) in paragraph (1)—

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

"(A) IN GENERAL.—For funds reserved for productive and timely expenditure that describes—"

"(i) the number of projects selected for funding for each fiscal year, including the aggregate cost and location of projects selected;

(B) the number of projects selected for funding for each fiscal year, including the aggregate cost and location of projects selected.

(2) in paragraph (2)—

(A) by striking paragraphs (5), (7), (8), (9), and (10) as paragraphs (4), (5), (6), (7), and (8), respectively; and

(B) by striking paragraph (4) and inserting the following:

"(4) HIGH OCCUPANCY VEHICLE FACILITIES.—

(1) IN GENERAL.—The State agency may allow vehicles not otherwise exempt under this subsection to use the HOV facility if the operators of the vehicles pay a toll charged by the agency for use of the facility and the agency—

(i) establishes a program that addresses how motorists can enroll and participate in the toll program;

(ii) in the case of a high occupancy vehicle facility that affects a metropolitan area, submits to the Congress a written report that describes the methods by which toll revenue is used to provide public access to a toll facility under the same rates, terms, and conditions as public transportation buses in the same metropolitan area; and

(iii) establishes policies and procedures—

(A) to manage the demand to use the facility by varying the toll amount that is charged; and

(B) to enforce violations of the use of the facility; and

(C) to ensure that private motorcoaches that serve the public are provided access to the facility under the same rates, terms, and conditions, as public transportation buses in the State.

(B) EXEMPTION FROM TOLLS.—In levying a toll on a facility under subparagraph (A), a State agency may—

(i) designate classes of vehicles that are exempt from the toll, such车辆 as described in clauses (i) and (ii) of (B), the State agency may allow the use of the HOV facility by—

"(ii) each place it appears; and

(b) IN GENERAL.—Each State or metropolitan planning organization responsible for carrying out the requirements of this section shall submit to the Secretary an annual report that describes—

(A) the number of project applications received for each fiscal year, including—

(i) the number of project applications for which applications were received; and

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

(B) the number of projects selected for funding for each fiscal year, including the aggregate cost and location of projects selected.

(2) IN GENERAL.—Each State or metropolitan planning organization responsible for carrying out the requirements of this section shall submit an annual report that includes a description of—

(a) the number of project applications received for each fiscal year, including—

(i) the number of project applications for which applications were received; and

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

(b) the number of projects selected for funding for each fiscal year, including the aggregate cost and location of projects selected.

(2) PUBLIC AVAILABILITY.—The Secretary shall make available to the public, in a user-friendly format on the website of the Department, a copy of each annual report submitted under paragraph (1).

(3) EXPANDING INFRASTRUCTURE PROJECTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subchapter, the Secretary shall conduct a study of the requirements for the implementation of this subchapter that encourages the use of the programmatic approaches to environmental reviews, expedited procurement processes, and other best practices to facilitate productive and timely expenditure for projects that are small, low-impact, and constructed within an existing built environment.

(2) STATE PROCESSES.—The Secretary shall work with State departments of transportation to ensure that any regulation or guidance developed under paragraph (1) is consistently implemented by States and the Federal Highway Administration to avoid unnecessary delays in implementing projects and to ensure the effective use of Federal dollars.

(b) CONFORMING AMENDMENT.—Section 120(b) of title 23, United States Code, is amended—

(1) by striking "SET-ASIDES—" and all that follows through "Funds that" in paragraph (1) and inserting "SET-ASIDES—Funds that";
“(1) alternative fuel vehicles; and
“(2) any motor vehicle described in section 303(d)(1) of the Internal Revenue Code of 1986.”.

(3) in subsection—
(A) in paragraph (1)—
(I) by striking “Polls” and inserting “Notwithstanding section 301, tolls”; and
(ii) by striking paragraph (2); and
(C) by redesignating paragraph (3) as paragraph (2); and
(D) by striking paragraph (2); and
(E) by inserting “solely” before “operating.”

(4) in subsection—
(A) in paragraph (1)—
(I) by striking “Polls” and inserting “Notwithstanding section 301, tolls”;
(ii) by inserting “solely” before “operating.”

(5) in subsection—
(A) by striking paragraph (2); and
(B) by redesigning paragraph (3) as paragraph (2); and
(C) by redesigning paragraph (3) as paragraph (2); and
(D) by striking paragraph (2); and
(E) and inserting the following:

“(II) MAINTENANCE OF OPERATING PERFORMANCE.—
“(1) SUBMISSION OF PLAN.—Not later than 180 days after the date on which a facility is degraded under paragraph (2), the State agency shall submit to the Secretary for approval a plan that includes a technical assistance plan. The plan that details the actions the State agency will take to bring the facility into compliance with the minimum average operating speed performance standard through changes to operation of the facility, including—
“(I) increasing the occupancy requirement for HOV lanes;
“(II) varying the toll charged to vehicles allowed under subsection (b) to reduce demand;
“(III) discontinuing allowing non-HOV vehicles to use HOV lanes under subsection (b); or
“(IV) increasing the available capacity of the HOV facility.

“(II) NOTICE OF APPROVAL OR DISAPPROVAL.—Not later than 60 days after the date of receipt of a plan under clause (i), the Secretary shall provide to the State agency a written notice indicating whether the Secretary has approved or disapproved the plan based on a determination of whether the implementation of the plan will bring the HOV facility into compliance.

“(III) BIENNIAL UPDATE.—Until the date on which the Secretary determines that the State agency has brought the HOV facility into compliance with this subsection, the State agency shall submit biennial updates that describe—
“(I) the actions taken to bring the HOV facility into compliance; and
“(II) the progress made by those actions.

“(E) COMPLIANCE.—The Secretary shall—
“(1) provide to the State the appropriate party sanctions under section 1.36 of title 23, Code of Federal Regulations (or successor regulations), until the performance is no longer degraded; if—
“(I) the State agency fails to submit an approved action plan under subparagraph (D) to bring a degraded facility into compliance; or
“(II) after the State submits and the Secretary approves an action plan under subparagraph (D), the Secretary determines that, not later than 1 year after the approval of the action plan, the State agency is not making significant progress towards bringing the HOV facility into compliance with the minimum average operating speed performance standard; and
“(III) in subsection (c)(1), in the matter preceding subparagraph (A), by inserting “solely” before “operating.”

SEC. 11019. INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION PILOT PROGRAM.

Section 1216(b) of the Transportation Equity Act for the 21st Century (Public Law 105–178; 112 Stat. 212) is amended—

(1) in subsection—
(A) in paragraph (A), by striking “the age, condition, and intensity of use of the facility” and inserting “an analysis demonstrating that the facility has a significant age, condition, or intensity of use to require expedited reconstruction or rehabilitation”; (B) in subparagraph (A)(ii), by inserting “solely” before “operating” and that demonstrates the capability of that agency to perform or oversee the building, operation, maintenance, and rehabilitation of a toll expressway that is integral to the Interstate System before the semicolon at the end;
(C) by adding at the end the following:

“(E) An analysis showing how the State plan for implementing tolls on the facility takes into account the interests and use of local, regional, and interstate travelers.

“(F) An explanation of how the State will collect tolls using electronic toll collection, including at highway speeds, if practicable.

“(G) A plan describing the proposed location for the collection of tolls on the facility, including any locations in proximity to a State border.

“(H) Approved documentation that the project—
“(I) has received a categorical exclusion, a finding of no significant impact, or a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and
“(J) complies with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).”;

(2) by striking paragraphs (4) and (6); and
(3) by redesigning paragraph (5) as paragraph (4); and
(4) by redesigning the paragraphs (as so redesignated)—
(A) in the matter preceding subparagraph (A), by striking “Before the Secretary may permit” and inserting “As a condition of permitting”;
(B) in subparagraph (A)—
(i) in the preceding clause (i), by striking “for—” and inserting “for permis-
(ii) authorized to describe in section 128(a)(3) of title 23, United States Code; and”; and
(iii) by striking clauses (i) through (iii); and
(5) by inserting after paragraph (4) (as so redesignated) the following:

“(I) IN GENERAL.—Not later than 60 days after receipt of an application, the Secretary shall—
“(I) the application is complete and meets all requirements under this subsection; or
“(II) additional information or materials are needed.

“(II) to complete the application; or
“(III) to meet the eligibility requirements under paragraph (3).

“(B) ADDITIONAL INFORMATION OR MATERIALS.—

“(1) IN GENERAL.—Not later than 60 days after receipt of an application, the Secretary shall—
“(I) provide to the applicant written notice specifying the details of the additional required information or materials.

“(II) AMENDED APPLICATION.—Not later than 60 days after receipt of the additional information under clause (i), the Secretary shall determine if the amended application is complete and meets all requirements under this subsection.

“(C) TECHNICAL ASSISTANCE.—On the request of a State, the Secretary shall provide technical assistance to those States that they have identified as needing assistance with the development of a complete application under this paragraph that is likely to satisfy the eligibility criteria under paragraph (3).

“(D) APPLICATION FILING.—On written notice by the Secretary that the application is complete and meets all requirements of this subsection, the project is considered approved and shall be permitted to participate in the program under this subsection.

“(E) LIMITATION ON APPROVED APPLICATIONS.

“(1) IN GENERAL.—For an application received under this subsection on or before the date of enactment of the DRIVE Act for the reconstruction or rehabilitation of a facility, a State shall—

“(I) not later than 1 year after the date on which the application is approved, issue a solicitation for a contract to provide for the reconstruction or rehabilitation of the facility; and
“(II) not later than 2 years after the date on which the application is approved, execute a contract for the reconstruction or rehabilitation of the facility.

“(2) PRIOR APPLICATIONS.—For an application that received a conditional provisional approval under this subsection before the date of enactment of the DRIVE Act, for the reconstruction or rehabilitation of a facility, a State shall—

“(I) not later than 1 year after the date of enactment of the DRIVE Act, issue a solicitation for a contract to provide for the reconstruction or rehabilitation of the facility; and
“(II) not later than 2 years after the date of enactment of the DRIVE Act, execute a contract for the reconstruction or rehabilitation of the facility.

“(3) CANCELLATION OR EXTENSION.—If an applicable deadline under clause (i) or (ii) is not met, the Secretary shall—

“(I) cancel the application approval; or
“(II) grant an extension of not more than 1 year for the applicable deadline, on the condition that—

“(aa) there has been demonstrable progress toward meeting the applicable requirements; and
“(bb) the requirements are likely to be met within 1 year.

“(4) LIMITATION ON THE USE OF NATIONAL HIGHWAY PERFORMANCE PROGRAM FUNDS.—During the term of the pilot program, funds apportioned for the national highway performance program under section 104(b)(1) of title 23, United States Code, may not be used for a facility for which funds are being collected under the pilot program unless the funds are used for a maintenance purpose, as defined in section 101(a) of title 23, United States Code.

“(A) in subsection—
(B) by redesigning paragraphs (7) and (8) as paragraphs (8) and (9), respectively;
(7) by inserting after paragraph (6) the following:

“(7) WITHDRAWAL.—A State may elect to withdraw participation of the State in the pilot program at any time; and
“(8) in paragraph (8) (as redesignated by paragraph (6)), by inserting “after the date of enactment of the DRIVE Act” after “10 years”.

SEC. 11020. EMERGENCY RELIEF FOR FEDERALLY OWNED ROADS.

(a) ELIGIBILITY.—Section 123(d)(3) of title 23, United States Code, is amended—

(1) in subparagraph (A), by striking “or” at the end;
(2) in subparagraph (B), by striking the period at the end and inserting “; or”;
(3) and by adding at the end the following:

“(C) projects eligible for assistance under this section located on tribal transportation facilities, Federal lands transportation facilities, or other federally owned roads that are open to public travel (as defined in subsection (e)(1)).”;

(b) DEFINITION.—Section 125(e) of title 23, United States Code, is amended by striking paragraph (1) and inserting the following:

“(1) DEFINITIONS.—In this subsection:
(A) OPEN TO PUBLIC TRAVEL.—The term ‘open to public travel’ means, with respect to a road, that, except during scheduled periods, extreme weather conditions, or emergencies, the road is open to public travel.

(b) DESIGNATION OF CORRIDORS.—In designating the corridors under subsection (a), the Secretary shall—

(1) solicit nominations from State and local officials for facilities to be included in the corridors;

(2) incorporate existing electric vehicle charging and natural gas fueling corridors designated by a State or group of States; and

(3) consider the demand for, and location of, existing electric vehicle charging and natural gas fueling infrastructure.

(c) STAKEHOLDERS.—In designating corridors under subsection (a), the Secretary shall involve, on a voluntary basis, stakeholders that include—

(1) the heads of other Federal agencies;

(2) State and local officials;

(3) representatives of—

(A) energy utilities;

(B) the electric and natural gas vehicle industries;

(C) the freight and shipping industry;

(D) clean technology firms;

(E) the hospital industry;

(F) the restaurant industry; and

(G) highway rest stop vendors; and

(4) other stakeholders as the Secretary determines to be necessary.

(d) REPORT.—During designation and redesignation of the corridors under this section, the Secretary shall issue a report that—

(1) identifies electric vehicle charging and natural gas fueling infrastructure and standardization needs for electricity providers, natural gas providers, infrastructure providers, vehicle manufacturers, electricity purchasing, and natural gas purchasing; and

(2) establishes an aspirational goal of achieving strategic deployment of electric vehicle charging and natural gas fueling infrastructure in those corridors by the end of fiscal year 2021.

(e) CONFORMING AMENDMENT.—The analysis of chapter 1 of title 23, United States Code, is amended by striking the section heading as the ‘program’ to provide funding to construct, reconstruct, or rehabilitate nationally significant Federal lands and tribal transportation projects.

(f) ELIGIBLE APPLICANTS.—(1) In general.—Except as provided in paragraph (2), entities eligible to receive funds under sections 201, 202, 203, and 204 of title 23, United States Code, may apply for funding under the program.

(2) SPECIAL RULE.—A State, county, or unit of local government may only apply for funding under the program if sponsored by an eligible Federal land management agency or Indian tribe.

(g) ELIGIBLE PROJECTS.—An eligible project under the program shall be a single continuous project—

(1) on a Federal lands transportation facility, a Federal lands access transportation facility, or a Tribal transportation facility (as those terms are defined in subsection (a) of title 23, United States Code), except that such facility is not required to be included on an inventory described in sections 202 or 203 of title 23, United States Code;

(2) for which completion of activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been demonstrated through—

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

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

(C) a determination that the project is categorically excluded; and

(3) having an estimated cost, based on the results of preliminary engineering, equal to or exceeding $25,000,000, with priority consideration given to projects with an estimated cost equal to or exceeding $50,000,000.

(h) ELIGIBLE ACTIVITIES.—(1) In general.—Subject to paragraph (2), an eligible applicant receiving funds under the program may only use the funds for construction, reconstruction, and rehabilitation activities.

(2) INELIGIBLE ACTIVITIES.—An eligible applicant may not use funds received under the program for activities relating to project design.
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 SEC. 11102. PROGRAMMATIC AGREEMENT TEMPLATE.

(a) In General.—Section 130(c) of MAP-21 (23 U.S.C. 130 note; Public Law 112–141) is amended by adding at the end the following:

“(c) PROGRAMMATIC AGREEMENT TEMPLATE.—

“(1) IN GENERAL.—The Secretary shall develop a template programmatic agreement described in subsection (d) that provides for efficient and adequate procedures for evaluating Federal actions described in section 771.117(c) of title 23, Code of Federal Regulations (as in effect on the date of enactment of this subsection).

“(2) USE OF TEMPLATE.—The Secretary—

“(A) on receipt of a request from a State, shall use the template programmatic agreement developed under paragraph (1) in carrying out this section; and

“(B) on consent of the applicable State, may modify the template as necessary to address the unique needs and characteristics of the State.

“(3) OVERSIGHT.—The Secretary shall establish a method to verify that actions described in section 771.117(c) of title 23, Code of Federal Regulations (as in effect on the date of enactment of this subsection), are evaluated and documented in a consistent manner by the State that uses the template programmatic agreement under this subsection.”.

(b) CATEGORICAL EXCLUSION DETERMINATIONS.—Not later than 30 days after the date of enactment of this Act, the Secretary shall review section 771.117(g) of title 23, Code of Federal Regulations, to allow a programmatic agreement under this section to include responsibility for making categorical exclusion determinations—

“(1) for actions described in subsections (c) and (d) of section 771.117 of title 23, Code of Federal Regulations; and

“(2) that meet the criteria for a categorical exclusion under section 1508.4 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act), and are identified in the programmatic agreement.

SEC. 11103. AGENCY COORDINATION.

(a) ROLES AND RESPONSIBILITY OF LEAD AGENCY.—Section 130(c)(6) of title 23, United States Code, is amended—

“(1) in subparagraph (A), by striking "and" and inserting "or"

“(2) by striking paragraph (7) and inserting the following—

“(7) COOPERATIVE RESEARCH AND TECHNOLOGY DEPLOYMENT.—The Secretary may conduct evaluative research and technology deployment in coordination with Federal land management agencies, as determined appropriate by the Secretary.

“(8) FUNDING.—

“(A) IN GENERAL.—To carry out the activities described in this subsection for Federal lands transportation facilities, Federal lands access transportation facilities, and other federally owned roads open to public travel (as that term is defined in section 125(e)), the Secretary shall combine use and not greater than 5 percent for each fiscal year of the funds authorized for programs under sections 203 and 204.

“(B) OTHER ACTIVITIES.—In addition to the activities described in subparagraph (A), funds described under that subparagraph may be used for—

“(i) bridge inspections on any federally owned road, or bridge if that bridge is not included on the inventory described under section 283; and

“(ii) transportation planning activities carried out by Federal land management agencies eligible for funding under this chapter.”.

SEC. 11107. FEDERAL LANDS TRANSPORTATION PROGRAM.

Section 203 of title 23, United States Code, is amended—

“(1) in the matter preceding subparagraph (A), by striking "capital, operations," and inserting "capital, operations, and safety;"

“(B) in subparagraph (D), by striking "subparagraph (A)(iv)" and inserting "subparagraph (A)(iv)(B)";

“(c) IN GENERAL.—Section 139 of title 23, United States Code, is amended—

“(1) in subsection (a)(1)—

“(A) by inserting "and" after "support"; and

“(B) in subparagraph (B), in the matter preceding clause (i), by inserting "performance management, including" after "support"; and

“(2) in subparagraph (B)(ii), by inserting "and alternative bidding" before the semicolon.

SEC. 11108. INNOVATIVE PROJECT DELIVERY.

Section 120(c)(3) of title 23, United States Code, is amended—

“(1) in subparagraph (A)(ii)—

“(A) by inserting "engineering or design approaches," after "technologies," and

“(B) by striking "or contracting" and inserting "or contracting or project delivery;" and

“(2) in subparagraph (B)(iii), by inserting "alternative bidding" before the semicolon.

SEC. 11109. OBLIGATION AND RELEASE OF FUNDS.

Section 118(c)(2) of title 23, United States Code, is amended—

“(1) in subparagraph (A)(ii)—

“(A) by inserting "Any funds" and inserting the following:

“(ii) The Bureau of Reclamation; and

“(B) by inserting paragraph (7) and inserting the following:

“(7) COOPERATIVE RESEARCH AND TECHNOLOGY DEPLOYMENT.—The Secretary may conduct evaluative research and technology deployment in coordination with Federal land management agencies, as determined appropriate by the Secretary.

“(B) FUNDING.—

“(A) IN GENERAL.—To carry out the activities described in this subsection for Federal lands transportation facilities, Federal lands access transportation facilities, and other federally owned roads open to public travel (as that term is defined in section 125(e)), the Secretary shall combine use and not greater than 5 percent for each fiscal year of the funds authorized for programs under sections 203 and 204.

“(B) OTHER ACTIVITIES.—In addition to the activities described in subparagraph (A), funds described under that subparagraph may be used for—

“(i) bridge inspections on any federally owned road, or bridge if that bridge is not included on the inventory described under section 283; and
"(A) IN GENERAL.—The term ‘project’ means any highway project, public transportation capital project, or multimodal project that, if implemented as proposed by the project sponsor, would require approval by any operating administration or secretarial office within the Department.

"(B) CONSIDERATIONS.—For purposes of this paragraph, the Secretary shall take into account, if known, any sources of Federal funding or financing identified by the project sponsor, including discretionary grant, loan, and other guarantee programs administered by the Department:

1. (2) in subsection (e)—
   (A) in paragraph (1), by inserting "(including any additional information that the project sponsor considers to be important to initiate the process for the proposed project)" after ‘location of the proposed project’; and
   (B) by adding at the end the following:
   "(3) REVIEW OF APPLICATION.—Not later than 45 days after the date on which an application is received by the Secretary under this subsection, the Secretary shall provide to the project sponsor a written response that, as applicable,
   "(A) describes the determination of the Secretary—
   "(i) to initiate the environmental review process, including a timeline and an expected date for the publication in the Federal Register of the relevant notice of intent; or
   "(ii) to decline the application, including an explanation of the reasons for that decision;
   or
   "(B) requests additional information, and provides to the project sponsor an accounting, required wherever necessary to initiate the environmental review process.

2. (4) REQUEST TO DESIGNATE A LEAD AGENCY—
   (A) IN GENERAL.—Any project sponsor may submit a request to the Secretary to designate a specific operating administration or secretarial office within the Department of Transportation to serve as the Federal lead agency for a project.
   (B) PROPOSED SCHEDULE.—A request under subparagraph (A) may include a proposed schedule for completing the environmental review process.
   (C) SECRETARIAL ACTION.—
   "(1) IN GENERAL.—If a request under subparagraph (A) is submitted, the Secretary shall respond to the request not later than 45 days after the date of receipt.
   "(2) REQUIREMENTS.—The response shall—
   "(i) acknowledge the request;
   "(II) deny the request, with an explanation of the reasons; or
   "(III) require the submission of additional information.
   (D) ADDITIONAL INFORMATION.—If additional information is submitted in accordance with clause (i) of clause (III), the Secretary shall respond to the request not later than 45 days after the date of receipt.

3. (5) in subsection (f), by adding at the end the following:
   "(kk) in consultation with Federal participating or cooperating agencies, that the alternative to be eliminated from consideration is not necessary for any permit or approval required for a project, that the alternative to be eliminated from consideration is not necessary for any permit or approval under any other Federal law.

SEC. 11105. IMPROVING COLLABORATION FOR ACCELERATED DECISION MAKING.

(a) COORDINATION AND SCHEDULING.—Section 139(g)(1)(B), as amended by section 11006(a), is amended—
   (1) by striking "The lead agency" and inserting "(for a project requiring an environmental review process) the lead agency";
   "(2) INCORPORATION.—To the maximum extent practicable, the lead agency shall expeditiously develop a single document that consists of a final environmental impact statement and a record of decision, unless—
   "(A) the final environmental impact statement makes substantial changes to the proposed action that are relevant to environmental or safety concerns; and
   "(B) there are significant new circumstances or information that—
   "(i) are relevant to environmental concerns; and
   "(ii) bear on the proposed action or the impacts of the proposed action.

(b) REPEAL.—Section 1319 of MAP–21 (42 U.S.C. 4321a) is repealed.

SEC. 11107. IMPROVING TRANSPARENCY IN ENVIRONMENTAL REVIEWS.

Section 139(h) of title 23, United States Code (as amended by section 11106(a)), is amended by adding at the end the following:

(o) REVIEWS, APPROVALS, AND PERMITTING PLATFORM—
   (1) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall establish an online platform and, in consultation with agencies described in paragraph (2), issue reporting standards to make public available the status of reviews, approvals, and permits required under this title and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if the lead agency modifies the following definitions apply:
   "(1) ENVIRONMENTAL REVIEW PROCESS.—The term ‘environmental review process’ means the process for preparing an environmental impact statement, environmental assessment, categorical exclusion, or
other document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) LEAD AGENCY.—The term ‘lead agency’ has the meaning given the term in section 139(a).

(3) PLANNING PRODUCT.—The term ‘planning product’ means a decision, analysis, study, or other documented information that is the result of an evaluation or decision-making process carried out by a metropolitan planning organization or a State, as appropriate, with respect to any information or advice that is the result of another evaluation or decision-making process.

(4) PROJECTS.—The term ‘project’ has the meaning given the term in section 139(a).

(5) ADOP TION OF PLANNING PRODUCTS FOR USE IN NEPA PROCEEDINGS.—(1) In general.—Subject to subsection (d), the Federal lead agency for a project may adopt and use a planning product in proceedings relating to any class of action in the environmental review process of the project.

(2) IDENTIFICATION.—If the Federal lead agency makes a determination to adopt and use a planning product, the Federal lead agency shall identify the agencies that participated in the development of the planning product.

(3) PARTIAL ADOPTION OF PLANNING PRODUCTS.—The Federal lead agency may—

(A) adopt an entire planning product under paragraph (1); or

(B) select portions of a planning project under paragraph (1) for adoption.

(4) TIMING.—A determination under paragraph (1) with respect to the adoption of a planning product may—

(A) be made at the time the lead agencies decide the appropriate scope of environmental review for the project; or

(B) occur later in the environmental review process, as appropriate.

(5) PLANNING DECISIONS.—The lead agency in the environmental review process may adopt decisions from a planning product, including—

(A) whether tolling, private financial assistance, or other special financial measures are necessary to implement the project;

(B) decisions with respect to general travel corridor or modal choice, including a decision to implement corridor or subarea study recommendations to advance different modal solutions as separate projects with independent utility;

(C) the purpose and the need for the proposed action;

(D) preliminary screening of alternatives and elimination of unreasonable alternatives;

(E) a basic description of the environmental setting;

(F) a decision with respect to methodologies for analysis; and

(G) an identification of programmatic level mitigation for potential impacts of transportation projects, including—

(i) measures to avoid, minimize, and mitigate impacts at a regional or national scale;

(ii) investments in regional ecosystem and water resources; and

(iii) a programmatic mitigation plan developed in accordance with section 169.

(6) PLANNING ANALYSES.—The lead agency in the environmental review process may adopt analyses from a planning product, including—

(A) travel demands;

(B) regional development and growth;

(C) local land use, growth management, and development;

(D) the economy and employment;

(E) natural and built environmental conditions;

(F) environmental resources and environmentally sensitive areas;

(G) potential environmental effects, including the identification of resources of concern and any cumulative or additive effects on those resources; and

(H) mitigation needs for a proposed action, or for programmatic level mitigation, for potential effects, including effects on the human and natural environment.

(7) PLANNING ANALYSES.—The lead agency in the environmental review process may adopt and use a planning product under this section if the lead agency determines, with the concurrence of other participating agencies, that the planning product adopted by the Federal lead agency determines that the noncompliance.

11109. USE OF PROGRAMMATIC MITIGATION PLANS.

Section 106(f) of title 23, United States Code, is amended—

(1) by striking “may use” and inserting “shall consider”; and

(2) by inserting “or other Federal environmental law” before the period at the end.

11110. ADOPTION OF DEPARTMENTAL ENVIRONMENTAL DOCUMENTS.

(a) IN GENERAL.—Title 49, United States Code, is amended by inserting after section 307 the following:

“307. Adoption of Departmental environmental documents

(a) IN GENERAL.—An operating administration or secretarial office within the Department may adopt any draft environmental impact statement, final environmental impact statement, environmental assessment, or any other document issued under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) by another operating administration or secretarial office within the Department—

(1) without recirculating the document (except that a final environmental impact statement shall be recirculated prior to adoption); and

(2) if the operating administration or secretarial office adopting the document certifies that the project is substantially the same as the project reviewed under the document to be adopted.

(b) OPERATING AGENCY.—An operating administration or secretarial office that was a cooperating agency and certified that the project is substantially the same as the project reviewed under the document to be adopted and that its comments and suggestions have been addressed may adopt a document described in subsection (a) without recirculating the document.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 49, United States Code, is amended by inserting after the item relating to Sec. 11109 the following:

“Sec. 307. Adoption of Departmental environmental documents.”

SEC. 11111. TECHNICAL AND OTHER STATES.

Section 326 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

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

“(2) ASSISTANCE TO STATES.—On request of a Governor of a State, the Secretary shall provide to the State technical assistance, training, or other support relating to—

(A) assuming responsibility under subsection (a); and

(B) developing a memorandum of understanding under this subsection; or

(C) addressing a responsibility in need of corrective action under subsection (d)(1)(B).”;

and

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

“(1) TERMINATION BY SECRETARY.—The Secretary may terminate the participation of any State in the program in the case where—

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

(B) the Secretary of the State—

(i) a notification of the determination of noncompliance;
“(ii) a period of not less than 120 days to take such corrective action as the Secretary determines to be necessary to comply with the applicable agreement; and

“(iii) request from the applicable preservation officer, the Council, if the Council is participating in the review carried out under subsection (a), and the Secretary of the Interior concur that no feasible and prudent alternative exists as compared to completing the proposed multimodal project in which the cooperating authority has expertise.”

SEC. 11112. SURFACE TRANSPORTATION DELIVERY PROGRAM.

Section 327(j) of title 23, United States Code, is amended by striking paragraph (1) and inserting the following:

“(1) in subsection (a), the Secretary shall consider—

(A) the use of technology in the process, such as—

(i) included in the record of decision or environmental assessment required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(ii) posted on an appropriate Federal website by not later than 3 days after the date of receipt by the Secretary of all comments requested under subparagraph (A)(i).

(B) geographic information system mapping tools;

(C) integration of those tools with fiscal management systems to provide more detailed data; and

(D) other innovative technologies;

(2) ways to prioritize use of programmatic environmental impact statements;

(3) methods to encourage cooperation among agencieas to present analyses in a concise format; and

(4) any other improvements that can be made to modernize process implementation.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall examine ways to modernize, simplify, and improve the implementation of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) by the Department.

Inclusions.—In carrying out subsection (a), the Secretary shall consider—

(1) the use of technology in the process, such as—

(A) searchable databases;

(B) geographic information system mapping tools;

(C) integration of those tools with fiscal management systems to provide more detailed data; and

(D) other innovative technologies;

(2) ways to prioritize use of programmatic environmental impact statements;

(3) methods to encourage cooperation among agencies to present analyses in a concise format; and

(4) any other improvements that can be made to modernize process implementation.

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SECTION 11113. CATEGORICAL EXCLUSIONS FOR MULTIMODAL PROJECTS.

(a) MULTIMODAL PROJECT DEFINED.—Section 139(a) of title 23, United States Code, is amended by striking paragraph (5) and inserting the following:

“(5) MULTIMODAL PROJECT.—The term ‘multimodal project’ means a project that requires approval by more than 1 Department of Transportation operating administration or secretarial office.”

(b) APPLICATION OF CATEGORICAL EXCLUSIONS TO MULTIMODAL PROJECTS.—Section 304 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “operating authority that is not the lead authority with respect to a project” and inserting “operating administration or secretarial office that has expertise but is not the lead authority with respect to a proposed multimodal project”; and

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

“(2) LEAD AUTHORITY.—The term ‘lead authority’ means a Department of Transportation operating administration or secretarial office that has the lead responsibility for compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a proposed multimodal project.”

(2) in subsection (b), by striking “under this title” and inserting “by the Secretary of Transportation”;

(3) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by striking “a categorical exclusion designated under the implementing regulations or” and inserting “a categorical exclusion designated under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) implementing regulations or”;

(ii) by striking “and” and inserting “; and”;

(B) by striking paragraphs (1) through (5) and inserting the following:

“(1) the lead authority makes a determination, in consultation with the cooperating authority, on the applicability of a categorical exclusion to a proposed multimodal project;

“(2) the cooperating authority does not object to the determination of the lead authority of the applicability of a categorical exclusion;

“(3) the lead authority determines that the component of the proposed multimodal project to be covered by the categorical exclusion to a proposed multimodal project has independent utility; and

“(4) the lead authority determines that—

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

(B) extraordinary circumstances do not exist that merit additional analysis and documentation in an environmental impact statement or environmental assessment required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(C) the State, after the notification and period described in clauses (i) and (ii) of subparagraph (B), fails to take satisfactory corrective action, as determined by the Secretary.”

SEC. 11114. MODIFICATION OF THE ENVIRONMENTAL REVIEW PROCESS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall examine ways to modernize, simplify, and improve the implementation of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a proposed multimodal project in which the cooperating authority has expertise.

(b) CONCURRENCE.—If the applicable preservation officer, the Council, and the Secretary of the Interior concur that no feasible and prudent alternative exists as compared to completing the proposed multimodal project in which the cooperating authority has expertise, the Secretary shall—

(i) include the determination of the Secretary in the analysis required under that Act;

(ii) provide a notice of the determination to—

(A) each applicable State historic preservation officer and tribal historic preservation officer;

(B) the Council, if the Council is participating in the consultation process under section 361108 of title 54; and

(C) the Secretary of the Interior; and

(iii) request from the applicable preservation officer, the Council, and the Secretary of the Interior a concurrence determination if sufficient to satisfy the requirement of subsection (a)(1).

(c) SATISFACTION OF REQUIREMENTS FOR CERTAIN HISTORIC SITES.

(1) in subsection (a), the Secretary shall be required.

(2) by adding at the end the following:

“(c) SATISFACTION OF REQUIREMENTS FOR CERTAIN HISTORIC SITES.—

“(1) IN GENERAL.—The Secretary shall—

(A) align, to the maximum extent practicable, the requirements of this section with

especially created for the purpose of this Act, and part 750 of title 23, Code of Federal Regulations (or successor regulations), a State may allow the maintenance of a sign of a service club, charitable association, or religious service that was erected as of the date of enactment of this Act, the area of which is less than or equal to 32 square feet, if the State notifies the Federal Highway Administration.

SEC. 11116. REQUIREMENTS FOR CERTAIN HISTORIC SITES.

(a) HIGHWAYS.—Section 138 of title 23, United States Code, is amended by adding at the end the following:

“(c) SATISFACTION OF REQUIREMENTS FOR CERTAIN HISTORIC SITES.—

“(1) IN GENERAL.—The Secretary shall—

(A) align, to the maximum extent practicable, the requirements of this section with

especially created for the purpose of this Act, and part 750 of title 23, Code of Federal Regulations (or successor regulations), a State may allow the maintenance of a sign of a service club, charitable association, or religious service that was erected as of the date of enactment of this Act, the area of which is less than or equal to 32 square feet, if the State notifies the Federal Highway Administration.

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the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.) and section 306108 of title 54, including implementing regulations; and

(II)(a) D EFINITION OF PRELIMINARY ENGINEERING.—Until the Secretary of the Interior, in consultation with the Secretary, shall promulgate a regulation under the authority under this section (b) through the consultation requirements of section 306108 of title 54.

(B) SATISFACTION OF CONDITIONS.—To satisfy the requirements of subsection (c)(2), the applicable preservation officer, the Council, and the Secretary of the Interior shall concur in the treatment of the applicable historical site described in the memorandum of agreement or programmatic agreement developed under section 306108 of title 54.

(3) ALIGNING HISTORICAL REVIEWS.—

(A) If the Secretary, the applicable preservation officer, the Council, and the Secretary of the Interior concur that no feasible and prudent alternative exists as described in paragraph (2), the Secretary may provide to the applicable preservation officer, the Council, and the Secretary of the Interior a document that contains the number of birds, by species, present or taken in the proposed action.

(B) NOTIFICATION AFTER TAKING.—Not later than 60 days after the taking of nesting swallows authorized under paragraph (1), any person taking that action shall submit to the Secretary of the Interior a document that contains the name of the person acting under the authority of paragraph (1) to take nesting swallows; (ii) a list of practicable measures that will be undertaken to minimize or mitigate significant adverse impacts on the population of that species; (iii) the time period during which activities will be carried out that will result in the taking of that species; and (iv) an estimate of the number of birds, by species, to be taken in the proposed action.

(4) S USPENSION OR WITHDRAWAL OF TAKE AUTHORIZATION.—

(1) IN GENERAL.—The Secretary of the Interior, in consultation with the Secretary, shall promulgate a regulation under the authority under this section to authorize the Secretary of the Interior to temporarily suspend or withdraw take authorization.

(2) TERMINATION.—On the effective date of a final rule under this subsection by the Secretary, subsection (a) shall have no force or effect.

(3) SUSPENSION OR WITHDRAWAL OF TAKE AUTHORIZATION.—If the Secretary of the Interior, in consultation with the Secretary, determines that taking of nesting swallows held under this section would have no significant adverse impact on swallow populations, the Secretary of the Interior may suspend the authority under this section.

(4) ELIGIBILITY.—The Secretary may reissue preliminary engineering costs incurred by a recipient or subrecipient under section (c) if the costs would have been allowable if incurred after the date of the project authorization by the Department.

(5) RESTRICTIONS.—Nothing in this section shall—

(1) assume all risk for preliminary engineering costs incurred prior to project authorization;

(2) be responsible for ensuring and demonstrating to the Secretary that all applicable cost eligibility conditions are met after the authorization is received.

SEC. 11119. AT-RISK PROJECT PREAGREEMENT AUTHORITY.—A recipient or subrecipient of Federal-aid funds under title 23, United States Code, may obtain preliminary engineering costs for an eligible project under title 23, United States Code, before receiving project authorization from the State, in the case of a subrecipient and the Secretary to proceed with the project; and

(2) request reimbursement of applicable Federal funds after the project authorization is received.

(3) ELIGIBILITY.—The Secretary may reimburse preliminary engineering costs incurred by a recipient or subrecipient under subsection (a) if the costs would have been allowable if incurred after the date of the project authorization by the Department.

(4) RESTRICTIONS.—Nothing in this section shall—

(1) assume all risk for preliminary engineering costs incurred prior to project authorization;

(2) be responsible for ensuring and demonstrating to the Secretary that all applicable cost eligibility conditions are met after the authorization is received.

(3) guarantee Federal funding of the project or the eligibility of the project for future Federal-aid highway funding.

Title C—Miscellaneous

Subtitle 2—Exempt Fuels

SEC. 11201. QUALIFIED REVENUES.—In this section, the term ‘qualified revenues’ means any amounts—

(1) collected by a State—

(A) for the registration of a vehicle that operates solely on a fuel that is not subject to a Federal tax; and

(B) not sooner than the second registration period following the purchase of the vehicle; and

(2) that do not exceed, for a vehicle described in paragraph (1), an amount determined by the Secretary to be equal to the annual amount paid for Federal motor fuel taxes on the fuel used by an average passenger car fueled solely by gasoline.

(b) AT-RISK PROJECT PREAGREEMENT AUTHORITY.—A recipient or subrecipient of Federal-aid funds under title 23, United States Code, may obtain preliminary engineering costs for an eligible project under title 23, United States Code, before receiving project authorization from the State, in the case of a subrecipient and the Secretary to proceed with the project; and

(2) request reimbursement of applicable Federal funds after the project authorization is received.

(c) ELIGIBILITY.—The Secretary may reimburse preliminary engineering costs incurred by a recipient or subrecipient under subsection (a) if the costs would have been allowable if incurred after the date of the project authorization by the Department.

(d) AT-RISK.—A recipient or subrecipient that obtains authorization provided under this section shall—

(1) assume all risk for preliminary engineering costs incurred prior to project authorization; and

(2) be responsible for ensuring and demonstrating to the Secretary that all applicable cost eligibility conditions are met after the authorization is received.

(e) RESTRICTIONS.—Nothing in this section shall—

(1) assume all risk for preliminary engineering costs incurred prior to project authorization;

(2) be responsible for ensuring and demonstrating to the Secretary that all applicable cost eligibility conditions are met after the authorization is received.

(3) guarantee Federal funding of the project or the eligibility of the project for future Federal-aid highway funding.

(b) AT-RISK PROJECT PREAGREEMENT AUTHORITY.—A recipient or subrecipient of Federal-aid funds under title 23, United States Code, may obtain preliminary engineering costs for an eligible project under title 23, United States Code, before receiving project authorization from the State, in the case of a subrecipient and the Secretary to proceed with the project; and

(2) request reimbursement of applicable Federal funds after the project authorization is received.
(2) EXPIRATION.—The authorization of an increased Federal share for a project pursuant to paragraph (1) expires on September 30, 2023.

(c) STUDY.—(1) IN GENERAL.—Before the expiration date of the credit under subsection (b)(2), the Secretary, in coordination with other appropriate Federal agencies, shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the most efficient and equitable means of taxing motor vehicle fuels not subject to a Federal tax as of the date of submission of the report.

(2) REQUIREMENT.—The means described in the report under paragraph (1) shall parallel, as closely as practicable, the structure of other Federal tax on motor fuels.

SEC. 11202. JUSTIFICATION REPORTS FOR ACCESSION POINTS ON THE INTERSTATE SYSTEM

Section 111(e) of title 23, United States Code, is amended by inserting “(including new or modified freeway-to-crossroad interchange construction management area)” after “the Interstate System”.

SEC. 11203. EXEMPTIONS.

Section 127 of title 23, United States Code, is amended by adding at the end the following:

“(m) NATURAL GAS VEHICLES.—A vehicle, if operated by an engine fueled primarily by natural gas and equipped with any vehicle weight limit (up to a maximum gross vehicle weight of 82,000 pounds) under this section by an amount that is equal to the difference between—

“(1) the weight of the vehicle attributable to the natural gas tank and fueling system carried and

“(2) the weight of a comparable diesel tank and fueling system.

(n) EMERGENCY VEHICLES.—In this subsection, the term ‘emergency vehicle’ means a vehicle designed to be used—

“(A) to transport personnel and equipment;

“(B) in the case of the Intermountain West Corridor, along Interstate Route 580/United States Route 95/United States Route 95/A, from Reno, Nevada, to Las Vegas, Nevada; and

“(C) by striking paragraph (68) and inserting the following:

“(81) United States Route 117/Interstate Route 795 from United States Route 70 in Goldsboro, Wayne County, North Carolina, to Interstate Route 40 west of Paxon, Sampson County, North Carolina;”

“(o) 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—

“(1) a vehicle that could legally operate on the segment before the date of the designation at the posted speed limit may continue to operate on that segment; and

“(2) a vehicle that can only travel below the posted speed limit on the segment that could otherwise legally operate on the segment before the date of the designation may continue to operate on that segment during daylight hours.”

SEC. 11204. HIGH PRIORITY CORRIDORS ON THE NATIONAL HIGHWAY SYSTEM


(A) by striking paragraph (13) and inserting the following:

“(13) Raleigh-Norfolk Corridor from Raleigh, North Carolina, through Rocky Mount, Greenville, Elizabeth City, North Carolina, to Norfolk, Virginia.”;

(B) by striking paragraph (68) and inserting the following:

“(68) Washoe County Corridor and the Intermountain West Corridor shall generally follow:

“(A) in the case of the Washoe County Corridor and the Intermountain West Corridor, from the vicinity of Las Vegas extending north along United States Route 95, terminating at Interstate Route 68;” and

(C) by adding at the end the following:

“(B) United States Route 70 from its intersection with Interstate Route 40 in Garner, Wake County, North Carolina, to the Port of Morehead City, Carteret County, North Carolina;”;

“(c)(68)(B), subsection (c)(81), and subsection (c)(9),”;

“(i) by inserting “subsection (c)(13),” after “subsection (c)(9),”;

“(ii) by striking “subsections (c)(18) and all that follows through “(c)(36)” and inserting “subsection (c)(18), subsection (c)(20), subparagraphs (A) of subsection (c)(26), subsection (c)(36)” ; and

“(iii) by striking “and subsection (c)(57)” and inserting “subsection (c)(57), subsection (c)(59), subsection (c)(60), subsection (c)(61), and subsection (c)(82)”;

“in subparagraph (C)(1) (109 Stat. 598; 126 Stat. 427), by striking the last sentence and inserting—

“A recipient State may sell or transfer to a recipient State under section 120(1) of title 23, United States Code;”.

SEC. 11205. REPEAT INTOXICATED DRIVER LAW.

Section 164(a)(4) of title 23, United States Code, is amended in the matter preceding subparagraph (A) in subsection (4) of title 23, United States Code, by inserting “or combinations of laws” after “law”.

SEC. 11206. VEHICLE-TO-INFRASTRUCTURE EQUIPMENT.

(a) NATIONAL HIGHWAY PERFORMANCE PROGRAM.—Section 223(a) of title 23, United States Code, is amended by inserting “including the installation of interoperable vehicle-to-infrastructure communication equipment after”, “capital improvements”;

(b) SURFACE TRANSPORTATION PROGRAM.—Section 133(b)(15) of title 23, United States Code, by inserting “, including the installation of interoperable vehicle-to-infrastructure communication equipment after”, “capital improvements”;

SEC. 11207. RELINQUISHMENT.

A State transportation agency may relinquish park-and-ride lot facilities or portions of park-and-ride lot facilities to a local government agency for highway purposes if authorized to do so under State law.

SEC. 11208. TRANSFER AND SALE OF TOLL CREDITS.

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

(1) ELIGIBLE STATE.—The term “eligible State” means a State that—

(A) is eligible to use a credit under section 1201(b)(1) of title 23, United States Code; and

(B) has been selected by the Secretary under subsection (d)(2).

(2) RECIPIENT STATE.—The term “recipient State” means a State that receives a credit by transfer or by sale under this section from an eligible State.

(b) IMPLEMENTATION OF PILOT PROGRAM.—Not later than 1 year after the date of the establishment of a nationwide toll credit monitoring and tracking system under subsection (b), the Secretary shall and implement a toll credit marketplace pilot program in accordance with this section.

(c) RECIPIENT STATES.—The eligible initial pilot program established under subsection (b) are—

(1) to identify whether a monetary value can be assigned to toll credits;

(2) to identify the discounted rate of toll credits for cash;

(3) to determine if the purchase of toll credits by States provides the purchasing State budget flexibility to deal with funding issues, including off-system needs, transit systems with high operating costs, or cash flow issues; and

(4) to test the feasibility of expanding the toll credit market to allow all States to participate on a permanent basis.

(d) SELECTION OF ELIGIBLE STATES.—

(1) APPLICATION TO SECRETARY.—In order to participate in the pilot program established under subsection (b), a State shall submit to the Secretary an application, in such manner, and containing such information as the Secretary may require.

(2) SELECTION.—Of the States that submit an application under paragraph (1), the Secretary may select not more than 10 States to be designated as eligible States.

(e) TRANSFER OR SALE OF CREDITS.—

(1) IN GENERAL.—In carrying out the pilot program established under subsection (b), the Secretary shall provide that an eligible State may transfer or sell to a recipient State the credit not used by the eligible State under section 120(1) of title 23, United States Code.

(f) USE OF CREDITS BY TRANSFEREE OR PURCHASER.—A recipient State may use a credit received under paragraph (1) toward the non-Federal share requirement for any funds made available to carry out title 23 or chapter 55 of title 49, United States Code.

(g) CONDITION ON TRANSFER OR SALE OF CREDITS.—To receive a credit under paragraph (1), a recipient State must into an agreement with the Secretary described in section 120(1) of title 23, United States Code.

(h) USE OF PROCEEDS FROM SALE OF CREDITS.—An eligible State shall use the proceeds from the sale of a credit under subsection (e)(1) for any project in the eligible State that is eligible under the surface transportation program established under section 133 of title 23, United States Code.

(i) TOLL CREDIT MONITORING AND TRACKING.—Not later than 180 days after the enactment of this section, the Secretary shall establish a nationwide toll credit monitoring and tracking system that functions as a real-time database on the inventory and use of toll credits among all States (as defined in section 101(a) of title 23, United States Code), and report to Congress the use of toll credits among all States.

(i) INITIAL REPORT.—Not later than 180 days after the date of establishment of the program under paragraph (1), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report of the progress of the pilot program.

SEC. 11209. REGULATION OF GUN SHIPS IN THE HARBOR OF NEW ORLEANS.

Section 1312 of title 33, United States Code, is amended by inserting “(A) is eligible to use a credit under section 1201(b)(1) of title 23, United States Code;”.
(A) by redesignating subparagraph (C) as (D); and
(b) by inserting at the end the following:
"(II) identify the information required to be included in the application; and
(III) identify the criteria by which the Secretary shall select grant recipients.
(iii) Submission of Application.—To receive a grant under this paragraph, an entity described in subparagraph (B)(i) shall submit an application to the Secretary that—
(iv) Selection and Approval.—The Secretary shall select and approve an application submitted under clause (ii) based on which application meets the goals of the program described in paragraph (1); and
(v) in paragraph (3), by striking ‘‘each of fiscal years 2013 through 2014’’ and inserting ‘‘each fiscal year’’.
(c) Conforming Amendment.—Section 503(c)(1) of title 23, United States Code, is amended by striking ‘‘section 503(c)(2)(D)’’ and inserting ‘‘section 503 (c)(2)D’’.
SEC. 12002. INTELLIGENT TRANSPORTATION SYSTEMS.
(a) Intelligent Transportation Systems Program.—Section 513 of title 23, United States Code, is amended by adding at the end the following:
(1) Establishment.—The Secretary shall establish a competitive grant program to accelerate the deployment, operation, systems management, intermodal integration, and interoperability of the ITS program and ITS-enabled operational strategies—
(A) to measure and improve the performance of the surface transportation system;
(B) to reduce traffic congestion and the economic and environmental impacts of traffic congestion;
(C) to minimize fatalities and injuries;
(D) to enhance mobility of people and goods;
(E) to improve traveler information and services; and
(F) to optimize existing roadway capacity.
(2) Application.—To be eligible for a grant under this subsection, an eligible entity shall submit an application to the Secretary that includes—
(A) a plan to deploy and provide for the long-term operation and maintenance of intelligent transportation systems to improve safety, efficiency, system performance, and return on investment, such as—
(i) autonomous vehicle communication technologies;
(ii) vehicle-to-vehicle or vehicle-to-infrastructure communication technologies;
(iii) real-time integrated traffic, transit, and multimodal transportation information;
(iv) advanced traffic, freight, parking, and incident management systems;
(v) advanced technologies to improve transit and commercial vehicle operations;
(vi) synchronized, adaptive, and transit preferential traffic signals;
(vii) advanced infrastructure condition assessment technologies; and
(viii) other technologies to improve system operations, including ITS applications necessary for multimodal systems integration; and
B) by redesignating subparagraph (C) as subparagraph (B); and
(i) and inserting the following:
"(ii) by redesigning mobile, highway-speed, bridge inspection methods that provide quantitative data-driven decisionmaking capabilities without requiring lane closures; and
"(xxi) innovative segmental wall technology for soil bank stabilization and road- way sound attenuation, and articulated technology for hydraulic sheet-reinforcement erosion control.;’’;
and
(2) in subparagraph (D)(i), by inserting ‘‘and section 119(e) after this subpara graph;’’.
(b) Technology and Innovation Deployment Program.—Section 503(c) of title 23, United States Code, is amended—
(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ‘‘carry out the program’’ and inserting ‘‘establish and implement’’;
(2) in paragraph (2),
(A) in subparagraph (B), by striking clause (i) and inserting the following:
"(i) transportation projects; and
(B) by redesigning subparagraph (C) as subparagraph (B); and
(i) by redesigning mobile, highway-speed, bridge inspection methods that provide quantitative data-driven decisionmaking capabilities without requiring lane closures; and
(ii) by redesigning mobile, highway-speed, bridge inspection methods that provide quantitative data-driven decisionmaking capabilities without requiring lane closures; and
(ii) and inserting the following:
"(ii) by redesigning mobile, highway-speed, bridge inspection methods that provide quantitative data-driven decisionmaking capabilities without requiring lane closures; and
(iii) innovative segmental wall technology for soil bank stabilization and road- way sound attenuation, and articulated technology for hydraulic sheet-reinforcement erosion control.;’’;
and
(2) in subparagraph (D)(i), by inserting ‘‘and section 119(e) after this subpara graph;’’.
(b) TECHNOLOGY AND INNOVATION DEPLOY- MENT PROGRAM.—Section 503(c) of title 23, United States Code, is amended—
(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ‘‘carry out the program’’ and inserting ‘‘establish and implement’’;
(2) in paragraph (2),
(A) in subparagraph (B), by striking clause (i) and inserting the following:
"(i) transportation projects; and
(B) by redesigning subparagraph (C) as subparagraph (B); and
(i) by redesigning mobile, highway-speed, bridge inspection methods that provide quantitative data-driven decisionmaking capabilities without requiring lane closures; and
(ii) by redesigning mobile, highway-speed, bridge inspection methods that provide quantitative data-driven decisionmaking capabilities without requiring lane closures; and
(ii) and inserting the following:
"(ii) by redesigning mobile, highway-speed, bridge inspection methods that provide quantitative data-driven decisionmaking capabilities without requiring lane closures; and
(iii) innovative segmental wall technology for soil bank stabilization and road- way sound attenuation, and articulated technology for hydraulic sheet-reinforcement erosion control.;’’;
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(2) in subparagraph (D)(i), by inserting ‘‘and section 119(e) after this subpara graph;’’.
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(2) in paragraph (2),
(A) in subparagraph (B), by striking clause (i) and inserting the following:
"(i) transportation projects; and
(B) by redesigning subparagraph (C) as subparagraph (B); and
(i) by redesigning mobile, highway-speed, bridge inspection methods that provide quantitative data-driven decisionmaking capabilities without requiring lane closures; and
(ii) by redesigning mobile, highway-speed, bridge inspection methods that provide quantitative data-driven decisionmaking capabilities without requiring lane closures; and
(ii) and inserting the following:
"(ii) by redesigning mobile, highway-speed, bridge inspection methods that provide quantitative data-driven decisionmaking capabilities without requiring lane closures; and
(iii) innovative segmental wall technology for soil bank stabilization and road- way sound attenuation, and articulated technology for hydraulic sheet-reinforcement erosion control.;’’;
and
(2) in subparagraph (D)(i), by inserting ‘‘and section 119(e) after this subpara graph;’’.
(b) TECHNOLOGY AND INNOVATION DEPLOY- MENT PROGRAM.—Section 503(c) of title 23, United States Code, is amended—
(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ‘‘carry out the program’’ and inserting ‘‘establish and implement’’;
(2) in paragraph (2),
(A) in subparagraph (B), by striking clause (i) and inserting the following:
"(i) transportation projects; and
(B) by redesigning subparagraph (C) as subparagraph (B); and
(i) by redesigning mobile, highway-speed, bridge inspection methods that provide quantitative data-driven decisionmaking capabilities without requiring lane closures; and
(ii) by redesigning mobile, highway-speed, bridge inspection methods that provide quantitative data-driven decisionmaking capabilities without requiring lane closures; and
(ii) and inserting the following:
"(i) transportation projects; and
(B) by redesigning subparagraph (C) as subparagraph (B); and
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(ii) by redesigning mobile, highway-speed, bridge inspection methods that provide quantitative data-driven decisionmaking capabilities without requiring lane closures; and
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"(i) transportation projects; and
(B) by redesigning subparagraph (C) as subparagraph (B); and
(i) by redesigning mobile, highway-speed, bridge inspection methods that provide quantitative data-driven decisionmaking capabilities without requiring lane closures; and
(ii) by redesigning mobile, highway-speed, bridge inspection methods that provide quantitative data-driven decisionmaking capabilities without requiring lane closures; and
(ii) and inserting the following:
"(i) transportation projects; and
(B) by redesigning subparagraph (C) as subparagraph (B); and
(i) by redesigning mobile, highway-speed, bridge inspection methods that provide quantitative data-driven decisionmaking capabilities without requiring lane closures; and
(ii) by redesigning mobile, highway-speed, bridge inspection methods that provide quantitative data-driven decisionmaking capabilities without requiring lane closures; and
(ii) and inserting the following:
"(i) transportation projects; and

“(i) reductions in traffic-related crashes, congestion, and costs; (ii) optimization of system efficiency; and (iii) improvement of access to transportation systems.

(C) quantifiable safety, mobility, and environmental benefit projections, including data-driven estimates of the manner in which the grant will improve the efficiency of the transportation system and reduce traffic congestion in the region; (D) a plan for partnering with the private sector, telecommunications industries and public service utilities, public agencies (including multimodal and multi-jurisdictional research institutions, organizations representing transportation and technology leaders, and other transportation stakeholders; (E) a plan to leverage and optimize existing local and regional ITS investments; and (F) a plan to ensure interoperability of deployed technologies with other tolling, traffic management, and intelligent transportation systems.

(3) SELECTION.--(A) IN GENERAL.—Effective beginning not later than the date of enactment of the DRIVE Act, the Secretary may provide grants to eligible entities under this subsection.

(B) GEOGRAPHIC DIVERSITY.—In awarding a grant under this subsection, the Secretary shall ensure, to the maximum extent practicable, that grant recipients are representative of rural, suburban, and urban areas of the United States, including rural, suburban, and rural areas.

(C) NON-FEDERAL SHARE.—In awarding a grant under the subsection, the Secretary shall give priority to grant recipients that demonstrate an ability to contribute a significant non-Federal share to the cost of carrying out the project for which the grant is provided under this subsection.

(4) ELIGIBLE USES.—Projects for which grants awarded under this subsection may be used include—

(A) the deployment of autonomous vehicular communication technologies; (B) the deployment of vehicle-to-vehicle or vehicle-to-infrastructure communication technologies; (C) establishment and implementation of ITS and ITS-enabled operations strategies that improve performance in the areas of— (i) traffic operations; (ii) emergency response to surface transportation incidents; (iii) incident management; (iv) management of commercial vehicle operations improvements; (v) weather event response management by State and local authorities; (vi) surface transportation network and facility management; (vii) construction and work zone management; (viii) traffic flow information; (ix) freight management; and (x) congestion management; (D) carrying out activities that support the creation of networks that link metropolitan and rural surface transportation systems into an integrated data network, capable of collecting, sharing, and archiving transportation system traffic condition and performance information; (E) the implementation of intelligent transportation systems and technologies that enhance safety through information and communications systems linking vehicles, infrastructure, mobile devices, transportation users, and emergency responders; (F) the provision of services necessary to ensure the efficient operation and management of ITS infrastructure, including costs associated with communications, utilities, rent, hardware, software, labor, administrative costs, training, and technical services; (G) the establishment and maintenance of institutional relationships between transportation agencies, police, emergency medical services, private operators of freight operators, shippers, public service utilities, and telecommunications providers; (H) carrying out multimodal and cross-jurisdictional planning for deployment of regional transportation systems operations and management approaches and (I) performing project evaluations to determine lessons learned and future deployment strategies associated with the deployment of intelligent transportation systems.

(5) REPORT TO SECRETARY.—For each fiscal year that an eligible entity receives a grant under this subsection, not later than 1 year after receiving the grant, each recipient shall submit to the Secretary a report that describes how the project has met the expectations projected in the deployment plan submitted with the application, including information on— (A) how the program has helped reduce traffic congestion, crashes, congestion, costs, and other benefits of the deployed systems; (B) the effect of measuring and improving transportation performance through the deployment of advanced technologies; (C) the effectiveness of providing real-time integrated traffic, transit, and multimodal transportation information to the public that allows the public to make informed travel decisions; and (D) lessons learned and recommendations for future deployment strategies to optimize transportation efficiency and multimodal system performance.

(6) REPORT TO CONGRESS.—Not later than 2 years after the date on which the first grant is awarded under this subsection and annually thereafter for each fiscal year for which grants are awarded under this subsection, the Secretary shall submit to Congress a report that describes the effectiveness of the grant recipients in meeting the projected deployment plan goals, including data on how the grant program has— (A) reduced traffic-related fatalities and injuries; (B) reduced traffic congestion and improved travel-time reliability; (C) reduced transportation-related emissions; (D) optimized multimodal system performance; (E) improved access to transportation alternatives; (F) provided the public with access to real-time integrated traffic, transit, and multimodal transportation information to make informed travel decisions; (G) provided cost savings to transportation agencies, businesses, and the traveling public; and (H) provided other benefits to transportation users and the general public.

(7) ADDITIONAL GRANTS.—If the Secretary determines, based on a report submitted under paragraph (5), that a grant recipient is not complying with the established grant criteria, the Secretary may— (A) cease payment to the recipient of any remaining grant amounts; and (B) redistribute any remaining amounts not complying with the established grant criteria, based on a report submitted by the Secretary, to other eligible entities under this section.

(8) NON-FEDERAL SHARE.—The Federal share of the cost of a project for which a grant is provided under this subsection shall not exceed 50 percent of the cost of the project.

(9) FUNDING.—Of the funds made available each fiscal year to carry out the intelligent transportation system program under sections 512 through 518, not less than $30,000,000 shall be used to carry out this section.

(b) INTELLIGENT TRANSPORTATION SYSTEMS GOALS AND PURPOSES.—Section 51a(i) of title 23, United States Code, is amended—

(1) by striking “and” at the end; and (2) by striking paragraph (5) and inserting the following:

“by improving the performance of the ability of the United States to respond to security-related or other manmade emergencies and natural disasters; and (II) by improving the performance of the freight system of the United States and support to freight policy goals by conducting heavy duty vehicle demonstration activities and accelerating adoption of ITS applications in freight operations.”.

(c) ITS ADVISORY COMMITTEE REPORT.—Section 51b(h)(4) of title 23, United States Code, is amended in the matter preceding subparagraph (A) by striking “February 1 of each year after the date of enactment of the Transportation Research and Innovative Technology Act of 2012” and inserting “May 1 of each year”.

SEC. 12003. FUTURE INTERSTATE STUDY.

(a) FINDINGS.—Congress finds that— (A) a well-developed system of transportation infrastructure is critical to the economic well-being, health, and welfare of the people of the United States; (B) the $7,000-mile national Interstate System is the backbone to that transportation infrastructure system; and (3) as of the date of enactment of this Act, (A) many segments of the approximately 60-year-old Interstate System are well beyond the 50-year design life of the System and these aging facilities are central to the transportation infrastructure system, carrying 25 percent of the vehicle traffic of the United States on just 1 percent of the total public roadway mileage; (B) the need for ongoing maintenance, preservation, and reconstruction of the Interstate System has grown due to increased changing travel demands associated with the United States to respond to security-related or other manmade emergencies and natural disasters; and (C) simple maintenance of the current condition and configuration of the Interstate System is insufficient for the System to fully serve the transportation needs of the United States for the next 50 years.

(b) FUTURE INTERSTATE SYSTEM STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall enter into an agreement with the Transportation Research Board of the National Academies to conduct a study on the needs of the Interstate System and recommended in the report prepared for the American Association of State Highway and Transportation Officials entitled “National Cooperative Highway Research Program Project 20-2479: Specifications for a National Study of the Future 5R, 4R, and Caution Needs of the Interstate System” and dated December 2013.

(d) RECOMMENDATIONS.—(1) The study— (A) shall include specific recommendations regarding the features and capacity needs, application of technologies, and intergovernmental roles to upgrade the Interstate System;
System, including any revisions to law (including regulations) that the Transportation Research Board determines appropriate to achieve the goals; and
(2) to formally build on the robust institutional knowledge in the highway industry in applying the techniques involved in implementing the study;
(e) Definitions.—In carrying out the study, the Transportation Research Board shall determine the need for reconstruction and improvement of the Interstate System by considering:
(1) future demands on transportation infrastructure determined for national planning purposes, including commercial and private traffic flows to serve future economic activity and growth;
(2) the expected condition of the current Interstate System over the next 50 years, including long-term deterioration and reconstruction needs;
(3) those National Highway System routes that should be added to the existing Interstate System to more efficiently serve national traffic flows;
(4) features that would take advantage of technological advancements to address modern standards of construction, maintenance, and operations, for purposes of safety, and system management, taking into further consideration performance and cost; and
(5) the resources necessary to maintain and improve the Interstate System, including the requirements to upgrade those National Highway System routes identified in paragraph (3) to Interstate standards.
(f) Consultation.—In carrying out the study, the Transportation Research Board—
(1) shall convene and consult with a panel of national experts including current and future owners, operators, and users of the Interstate System and private sector stakeholders; and
(2) is encouraged to consult with—
(A) the Federal Highway Administration;
(B) States;
(C) planning agencies at the metropolitan, State, and regional levels;
(D) the motor carrier industry;
(E) freight shippers;
(F) highway safety groups; and
(G) other appropriate entities.
(g) Report.—Not later than 3 years after the date of enactment of this Act, the Transportation Research Board shall submit to the Secretary, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study conducted under this section.
(h) Funding.—From amounts authorized to carry out the Highway Research and Development Program, the Secretary shall use up to $5,000,000 for fiscal year 2016 to carry out this section.
SEC. 12004. RESEARCHING SURFACE TRANSPORTATION SYSTEM FUNDING ALTERNATIVES AND USER-BASED ALTERNATIVE REVENUE MECHANISMS
(a) In General.—The Secretary shall promote the research of user-based alternative revenue mechanisms that preserve a user fee structure to maintain the long-term solvency of the Highway Trust Fund.
(b) Objectives.—The objectives of the research described in subsection (a) shall be—
(1) to assess the functionality and the implications of the alternative revenue mechanisms, including by conducting field trials, by partnering with individual States, groups of States, or other appropriate entities to conduct the research activities;
(2) to conduct outreach to increase public awareness regarding the need for alternative revenue mechanisms and programs and provide information on possible approaches;
(3) to provide recommendations regarding adoption and implementation of those user-based alternative revenue mechanisms; and
(4) to minimize the administrative cost of any potential user-based alternative revenue mechanism.
(c) Grants.—The Secretary shall provide grants to individual States, groups of States, or other appropriate entities to conduct research that addresses—
(1) the implementation, interoperability, public acceptance, and other potential hurdles to the adoption of a user-based alternative revenue mechanism;
(2) the protection of personal privacy;
(3) the use of independent and private third-party vendors to conduct and operate the user-based alternative revenue mechanism;
(4) equity concerns, including the impacts of the user-based alternative revenue mechanism on differing income groups, various geographic areas, and the relative burdens on rural and urban areas;
(5) ease of compliance for different user bases of the transportation system;
(6) the reliability and security of technology used to implement the user-based alternative revenue mechanism;
(7) the flexibility and choices of user-based alternative revenue mechanisms, including the ability of users to select from various technology and payment options;
(8) the cost of administering the user-based alternative revenue mechanism; and
(9) the ability of third-party vendors to audit and enforce user compliance.
(d) Advisory Council.—
(1) In General.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, the Advisory Council (referred to in this subsection as the "Council") shall determine the need for, and implement, user-based alternative revenue mechanisms.
(2) Membership.—(A) In General.—The members of the Council shall—
(i) be appointed by the Secretary; and
(ii) include, at a minimum—
(I) representatives with experience in user-based alternative revenue mechanisms, of which—
(aa) not fewer than 1 shall be from the Department; (bb) not fewer than 1 shall be from the Department of Treasury;
(cc) not fewer than 2 shall be from State departments of transportation;
(II) representatives from applicable users of the surface transportation system; and
(III) appropriate technology and public privacy experts.
(B) Geographic Considerations.—The Secretary shall consider geographic diversity when selecting members under this paragraph.
(3) Functions.—Not later than 1 year after the date on which the Council is established, the Council shall, at a minimum—
(A) define the functionality of 2 or more user-based alternative revenue mechanisms;
(B) identify administrative, institutional, privacy, and other issues that—
(i) are associated with the user-based alternative revenue mechanisms; and
(ii) may be researched through research activities;
(C) conduct public outreach to identify and assess questions and concerns about the user-based alternative revenue mechanisms for future evaluation through research activities; and
(D) provide recommendations to the Secretary on the process and criteria used for selecting research activities under subsection (c).
(e) Evaluations.—The Council shall conduct periodic evaluations of the research activities that have received assistance from the Secretary under this section.
(f) Applicability of Federal Advisory Committee Act.—The Council shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).
(g) Biennial Reports.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter until the completion of the research activities under this section, the Secretary shall submit to the Secretary of the Treasury, the Committee on Finance and the Committee on Environment and Public Works of the Senate, and the Committee on Ways and Means and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the progress of the research activities.
(f) Final Report.—On the completion of the research activities under this section, the Secretary and the Secretary of the Treasury, acting jointly, shall submit to the Committee on Finance and the Committee on Environment and Public Works of the Senate and the Committee on Ways and Means and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the research activities and any recommendations.
(g) Funding.—Of the funds authorized to carry out section 503(b) of title 23, United States Code—
(1) $15,000,000 shall be used to carry out this section in fiscal year 2016; and
(2) $20,000,000 shall be used to carry out this section in each of fiscal years 2017 through 2021.
management analyses (including the performance management requirements under section 150 of title 23, United States Code).

(b) INCLUSIONS.—The data analysis activities authorized under subsection (a) may include—

(1) collecting and distributing vehicle probe data describing traffic on Federal-aid highways;
(2) collecting household travel behavior data to assess local and cross-jurisdictional travel, including to accommodate external and through travel, and
(3) enhancing existing data collection and analysis tools to accommodate performance measures, targets, and related data, so as to better understand trip origin and destination, trip time, and mode.

(c) FUNDING.—From amounts authorized to carry out the Highway Research and Development Program, the Administrator may use up to $5,000,000 for each of fiscal years 2016 through 2021 to carry out this section.

Subtitle C—Transparency and Best Practices

SEC. 12201. EVERY DAY COUNTS INITIATIVE.

(a) IN GENERAL.—It is in the national interest for the Department, State departments of transportation, and all other recipients of Federal transportation funds—

(1) to identify, accelerate, and deploy innovation aimed at shortening project delivery, enhancing the safety of the roadways of the United States, and protecting the environment;

(2) to ensure that the planning, design, engineering, construction, and financing of transportation projects is done in an efficient and effective manner;

(3) to promote the rapid deployment of proven solutions that provide greater accountability for public investments and encourage greater private sector involvement; and

(4) to create a culture of innovation within the highway industry.

(b) EVERY DAY COUNTS INITIATIVE.—To advance the policy described in subsection (a), the Administrator of the Federal Highway Administration (referred to in this section as the "Administrator") shall continue the Every Day Counts initiative to work with States, local transportation agencies, and industry stakeholders to identify and deploy proven innovative practices and products that—

(1) accelerate innovation development;

(2) shorten the project delivery process;

(3) improve environmental sustainability;

(4) enhance roadway safety; and

(5) reduce congestion.

(c) INNOVATION DEPLOYMENT.—

(1) IN GENERAL.—At least every 2 years, the Administrator shall work collaboratively with stakeholders to identify a new collection of innovations, best practices, and data to be deployed to highway stakeholders through conferences, webinars, and demonstration projects.

(2) REQUIREMENTS.—In identifying a collection under paragraph (1), the Secretary shall take into account market readiness, impacts, benefits, and ease of adoption of the innovation or practice.

(d) PUBLICATION.—Each collection identified under subsection (c) shall be published by the Administrator on a publicly available website.

SEC. 12202. DEPARTMENT OF TRANSPORTATION PERFORMANCE MEASURES.

(a) PERFORMANCE MEASURES.—Not later than 1 year after enactment of this Act, the Secretary, in coordination with the heads of other Federal agencies with responsibility for the review and approval of projects funded under United States Code, shall measure and report on—

(1) the progress made toward aligning Federal reviews of projects funded under title 23, United States Code, and the improvement of project delivery associated with those projects; and

(2) as applicable, the effectiveness of the Department in achieving the goals described in section 150(b) of title 23, United States Code, through discretionary programs.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act and biennially thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the evaluation conducted under subsection (a).

(c) INSPECTOR GENERAL REPORT.—Not later than 3 years after the date of enactment of this Act, the Inspector General of the Department shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the evaluation conducted under subsection (a).

SEC. 12203. GRANT ACHIEVEMENT IN TRANSPORTATION FOR PERFORMANCE AND INNOVATION.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" includes—

(A) a State;

(B) a unit of local government;

(C) a tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)); and

(D) a metropolitan planning organization.

(2) STATE.—The term "State" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory (as defined in section 156(c)(1) of title 23, United States Code).

(b) PURPOSE.—The purpose of the program under this section is to—

(1) improve decision making and accountability; and

(2) achieve innovation and efficiency in surface transportation.

(c) ELIGIBLE ACTIVITIES.—Amounts made available under this section shall be available to eligible entities for projects that—

(1) support performance-based management of the Federal-aid highway program funds made available under paragraph (1) for administration of the program under this section, not to exceed 3 percent of the amount appropriated for each applicable fiscal year;

(2) improve performance management analyses (including the performance measures in section 150(b) of title 23, United States Code), through discretionary programs;

(3) enhance the safety of the roadways of the United States;

(4) enhance existing data analysis tools to improve performance predictions and travel models in reports described in section 150(e) of title 23, United States Code; and

(5) develop tools—

(A) to improve performance analysis; and

(B) to evaluate the effects of project investments on performance.

(d) FUNDING.—From amounts authorized to carry out the Highway Research and Development Program, the Administrator may use up to $15,000,000 for each of fiscal years 2016 through 2021 to carry out this section.

SEC. 12204. HIGHWAY TRUST FUND TRANSPARENCY AND ACCOUNTABILITY.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (a) and inserting the following:

"(a) PUBLICLY AVAILABLE REPORT.—Not later than 180 days after the date of enactment of the DRIVE Act and quarterly thereafter, the Secretary shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the evaluation conducted under subsection (a).

(b) APPLICATION.—The Secretary shall withhold a reasonable amount of funds made available under paragraph (1) for administration of the program under this section, not to exceed 3 percent of the amount appropriated for each applicable fiscal year.

(c) APPLICABILITY OF REQUIREMENTS.—Amounts made available under this section shall be administered as if the funds were appropriated under chapter 21 of title 23, United States Code.

SEC. 12205. DEPARTMENT OF TRANSPORTATION PERFORMANCE AND INNOVATION.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" includes—

(A) a State;

(B) a unit of local government;

(C) a tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)); and

(D) any other territory (as defined in section 156(c)(1) of title 23, United States Code).

(b) REQUIREMENTS.—The Secretary shall establish a competitive grant program to reward—

(1) achievement in transportation performance management; and

(2) the implementation of strategies that achieve innovation and efficiency in surface transportation.

(c) PURPOSE.—The purpose of the program under this section shall be to reward entities for the implementation of policies and procedures that—

(1) support performance-based management of the surface transportation system and improve transportation outcomes; or

(2) use innovative and practices that improve the efficiency and performance of the surface transportation system.

(d) APPLICATION.—

(1) IN GENERAL.—An eligible entity may submit to the Secretary an application for a grant under this section.

(2) CONTENTS.—An application under paragraph (1) shall indicate the means by which the eligible entity has met the requirements and purpose of the program under this section, including—

(A) establishing, and making progress toward achieving, performance targets that exceed the requirements of title 23, United States Code;

(B) using innovative techniques and practices that enhance the effective movement of people, goods, and services, such as technologies that reduce construction time, improve operational efficiencies, and extend the service life of highways and bridges; and

(e) EVALUATION CRITERIA.—In awarding a grant under this section, the Secretary shall consider the extent to which the application of an eligible entity under subsection (d)—

(1) demonstrates performance in meeting the requirements of subsection (c); and

(2) promotes the national goals described in section 150(b) of title 23, United States Code.

SEC. 12206. ELIGIBLE ACTIVITIES.—Amounts made available to carry out this section shall be used for projects eligible for funding under—

(1) title 23, United States Code; or

(2) chapter 53 of title 49, United States Code.

SEC. 12207. LIMITATION.—The amount of a grant under this section shall not be more than $150,000,000.

(b) LIMITATION.—

(1) IN GENERAL.—There is authorized to be appropriated out of the Treasury to carry out this section $150,000,000 for each of fiscal years 2016 through 2021, to remain available until expended.

(2) ADMINISTRATIVE COSTS.—The Secretary shall withhold a reasonable amount of funds made available under paragraph (1) for administration of the program under this section, not to exceed 3 percent of the amount appropriated for each applicable fiscal year.

(c) APPLICABILITY OF REQUIREMENTS.—Amounts made available under this section shall be administered as if the funds were appropriated under chapter 21 of title 23, United States Code.
for construction and the total amount obligated during the current fiscal year for rehabilitation.

(b) Project data.—To the maximum extent practicable, the report shall include project-specific data, including data describing—

(i) the specific location of a project;

(ii) whether a project is located in an area of the State with a population of—

(1) less than 5,000 individuals;

(2) 5,000 or more individuals but less than 50,000 individuals;

(3) 50,000 or more individuals;

(iii) the total cost of the project;

(iv) the amount of Federal funding being used on the project;

(v) the 1 or more programs from which Federal funds are obligated on the project;

(vi) the type of improvement being made, such as categorizing the project as—

(1) a road reconstruction project;

(2) a new road construction project;

(3) a new bridge construction project;

(4) a bridge rehabilitation project; or

(vii) the ownership of the highway or bridge.

(c) Transfers between programs.—The report shall include a description of the amount of funds transferred between programs by each State under section 125(b).

(d) Deadlines.—Each report described in subsection (a) and every 5 years thereafter, the Comptroller General shall submit to Congress a report describing performance targets of the projects established under this section 156(d) and inserting 'safety performance targets of the projects established under section 156(d)'; and

(2) in paragraphs (2) and (2), by inserting 'safety performance targets of the projects established under section 156(d)'.

(e) Data.—The Comptroller General shall, in the report submitted under section 141(c), insert the data—

(1) in the matter preceding paragraph (1), by striking ''and'' and inserting ''and''; and

(2) in paragraph (1), by striking ''after'' and inserting ''before'' performance targets'' each place it appears.

SEC. 12205. REPORT ON HIGHWAY TRUST FUND ADMINISTRATIVE EXPENDITURES.

(a) Initial report.—Not later than 150 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report describing the administrative expenses of the Federal Highway Administration funded from the Highway Trust Fund during the most recent fiscal year.

(b) Updates.—Not later than 5 years after the date on which the report is submitted under subsection (a) and every 5 years thereafter, the Comptroller General shall submit to Congress a report that updates the information provided in the report under that subsection for the preceding 5-year period.

(c) Inclusions.—Each report submitted under subsection (a) or (b) shall include a description of the—

(1) types of administrative expenses of programs and offices funded by the Highway Trust Fund;

(2) tracking and monitoring of administrative expenses;

(3) controls in place to ensure that funding for administrative expenses is used as efficiently as practicable; and

(4) flexibility of the Department to reallocate funds from the Highway Trust Fund between full-time equivalent employees and other functions.

SEC. 12206. AVAILABILITY OF REPORTS.

(a) In general.—The Secretary shall make available to the public on the website of the Department any report required to be submitted by the Secretary to Congress after the date of enactment of this Act.

(b) Deadlines.—Each report described in subsection (a) shall be made available on the website of the Department no later than 30 days after the report is submitted to Congress.

SEC. 12207. PERFORMANCE PERIOD ADJUSTMENT.

(a) National highway performance program.—Section 119 of title 23, United States Code, is amended—

(1) in subsection (e)(7), by striking 'for 2 consecutive years' and inserting 'submit the report described in this subsection'; and

(b) in subsection (c), by striking the period at the end and inserting 'submit the report described in this subsection'.

(c) Highway safety improvement program.—Section 141(h) of title 23, United States Code, as amended—

(1) in the matter preceding paragraph (1), by striking 'It is determined that the condition of the Interstate System, in a State falls' and inserting 'If a State reports that the condition of the Interstate System, excluding bridges on the Interstate System, has fallen'.

(2) in subsection (f)(1)(A), by striking 'If, during 2 consecutive reporting periods, the condition of the Interstate System, excluding bridges on the Interstate System, in a State falls' and inserting 'If a State reports that the condition of the Interstate System, excluding bridges on the Interstate System, has fallen'.

(b) Highway safety improvement program.—Section 141(h) of title 23, United States Code, as amended—

(1) in the matter preceding paragraph (1), by striking 'If, during 2 consecutive reporting periods, the condition of the Interstate System, excluding bridges on the Interstate System, in a State falls' and inserting 'If a State reports that the condition of the Interstate System, excluding bridges on the Interstate System, has fallen'.

(2) in subsection (f)(1)(A), by striking 'If, during 2 consecutive reporting periods, the condition of the Interstate System, excluding bridges on the Interstate System, in a State falls' and inserting 'If a State reports that the condition of the Interstate System, excluding bridges on the Interstate System, has fallen'.

SEC. 13001. TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT OF 1998 AMENDMENTS.

(a) Definitions.—Section 601(a) of title 23, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking 'In this chapter, the' and inserting 'The'; and

(2) in paragraph (2), (A) in the matter preceding subparagraph (B), by striking the period at the end and inserting 'at the end'; and

(b) In paragraph (1)—

(1) by inserting 'related' before 'projects'; and

(2) by striking ''which shall receive an investment grade rating from a rating agency''.

(c) In subparagraph (D)—

(1) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(2) by inserting after clause (i) the following:

(ii) receiving an investment grade rating from a rating agency;

(iii) in clause (ii) (as so redesignated), by striking ''section 602(c)'' and inserting 'sections 602(c) and 603(b)(1)'; and

(iv) in clause (iv) (as so redesignated), by striking ''section 602(c)''.

(d) In paragraph (2)—

(1) in subparagraph (C), by striking ''and'' and inserting 'at the end'; and

(2) by redesignating subparagraph (D) as subparagraph (F).

(3) in subparagraph (C), by striking 'accidents'' and inserting 'access and safety''.

(4) in clause (v), by inserting 'pedestrian walkways'', after 'bikeways,'.

(b) Design standard flexibility.—Notwithstanding section 108(d)(3), a State highway and transportation official may use a roadway design guide that is different from the roadway design guide used by the State in which the local jurisdiction is located for the design of all roadways within the ownership of the local jurisdiction (other than a highway on the Interstate System) if—

(1) the local jurisdiction is the project sponsor;

(2) the roadway design guide—

(A) is recognized by the Federal Highway Administration; and

(B) is adopted by the local jurisdiction; and

(3) the design complies with all applicable Federal, State, and local standards.

(c) Title VI—Transportation Infrastructure Finance and Innovation Act of 1998 Amendments.

(a) Definitions.—Section 601(a) of title 23, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking 'In this chapter, the' and inserting 'The'; and

(b) by inserting to sections 601 through 609 after 'apply'.

(2) in paragraph (2), (A) in the matter preceding subparagraph (B), by striking the period at the end and inserting 'at the end'; and

(b) In subparagraph (C), by striking the period at the end and inserting 'at the end'; and

(c) by adding at the end the following:

(5) in paragraph (12)—

(A) by adding at the end the following:

(i) has been approved by the Secretary of the Interior pursuant to section 10 of the Endangered Species Act of 1973 (16 U.S.C. 1538); and

(ii) as determined by the Secretary of the Interior, would mitigate the environmental impacts of transportation infrastructure projects otherwise eligible for assistance under the TIFIA program; and

(G) the capitalization of a rural projects fund by a State infrastructure bank with the proceeds of a secured loan made in accordance with sections 602 and 603, for the purpose of making loans to sponsors of rural infrastructure projects in accordance with section 610.

(c) In paragraph (5), by striking 'means' and all that follows through the period at the end and inserting 'means a surface transportation infrastructure project located in an area that is outside of an urbanized area with a population greater than 150,000 individuals, as determined by the Bureau of the Census';

(d) by redesignating paragraphs (16), (17), (18), (19), and (20) as paragraphs (17), (18), (20), (21), and (22), respectively;

(2) in paragraph (15), by striking 'and' and inserting 'or'; and

(3) by adding at the end the following:

(16) Rural projects fund.—The term 'rural projects fund' means a fund—
“(A) established by a State infrastructure bank in accordance with section 610(d)(4); 
“(B) capitalized with the proceeds of a secured loan made to the bank in accordance with section 610(d)(9) and 
“(C) for the purpose of making loans to sponsors of rural infrastructure projects in accordance with section 610.”.

(9) by inserting after paragraph (8) (as redesignated) the following: 
“(19) STATE INFRASTRUCTURE BANK.—The term ‘State infrastructure bank’ means an infrastructure bank established under section 610.; and 

(10) in paragraph (22) (as redesignated), by inserting ‘the TIFIA program’ for ‘this chapter’ each place it appears and inserting ‘the TIFIA program’; 

section 610.”;

(b) by striking “subparagraph (B), to be eligible for assistance under this chapter, a project” and striking “subparagraph (B), the final”; and

(2) in subsection (c)(1), in the matter preceding subparagraph (A), by striking “ELIGIBLE PROJECT COST PARAMETERS.—”;

(ii) in subparagraph (A)—

(1) in the matter preceding clause (i), by striking “paragraph (2)(A), by striking ‘this chapter’ and inserting “the TIFIA program”; 

(ii) in subparagraph (B), by striking “this chapter” and inserting “the TIFIA program”;

(3) in subsection (c)(1), in the matter preceding subparagraph (A), by striking “this chapter” and inserting “the TIFIA program”;

(4) in subsection (e), by striking “this chapter” and inserting “the TIFIA program”;

(b) in paragraph (3), by striking “this chapter” and inserting “the TIFIA program”;

(c) by striking “this chapter” each place it appears and inserting “the TIFIA program”;

(2) by striking at the end the following: 

‘‘(1) RESERVATION OF FUNDS.—Of the funds made available to carry out the TIFIA program for each fiscal year, and after the set-aside under section 606(e)(3)(B), not less than $2,000,000 shall be made available for the Sec- retary to use in lieu of fees collected under subsection (b) for projects under the TIFIA program having eligible project costs that are reasonably anticipated not to equal or exceed $75,000,000. 

‘‘(2) RELEASE OF FUNDS.—Any funds not used under paragraph (1) shall be made available on October 1 of the following fiscal year to provide credit assistance to any project under the TIFIA program. 

‘‘(3) REGULATIONS.—Section 607 of title 23, United States Code, is amended by striking “this chapter” and inserting “the TIFIA program.”

‘‘(4) FUNDING.—Section 608 of title 23, United States Code, is amended—

(1) by striking “this chapter” each place it appears and inserting “the TIFIA program”; 

(2) in subsection (2), by inserting “of” after “504(f)”; 

(3) in subparagraph (A), by inserting “rural projects funds” after “rural infrastruc-

ture projects.”

‘‘(11) RURAL INFRASTRUCTURE PROJECT.—The term ‘rural infrastructure project’ has the meaning given the term in section 610.”.

(12) RURAL PROJECTS FUND.—The term ‘rural projects fund’ has the meaning given the term in section 610.”.
the end of subparagraph (A) and inserting “each fiscal year under each of paragraphs (1), (2), and (5) of section 104(b); and”; (B) in paragraph (2), by striking “in each of fiscal years 2006 through 2009” and inserting “in each fiscal year”; (C) in paragraph (3), by striking “in each of fiscal years 2006 through 2009” and inserting “in each fiscal year”; (D) by redesigning paragraphs (4) through (6) as paragraphs (5) through (7), respectively; (E) by inserting after paragraph (3) the following: “(4) RURAL PROJECTS FUND.—Subject to subsection (b), the Secretary may make loans or provide other forms of credit assistance to a public or private entity in an amount not to exceed 80 percent of the cost of carrying out a project eligible for assistance under this section; and (F) in paragraph (6) (as redesignated, by striking “section 133(d)(1)(A)” and inserting “section 133(d)(1)(A)(i)”); (3) by striking subsection (e) and inserting the following: “(e) FEDERAL ASSISTANCE FROM STATE INFRASTRUCTURE BANKS.—“(1) IN GENERAL.—A State infrastructure bank established under this section may— (A) with funds deposited into the highway account, transit account, or rail account of the bank, make loans or provide other forms of credit assistance to a public or private entity to carry out a project eligible for assistance under this section; and (B) with funds deposited into the rural projects fund, make loans to a public or private entity to carry out a rural infrastructure project. (2) SUBORDINATION OF LOAN.—The amount of a loan or other form of credit assistance provided for a project described in paragraph (1) may be subordinate to any other debt financing for the project. (3) MAXIMUM AMOUNT OF ASSISTANCE.—A State infrastructure bank established under this section may— (A) with funds deposited into the highway account, transit account, or rail account of the bank, make loans or provide other forms of credit assistance to a public or private entity in an amount not to exceed 100 percent of the cost of carrying out a project eligible for assistance under this section; and (B) with funds deposited into the rural projects fund, make loans to a public or private entity in an amount not to exceed 80 percent of the cost of carrying out a rural infrastructure project. (4) FEDERAL ASSISTANCE.—Initial assistance provided with respect to a project from Federal funds deposited into a State infrastructure bank under this section may not be made in the form of a grant.”; (4) in subsection (g)— (A) in paragraph (1), by striking “each account” and inserting “the highway account, the transit account, and the rail account”; and (B) in paragraph (4), by inserting “, except that assistance provided with respect to a project from Federal funds deposited into a State infrastructure bank under this section may not be made in the form of a grant.”; and (5) in subsection (k), by striking “For each of fiscal years 2005 through 2009” and inserting “For each fiscal year”.

TITLE IV—TECHNICAL CORRECTIONS

SEC. 4190. TECHNICAL CORRECTIONS. (a) Section 101(a)(29) of title 23, United States Code, is amended— (1) in subparagraph (B), by inserting “the secretary determines to be appropriate.’’. (2) in subparagraph (C), by striking “a transportation project is to be carried out in a county for which a distressed county designation is in effect under section 14526” and inserting “a transportation project is to be carried out in a county for which a distressed county designation is in effect under section 14526, not more than 80 percent may be provided from amounts appropriated to carry out this section; and (3) in subparagraph (D), by striking “a transportation project is to be carried out in a county for which a distressed county designation is in effect under section 14526, not more than 70 percent may be provided from amounts appropriated to carry out this section; and (b) in paragraph (5), by striking “(1) to increase affordable access to the Federal share, as the Appalachian Regional Commission determines to be appropriate.’’. (2) CONFORMING AMENDMENT.—The analysis for section 119(b) of the Transportation and Infrastructure Appropriations Act, 2014, is amended by redesigning subsections (c) through (f) as paragraphs (1) through (4), respectively; and (3) in section 3907(a) of title 33, United States Code, is amended— (a) by striking “§ 14509. High-speed broadband deployment initiative” and inserting “§ 14509. High-speed broadband deployment initiative.”; (b) in section 15001, Appalachian Development High- speed Broadband Deployment Initiative.— (1) IN GENERAL.—Title IV of chapter 135 of title 20, United States Code, is amended— (A) in section 119(d)(1)(A) of title 23, United States Code, by striking “mobility,” and inserting “congestion reduction, system reliability,” (B) in section 125(h)(2) of title 23, United States Code (as amended by section 11014(b)), by striking “133(d)” and inserting “133(d)(1)(A)”; (C) in section 127(a)(3) of title 23, United States Code, is amended by striking “118(b)(2) of this title” and inserting “118(b)”; (D) in section 150(c)(3)(B) of title 23, United States Code, is amended by striking the semicolon at the end and inserting a period. (E) in section 153(b)(2) of title 23, United States Code, by striking “paragraphs (1), (2), and (4)” and inserting “paragraphs (1), (2), and (4)”; and (F) in section 163(f)(2) of title 23, United States Code, is amended by striking “118(b)” and inserting “118(b)”. (2) IN GENERAL.—Title IV of chapter 135 of title 23, United States Code, is amended by striking “sections 102(a)(2), (4), (7), (8), (14), and (19)” and inserting “paragraphs (2), (4), (6), (7), and (14)”. (3) in section 202(b)(3) of title 23, United States Code, is amended— (A) in paragraph (A), by striking “of fiscal years 2005 through 2009” and inserting “of fiscal years 2005 through 2009”; and (B) in section 271(a)(7) of title 23, United States Code, is amended by striking “104(b)(3)” and inserting “104(b)(3)”. (4) in section 327(a)(2)(B)(iii) of title 23, United States Code, is amended by striking “142 U.S.C. 13321 et seq.” and inserting “142 U.S.C. 13321 et seq.”. (5) in section 504(a)(4) of title 23, United States Code, is amended by striking “104(b)(3)” and inserting “104(b)(3)”. (m) Section 515 of title 23, United States Code, is amended by striking “sections 512 through 518”. (n) Section 518(a) of title 23, United States Code, is amended by inserting “a report” after “House of Representatives”. (o) Section 6302(b)(3)(B)(vi)(III) of title 49, United States Code, is amended by striking “6310” and inserting “6305”. (p) Section 1301(h)(3) of the Appalachian Regional Development Initiative.— (1) in subparagraph (A)(i), by striking “compiled” and inserting “compiled”; and (2) in subparagraph (B), by striking “paragraph (1)” and inserting “paragraph (1)”. (q) Section 4407 of the Appalachian Regional Development Initiative.— (1) in subsection (a), by striking “(A)” and inserting “(A)” and “section 101”. (2) in subsection (b), by striking “(1)” and inserting “(1)” and “section 101”. (3) in subsection (c), by striking “(A)” and inserting “(A)” and “section 101”. (4) in subsection (d), by striking “(1)” and inserting “(1)” and “section 101”. (5) in subsection (e), by striking “(1)” and inserting “(1)” and “section 101”. (6) in subsection (f), by striking “(1)” and inserting “(1)” and “section 101”. TITLE V—MISCELLANEOUS

SEC. 5100. APPALACHIAN DEVELOPMENT HIGH-SPEED BROADBAND DEPLOYMENT INITIATIVE. (a) APPALACHIAN DEVELOPMENT HIGH-SPEED BROADBAND DEPLOYMENT INITIATIVE.— (1) IN GENERAL.—Subchapter I of chapter 135 of title 23, United States Code, is amended by adding at the end the following: "§ 14509. High-speed broadband deployment initiative. "(a) IN GENERAL.—The Appalachian Regional Commission may make grants, enter into contracts, or otherwise provide amounts to individuals or entities in the Appalachian region for projects and activities— "(1) to increase distance learning opportunities throughout the Appalachian region; "(2) to conduct research, analysis, and training to increase knowledge and adoption efforts in the Appalachian region; "(3) to provide technology assets, including computers, smartboards, and video projectors, and educational systems throughout the Appalachian region; "(4) to increase distance learning opportunities throughout the Appalachian region; "(5) to increase the use of telehealth technologies in the Appalachian region; and "(6) to promote e-commerce applications in the Appalachian region. "(b) APPALACHIAN DEVELOPMENT HIGH-SPEED BROADBAND DEPLOYMENT INITIATIVE.— Of the cost of any activity eligible for a grant under this section— "(1) not more than 50 percent may be provided from amounts appropriated to carry out this section and "(2) notwithstanding paragraph (1), not more than 70 percent may be provided from amounts appropriated to carry out this section. "(c) SOURCES OF ASSISTANCE.—Subject to subsection (b), a grant provided under this section may be provided from amounts made available to carry out this section in combination with amounts made available— "(1) under any other Federal program; or "(2) from any other source. "(d) FEDERAL SHARE.—Notwithstanding any provision of law limiting the Federal share under any other Federal program, amounts made available to carry out this section may be used to increase that Federal share, as the Appalachian Regional Commission determines to be appropriate.”. (2) CONFORMING AMENDMENT.—The analysis for标题 14509 of the Transportation and Infrastructure Appropriations Act, 2014, is amended by inserting after the item relating to section 14508 the following: “14509. High-speed broadband deployment initiative.”.

(b) AUTHORIZATION OF APPROPRIATIONS.— Section 14703 of title 40, United States Code, is amended— (1) in section (a)(5), by striking “fiscal year 2012 and inserting “each of fiscal years 2012 through 2021”;

(b) by redesigning subsections (c) and (d) as subsections (d) and (e), respectively; and (3) by inserting after subsection (b) the following: “(c) APPALACHIAN DEVELOPMENT HIGH-SPEED BROADBAND DEPLOYMENT INITIATIVE.—Of the amounts made available under subsection (a), $10,000,000 shall be used to carry out section 14509 for each of fiscal years 2016 through 2021.”.

(c) TERMINATION.—Section 14704 of title 40, United States Code, is amended by striking “2012” and inserting “2021”.

(d) EFFECTIVE DATE.—This section and the amendments made by this section take effect on October 1, 2015.

SEC. 51003. WATER INFRASTRUCTURE FINANCE INITIATIVE.

(a) APPALACHIAN DEVELOPMENT INITIATIVE.— Section 3907(a) of title 33, United States Code, is amended—
(1) by striking paragraph (5); and
(2) by redesigning paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

SEC. 15004. ADMINISTRATIVE PROVISIONS TO EN-
CORAGE POLLINATOR HABITAT AND FORAGE ON TRANSPORTATION RIGHTS-OF-WAY.
(a) In General.—Section 319 of title 23, United States Code, is amended—
(1) in subsection (a), by inserting "(including the enhancement of habitat and forage for pollinators and, where appropriate, adjacent areas)" after "adjacent"; and
(2) by adding at the end the following:

"(c) ENCOURAGEMENT OF POLLINATOR HABITAT AND FORAGE DEVELOPMENT AND PROTECTION ON TRANSPORTATION RIGHTS-OF-WAY.—In carrying out any program administered by the Secretary under this title, the Secretary shall, in conjunction with willing States, as appropriate—
"(1) encourage integrated vegetation management practices on roadsides and other transportation rights-of-way, including reduced mowing; and
"(2) encourage the development of habitat and forage for Monarch butterflies, other native pollinators, and honey bees through plantings of native forbs and grasses, including noninvasive, native milkweed species that can serve as migratory way stations for butterflies and facilitate migrations of other pollinators."

(b) PROVISION OF HABITAT, FORAGE, AND MIGRATORY WAY STATIONS FOR MONARCH BUTTERFLIES.—Section 329(a) of title 23, United States Code, is amended by inserting "provision of habitat, forage, and migratory way stations for Monarch butterflies, other native pollinators, and honey bees," before "and aesthetic enhancement."
SEC. 21004. STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING. 

(a) In General.—Section 5304 of title 49, United States Code, is amended—

(1) in subsection (a), by striking “urbanized areas with a population of fewer than 200,000 individuals, as calculated according to the most recent decennial census, and inserting ‘areas’; and

(2) in subsection (c)—

(1) in paragraph (1), by striking “title 23” and inserting “this chapter”; and

(2) by striking “title 23” and inserting “this chapter”.

SEC. 21005. URBANIZED AREA FORMULA GRANTS.

Section 5307 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by inserting “‘private providers of transportation’; and

(B) in paragraph (9), by inserting “private providers of transportation”; and

(C) in paragraph (7), in the matter preceding subparagraph (A), by striking “should” and inserting “shall”; and

(D) in paragraph (8), by inserting “‘including community and intercity buses may play in reducing congestion, pollu-
tion, and energy consumption in a cost-effec-
tive manner and strategies and invest-
ments that preserve and enhance intercity bus systems, including systems that are pri-
vatetly owned and operated’” before the pe-
riod at the end;

(2) in subsection (b)—

(A) in paragraph (12), by striking “subsection (k)” and inserting “subsection (l)”;

(B) in paragraph (2)—

(1) by inserting “public ports,” before “freight shippers’” and

(ii) by inserting “(including intercity bus operators)” after “private providers of trans-
portation”;

(C) in paragraph (6)(A), by striking “subsection (i)” and inserting “subsection (k)”;

(D) by striking subsections (j), (k), and (l) as subsections (i), (j), and (k), respect-
ively.

(3) CONFORMING AMENDMENT.—Section 5303(b)(8)(A) of title 49, United States Code, is amended by striking “section 5304(h)” and in-
serting “section 5304(k)”.

SEC. 21006. FIXED GUIDEWAY CAPITAL INVEST-
MENT GRANTS.

(a) In General.—Section 5309 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by inserting “‘or gen-
eral public demand response service’ before “during” each place that term appears; and

(B) by adding at the end the following:

“(C) LIMITATION.—Notwith-
standing paragraph (2), if a public transpor-
tation system described in that paragraph executes a written agreement with 1 or more oth-
er public transportation systems within the urbanized area to allocate funds for the pur-
poses described in that paragraph by a method other than by measuring vehicle rev-
ue hours, each public transportation sys-
tem that is a party to the written agreement may follow the terms of the written agree-
ment without regard to measured vehicle revenue hours referred to in that paragraph.

(4) TEMPORARY AND TARGETED ASSIST-
ANCE.—

(A) ELIGIBILITY.—The Secretary may make a grant under this section to finance the operating cost of equipment and facil-
ities to recipients for use in public transpor-
tation in an area that the Secretary deter-
mains has—

(i) a population of not fewer than 200,000 individuals as determined by the Bureau of the Census;

(ii) a 3-month unemployment rate, as re-
ported by the Bureau of Labor Statistics, that is—

(I) greater than 7 percent; and

(II) at least 2 percentage points greater than the lowest 3-month unemployment rate for the area for the period pre-
ceeding the date of the determination.

(B) AWARD OF GRANT.—

(i) IN GENERAL.—Except as otherwise pro-
vided in this paragraph, the Secretary may make a grant under this paragraph for not more than 2 consecutive fiscal years.

(ii) ADDITIONAL YEAR.—If, at the end of the second fiscal year following the date on which the Secretary makes a determination under subparagraph (A) with respect to an area, the Secretary determines that the 3-
month unemployment rate for the area is at least 2 percentage points greater than the unemploy-
ment rate for the area at the time the Secretary made the determination under subparagraph (A), the Secretary may make no-
grant to a recipient in the area for 1 addi-
tional consecutive fiscal year.
(ii) by striking subparagraph (B) and inserting the following:

“(B) 2 or more projects that are any combination of new fixed guideway capital projects, small start projects, and core capacity improvement projects;”

(C) in paragraph (7)—

(i) in subparagraph (A), by striking “$75,000,000” and inserting “$100,000,000”; and

(ii) in subparagraph (B), by striking “$250,000,000” and inserting “$300,000,000”; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting “new fixed guideway capital projects;” and

(ii) by striking subparagraph (D) and inserting the following:

“(D) the program of interrelated projects, when evaluated as a whole—

“(i) meets the requirements of subsection (d)(2), (subparagraph (e)(2), or paragraphs (3) and (4) of subsection (h), as applicable, if the program is comprised entirely of—

“(I) new fixed guideway capital projects;

“(II) small start projects; or

“(III) core capacity improvement projects; or

“(ii) meets the requirements of subsection (d)(2) if the program is comprised of any combination of new fixed guideway projects, small start projects, and core capacity improvement projects;” and

(iii) in subparagraph (F), by inserting “or (h)(5), as applicable” after “subsection (f)”;

(C) in paragraph (3), by striking subparagraph (A) and inserting the following:

“(A) PROJECT ADVANCEMENT.—A project receiving a grant under this section that is part of a program of interrelated projects may advance—

“(i) in the case of a small start project, from the project development phase to the construction phase unless the Secretary determines that the program of interrelated projects meets the applicable requirements of this section and there is a reasonable likelihood that the program will continue to meet such requirements; or

“(ii) in the case of a new fixed guideway capital project or a core capacity improvement project, from the project development phase to the engineering phase, or from the engineering phase to the construction phase, unless the Secretary determines that the program of interrelated projects meets the applicable requirements of this section and there is a reasonable likelihood that the program will continue to meet such requirements:”;

(5) by adding at the end the following:

“(d) JOINT PUBLIC TRANSPORTATION AND INTERCITY PASSENGER RAIL PROJECTS.—

“(1) In general.—The Secretary may make grants for new fixed guideway capital projects and core capacity improvement projects that provide both public transportation and intercity passenger rail service.

“(2) ELIGIBLE COSTS.—Eligible costs for a project under this subsection shall be limited to the net capital costs of the public transportation costs attributable to the construction of an existing fixed guideway system; or

“(iii) short headway bidirectional services for a substantial part of weekdays; and

(IV) any other features the Secretary may determine support a long-term corridor investment and

(ii) the majority of which does not operate in a separated right-of-way dedicated for public transportation use during peak periods;

(E) ELIGIBLE PROJECT.—The term “eligible project” means a new fixed guideway capital project, a small start project, or a core capacity improvement project that has not entered into a full funding grant agreement with the Federal Transit Administration before the date of enactment of this Act.

(F) FIXED GUIDEWAY BUS RAPID TRANSIT PROJECT.—The term “fixed guideway bus rapid transit project” means a capital project for which—

(i) in which the majority of the project operates in a separated right-of-way dedicated for public transportation use during peak periods;

(ii) that represents a substantial investment in a separate facility or in a dedicated corridor or subarea; and

(iii) includes features that emulate the services provided by rail fixed guideway public transportation systems, including—

(1) defined stations;

(2) traffic signal priority for public transportation vehicles;

(3) short headway bidirectional services for a substantial part of weekdays and weekends; and

(IV) any other features the Secretary may determine are necessary to produce high-quality public transportation services that emulate the services provided by rail fixed guideway public transportation systems.

(G) NEW FIXED GUIDEWAY CAPITAL PROJECT.—The term “new fixed guideway capital project” means—

(i) a fixed guideway project that is a minimum operable segment or extension to an existing fixed guideway system; or

(ii) a fixed guideway bus rapid transit project that is a minimum operable segment or an extension to an existing bus rapid transit system;

(H) RECIPIENT.—The term “recipient” means a recipient of funding under chapter 53 of title 49, United States Code.

(2) GENERAL AUTHORITY.—The Secretary may make grants under this subsection to States and local governmental authorities to assist in financing—

(A) new fixed guideway capital projects or small start projects, including the acquisition of real property, the initial acquisition of rolling stock for the system, the acquisition of rights-of-way, and relocation, for projects in the advanced stages of planning and design; and

(B) core capacity improvement projects, including the acquisition of real property, the acquisition of rolling stock associated with fixed guideway public transportation systems, and any other capacity improvement projects as the Secretary determines are appropriate to increase the capacity fixed guideway system corridor by not less than 10 percent. Core capacity improvement projects
do not include elements to improve general station facilities or parking, or acquisition of rolling stock alone.

(3) GRANT REQUIREMENTS.—

(A) IN GENERAL.—The Secretary may make not more than 10 grants under this subsection for an eligible project if the Secretary determines that—

(I) the eligible project is part of an approved transportation plan required under sections 5303 and 5304 of title 49, United States Code;

(ii) the applicant has, or will have—

(I) the legal, financial, and technical capacity to carry out the eligible project, including the safety and security aspects of the eligible project;

(II) satisfactory continuing control over the use of the equipment or facilities;

(III) the legal, financial, and technical capacity to maintain new and existing equipment and facilities; and

(iv) advisors providing guidance to the applicant on the terms and structure of the project that are independent from investors in the project;

(iii) the eligible project is supported, or will be supported, in part, through a public-private partnership, provided such support is determined by local policies, criteria, and decisionmaking under section 5306(a) of title 49, United States Code;

(iv) the eligible project is justified based on findings presented by the project sponsor to the Secretary, including—

(I) mobility improvements attributable to the project;

(ii) environmental benefits associated with the project;

(III) congestion relief associated with the project;

(iv) economic development effects derived as a result of the project; and

(v) the eligible project is supported by an acceptable degree of local financial commitment (including evidence of stable and dependable financing sources).

(B) CERTIFICATION.—An applicant that has submitted the certifications required under subparagraphs (A), (B), (C), and (H) of section 5307(c)(1) of title 49, United States Code, shall be deemed to have provided sufficient information upon which the Secretary may make a determination required under this paragraph.

(C) TECHNICAL CAPACITY.—The Secretary shall review the technical capacity review process for applicants that have recently and successfully completed not less than 1 new fixed guideway capital project, small start project, or core capacity improvement project, if—

(i) the project achieved cost savings, and

(ii) the applicant demonstrates that the applicant continues to have the staff expertise and resources necessary to implement a new project.

(D) FINANCIAL COMMITMENT.—

(i) REQUIREMENTS.—In determining whether an eligible project is supported by an acceptable degree of local financial commitment and shows evidence of stable and dependable financing sources for purposes of subparagraph (A)(IV), the Secretary shall require that—

(I) each proposed source of capital and operating financing is stable, reliable, and available within the proposed eligible project timetable; and

(II) resources are available to recapitalize, maintain, and operate the overall existing and proposed transportation system, including essential feeder bus and other services necessary, without degradation to the existing level of public transportation services.

(ii) CONSIDERATIONS.—In assessing the stability, reliability, and availability of proposed sources of the public committed funds under clause (i), the Secretary shall consider—

(I) the reliability of the forecasting methods used to estimate costs and revenues made by the applicant and the contractors to the applicant;

(II) existing grant commitments;

(III) the degree to which financing sources are dedicated to the proposed eligible project;

(iv) any debt obligation that exists or is proposed by the applicant, for the proposed eligible project or other public transportation purpose; and

(v) private contributions to the eligible project, including costs that do not meet direct delivery, management or transfer of project risks, expedited project schedule, financial partnering, and other public-private partnership strategies.

(E) LABOR STANDARDS.—The requirements under section 5333 of title 49, United States Code, shall apply to each recipient of a grant under this subsection.

(F) PROJECT ADVANCEMENT.—An applicant that desires a grant under this subsection and meets the requirements of paragraph (3) shall provide written notice to the Secretary that the Secretary shall approve for advancement, a grant request that contains—

(i) identification of an eligible project;

(ii) a schedule and finance plan for the construction and operation of the eligible project;

(iii) an analysis of the efficiencies of the proposed eligible project development and delivery methods and innovative financing arrangement for the eligible project, including any determination by the Secretary that—

(I) public-private partnership required under paragraph (3)(A)(III); and

(ii) project justification required under paragraph (3)(A)(IV); and

(D) a certification that the existing public transportation system of the applicant or, in the event that the applicant does not operate a public transportation system, the public transportation system to which the proposed project will be attached, is in a state of good repair.

(G) WRITTEN NOTICE FROM THE SECRETARY.—

(A) IN GENERAL.—Not later than 120 days after the date on which the Secretary receives a request for a grant under paragraph (4), the Secretary shall provide written notice to the applicant—

(i) of approval of the grant request; or

(ii) if the applicant fails to meet the requirements under paragraph (4), of disapproval of the grant request, including a detailed explanation of the reasons for the disapproval.

(B) CONCURRENT NOTICE.—The Secretary shall provide concurrent notice of an approval or disapproval of a grant request under this paragraph, to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(C) WAIVER.—The Secretary may grant a waiver to an applicant that does not comply with paragraph (4)(D) if—

(A) the Secretary determines that the waiver is in the public interest; and

(B) the Secretary certifies that the waiver will enable the applicant to make substantial progress in achieving a state of good repair.

(7) SELECTION CRITERIA.—The Secretary may make partial funding agreements with an applicant under this subsection for an eligible project for which an application has been submitted and approved for advancement by the Secretary under paragraph (4), only if the applicant has completed the planning and activities required under section 1304(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(8) LETTERS OF INTENT AND FULL FUNDING GRANT AGREEMENTS.—

(A) LETTERS OF INTENT.—

(i) AMOUNTS INTENDED TO BE obligated.—The Secretary may issue a letter of intent to an applicant announcing an intention to obligate an eligible project under this subsection, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the eligible project. When a letter is issued for an eligible project under this subsection, the amount shall be sufficient to complete at least an operable segment.

(ii) TREATMENT.—The issuance of a letter of intent under clause (i) is deemed not to be an obligation under section 1105(c), 1501, or 1502(a) of title 31, United States Code, or an administrative commitment.

(B) FULL FUNDING GRANT AGREEMENTS.—

(i) IN GENERAL.—Except as provided in clause (v), an eligible project shall be carried out under this subsection through a full funding grant agreement.

(ii) CRITERIA.—The Secretary shall enter into a full funding grant agreement, based on the requirements of this subparagraph, with each applicant receiving assistance for an eligible project that has received a written notice of approval under paragraph (5)(A)(i).

(iii) TERMS.—A full funding grant agreement shall—

(I) establish the terms of participation by the Federal Government in the eligible project;

(ii) establish the maximum amount of Federal financial assistance for the eligible project;

(iii) include the period of time for completing construction of the eligible project, consistent with the terms of the public-private partnership agreement, even if that period extends beyond the period of an authorization; and

(iv) make timely and efficient management of the eligible project, and securitization of the Federal Government in the eligible project, according to the law of the United States.

(IV) SPECIAL FINANCIAL RULES.—

(A) IN GENERAL.—A full funding grant agreement under this subsection obligates the Secretary to obligate an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law, in advance of commitments under this subparagraph, to obligate an additional amount from future available budget authority specified in law.

(B) STATEMENT OF CONTINGENT COMMITMENT.—A full funding grant agreement shall state that the contingent commitment is not an obligation of the Federal Government.

(C) INTEREST AND OTHER FINANCING COSTS.—Interest and other financing costs of efficiently carrying out a part of the eligible project within a reasonable time are a cost of such project under this subparagraph.

(D) CLOSING COVERAGE.—The full funding grant agreement under this subparagraph is not an obligating event under section 1502(a) of title 31, United States Code.

(E) COMPLETION OF OPERABLE SEGMENT.—The amount stipulated in an agreement under this subparagraph for a new fixed guideway capital project, core capacity improvement project, or small start project
shall be sufficient to complete at least an operable segment.

(v) Exception.—

(I) IN GENERAL.—The Secretary, to the maximum extent practicable, shall provide Federal assistance under this subsection for a small start project in a single grant. If the Secretary cannot provide such a single grant, the Secretary may enter into a multiple grant agreement in order to include a commitment on the part of the Secretary to provide funding for the project in future fiscal years.

(II) TERMS OF EXPEDITED GRANT AGREEMENTS.—In executing an expedited grant agreement under clause (i), the Secretary may include in the agreement terms similar to those established under clause (ii).

(C) LIMITATION ON AMOUNTS.—

(i) The Secretary may enter into full funding grant agreements under this paragraph for eligible projects that contain contingent commitments to incur obligations in such amounts as the Secretary determines are appropriate.

(ii) Appropriation Required.—An obligation may be made under this paragraph only when amounts are appropriated for obligation.

(D) NOTIFICATION TO CONGRESS.—

(i) IN GENERAL.—Not later than 30 days before the Secretary issues a letter of intent or enters into a full funding grant agreement for an eligible project under this paragraph, the Secretary shall notify, in writing, the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report that includes a description of the projects that are available to finance grants for anticipated projects under this subsection.

(ii) Contents.—The written notification under clause (i) shall include a copy of the proposed letter of intent or full funding grant agreement for the eligible project.

(E) FAILURE TO CARRY OUT PROJECT.—

(A) In General.—An amount made available under this subsection begins revenue operations, the recipient shall submit to the Secretary a report on the results of the study conducted under subparagraph (A).

(B) Rule of Construction.—Nothing in this subsection shall be construed to—

(i) require the privatization of the operations or maintenance of any project for which an applicant seeks funding under this subsection;

(ii) revise the determinations by local policies, criteria, and decisionmaking under section 5306(a) of title 49, United States Code;

(iii) alter the requirements for locally developed, coordinated, and implemented transportation plans under sections 5303 and 5304 of title 49, United States Code;

(iv) alter the eligibility requirements or priorities for assistance under this section or section 5302 of title 49, United States Code.

SEC. 21007. MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES.

(a) Coordination of Public Transportation Services With Other Federally Assisted Local Transportation Services.—

(1) Definitions.—In this subsection—

(A) the term ‘‘allocated cost model’’ means a method of determining the cost of trips by allocating the full capital and operating costs of a system to each trip purpose served by a transportation provider in a manner that is proportional to the level of transportation service that the transportation provider provides to each trip purpose, to the extent permitted by applicable Federal requirements; and

(B) the term ‘‘Council’’ means the Interagency Council on Access and Mobility established under Executive Order 13330 (49 U.S.C. 101 note).

(2) Coordinating Council on Access and Mobility Strategic Plan.—Not later than 2 years after the date of enactment of this Act, the Council shall publish a strategic plan for the Council.

(A) Outlines the role and responsibilities of each Federal agency with respect to local transportation coordination, including non-emergency medical transportation;

(B) identifies a strategy to strengthen interagency collaboration;

(C) addresses any outstanding recommendations made by the Council in the 2008 Report to the President relating to the implementation of Executive Order 13330, including—

(i) a cost-sharing policy endorsed by the Council; and

(ii) recommendations to increase participation by recipients of Federal grants in locally developed, coordinated planning processes; and

(D) to the extent feasible, addresses recommendations by the Comptroller General of the United States concerning local coordination of transportation services.

(B) Development of Cost-Sharing Policy in Compliance with Applicable Federal Requirements.—In establishing the cost-sharing policy required under paragraph (2), the Council may consider, to the extent practicable—

(A) the development of recommended strategies for grantees of programs funded under the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report that includes a description of the projects that are available to finance grants for anticipated projects under this subsection;

(B) optional incorporation of an allocated cost model to facilitate local coordination efforts that comply with applicable requirements of programs funded by members of the Council, such as—

(i) eligibility requirements;

(ii) service delivery requirements; and

(iii) reimbursement requirements.

(b) Pilot Program for Innovative Coordination Access and Mobility.—

(1) Definitions.—In this subsection—

(A) the term ‘‘eligible project’’ has the meaning given the term ‘‘capital project’’ in section 5302 of title 49, United States Code; and

(B) the term ‘‘eligible recipient’’ means a recipient or subrecipient, as those terms are defined in section 5301 of title 49, United States Code.

(2) General Authority.—The Secretary may make grants under this subsection to eligible recipients to assist in financing innovative projects for the transportation disadvantaged that improve the coordination of transportation services and non-emergency medical transportation services, including—

(A) the deployment of coordination technology;

(B) projects that create or increase access to community One-Call/One-Click Centers; and

(C) such other projects as determined by the Secretary.

(3) Application.—An eligible recipient shall submit to the Secretary an application that, at a minimum, contains—

(A) a detailed description of the eligible project;

(B) a description of identification of all eligible project partners and their specific role in the eligible project, including—

(i) private entities engaged in the coordination of non-emergency medical transportation services for the transportation disadvantaged; or
(ii) nonprofit entities engaged in the coordination of non-emergency medical transportation services for the transportation disadvantaged;

(C) a description of how the eligible project would—

(i) improve local coordination or access to coordinated transportation services;

(ii) provide duplicative service, if applicable; and

(iii) provide innovative solutions in the State or community; and

(D) specific performance measures the eligible project will use to quantify actual outcomes against expected outcomes.

(4) GOVERNMENT SHARE OF COSTS.—

(A) In general.—The Government share of the cost of an eligible project carried out under this subsection shall not exceed 80 percent.

(B) NON-GOVERNMENT SHARE.—The non-Government share of the cost of an eligible project carried out under this subsection may be derived from in-kind contributions.

(5) RULE OF CONSTRUCTION.—For purposes of this subsection, non-emergency medical transportation services shall be limited to services eligible under Federal programs other than programs authorized under chapter 53 of title 49, United States Code.

(c) TECHNICAL CORRECTION.—Section 5310(a) of title 49, United States Code, is amended by striking paragraph (1) and inserting the following:

“(1) RECIPIENT.—The term ‘recipient’ means—

(A) a designated recipient or a State that receives a grant under this section directly; or

(B) a State or local governmental entity that operates a public transportation service.”.

SEC. 21008. FORMULA GRANTS FOR RURAL AREAS.

Section 5311 of title 49, United States Code, is amended—

(1) in subsection (c)(1), as amended by division G, by striking subparagraphs (A) and (B) and inserting the following:

“(A) $5,000,000 for each fiscal year shall be distributed on a competitive basis by the Secretary.

(B) $3,000,000 for each fiscal year shall be apportioned as formula grants, as provided in subsection (j).”;

and

(2) in subsection (j)(1), as amended by division G, by striking subparagraph (B)(i) and inserting “(B) by adding by at the end the following:

“(E) ALLOCATION BETWEEN MULTIPLE INDIAN TRIBES.—If more than 1 Indian tribe provides public transportation service on tribal lands in a single Tribal Statistical Area, and the Indian tribes do not determine how to allocate the funds provided under this paragraph to the tribes, the Secretary shall allocate the funds such that each Indian tribe shall receive an amount equal to the total amount apportioned under such clause (iii) multiplied by the ratio of the number of annual unlinked passenger trips provided by each Indian tribe, as reported to the National Transit Database, to the total unlinked passenger trips provided by all the Indian tribes in the Tribal Statistical Area.”.

SEC. 21009. RESEARCH, DEVELOPMENT, DEMONSTRATION, AND DEPLOYMENT PROGRAM.

(a) In general.—Section 5312 of title 49, United States Code, is amended—

(1) in the section heading, by striking “projects” and inserting “program”;

(2) in subsection (a), in the subsection heading, by striking “PROJECTS” and inserting “PROGRAM”;

(3) in subsection (d)—

(A) in paragraph (1), by inserting “demonstration, deployment, or evaluation” before “project that”;

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

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

(iv) by adding at the end the following:

“(C) the deployment of low or no emission vehicles, zero emission vehicles, or associated advanced technology.”; and

(B) in subparagraph (B), by striking paragraph (5) and inserting the following:

“(5) PROHIBITION.—The Secretary may not make grants under this subsection for the demonstration, deployment, or evaluation of a vehicle that is in revenue service unless the Secretary determines that the project makes significant technological advancements in the vehicle.

(6) DEFINITIONS.—In this section—

“(A) the term ‘direct carbon emissions’ means the quantity of direct greenhouse gas emissions from a source, as determined by the Administrator of the Environmental Protection Agency;”;

(B) the term ‘low or no emission vehicle’ means—

“(i) a passenger vehicle used to provide public transportation that the Secretary determines sufficiently reduces energy consumption or harmful emissions, including direct carbon emissions, when compared to a comparable standard vehicle; or

(ii) a zero emission vehicle used to provide public transportation that produces no carbon or particulate matter.”;

(C) the term ‘zero emission vehicle’ means—

“(i) a passenger vehicle used to provide public transportation that produces no carbon or particulate matter;

“(ii) a truck, with emphasis on development and evaluation of materials, products, and components;

“(iii) the ability to reduce costs to partners by leveraging existing programs to provide complementary research, development, testing, and evaluation; and

“(IV) extensive knowledge of public-private partnerships in the transportation sector, with emphasis on development and evaluation of materials, products, and components;

“(V) the ability to reduce costs to partners by leveraging existing programs to provide complementary research, development, testing, and evaluation; and

“(VI) the means to conduct performance assessments on low or no emission vehicle components based on industry standards.

“(C) PEERS.—A covered institution of higher education shall establish and collect fees, which shall be approved by the Secretary, for the assessment of low or no emission components at the applicable facility designated under subparagraph (A) from amounts made available to carry out this section; and

“(ii) the remaining 50 percent of such cost shall be paid from amounts recovered through the fees established and collected pursuant to subparagraph (C).

“(E) VOLUNTARY TESTING.—A manufacturer of a low or no emission vehicle component is not required to assess the low or no emission vehicle component at a facility designated under subparagraph (A), each new assessment being accompanied with the requirements under section 5318.

“(F) COMPLIANCE WITH SECTION 5318.—Notwithstanding whether a low or no emission vehicle component is assessed at a facility designated under subparagraph (A), each new assessment being accompanied with the requirements under section 5318.

“(G) SEPARATE FACILITY.—Each facility designated under subparagraph (A) shall be separate and distinct from facilities operated and maintained under section 5318.

“(H) LOW OR NO EMISSION VEHICLE COMPONENT PERFORMANCE REPORTS.—Not later than 30 days after the date of enactment of the Federal Public Transportation Act of 2015, and annually thereafter, the Secretary shall issue a report on low or no emission vehicle component assessments conducted at each facility designated under paragraph (2)(A), which shall include information related to the maintainability, reliability, performance, structural integrity, efficiency, and noise of those low or no emission vehicle components.

“(I) PUBLIC AVAILABILITY OF ASSESSMENTS.—Each assessment conducted at a facility designated under paragraph (2)(A) shall be made publicly available, including to affected industries.

“(J) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require—

“(A) a low or no emission vehicle component to be tested at a facility designated under paragraph (2)(A); or

“(B) the development or disclosure of a privately funded component assessment.

“(K) DESCRIPTION OF COMPONENT.—In section 5312 of title 49, United States Code, in subsection (a), (B) in paragraph (2), by striking “and” at the end;
(a) In General.—Chapter 53 of title 49, United States Code, is amended by striking section 5313.

(2) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 53 of title 49, United States Code, is amended by striking the items relating to sections 5312 and 5313 and inserting the following:

<table>
<thead>
<tr>
<th>Section Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>5312</td>
<td>Research, development, demonstration, and deployment program.</td>
</tr>
<tr>
<td>5313</td>
<td>Repealed.</td>
</tr>
</tbody>
</table>

SEC. 21010. PRIVATE SECTOR PARTICIPATION.

(a) In General.—Section 5315 of title 49, United States Code, is amended by adding at the end the following:

"(c) LEASING ARRANGEMENTS.—

"(1) CAPITAL LEASE DEFINED.—

"(A) AUTHORITY.—A grantee may enter into a capital lease; and

"(B) Program to Support Innovative Leasing Arrangements.—

"(i) a consortium of entities described in subclause (I);

"(ii) the terms 'lead nonprofit entity' and 'lead procurement agency' mean an eligible nonprofit entity, each of which a grantee may use assistance under this chapter.

"(2) DURATION.—A cooperative procurement contract may be for an initial term of not more than 5 years, including each extension authorized under subclause (I).

"(d) ADMINISTRATIVE EXPENSES.—A lead procurement agency or lead nonprofit entity, as applicable, may use assistance under this subsection in an amount that is not more than 1 percent of the total value of the contract.

"(e) FEDERAL ASSISTANCE.—The Secretary shall have the authority to provide Federal assistance to the participants for the cost of the contract or directly charge the price of the contract to the participants for the cost of the contract.

"(f) STATE PARTICIPANTS.—A grantee may participate in a cooperative procurement contract under this subsection, a grantee may enter into a capital lease shall—

"(I) the vendors agree to provide an option to purchase rolling stock and related equipment under a cooperative procurement contract.

"(ii) participation by grantees in a cooperative procurement contract shall be voluntary.

"(iii) CONTRACT TERMS.—The lead procurement agency or lead nonprofit entity for a cooperative procurement contract shall develop the terms of the contract.

"(iv) DURATION.—A cooperative procurement contract—

"(A) may be for an initial term of not more than 2 years;

"(B) may include not more than 30 optional extensions for terms of not more than 1 year each; and

"(C) may be in effect for a total period of not more than 5 years, including each extension authorized under subclause (II).

"(v) ADMINISTRATIVE EXPENSES.—A lead procurement agency or lead nonprofit entity, as applicable, may use assistance under this subsection in an amount that is not more than 1 percent of the total value of the contract.

"(vi) FEDERAL ASSISTANCE.—The Secretary shall have the authority to provide Federal assistance to the participants for the cost of the contract.

"(vii) SEC. 21011. INNOVATIVE PROCUREMENT.

(a) In General.—Chapter 53 of title 49, United States Code, is amended by inserting after section 5315 the following:

"(g) APPLICABILITY OF PROCUREMENT REQUIREMENTS.—

"(1) LEASE REQUIREMENTS.—Part 639 of title 49, Code of Federal Regulations, or any successor regulation, and implementing guidance applicable to leasing shall not apply to a capital lease.

"(ii) BUY AMERICA.—The requirements under section 5323(j) shall apply to a capital lease.

"(c) INCENTIVE PROGRAM FOR CAPITAL LEASING OF ROLLING STOCK.—

"(A) AUTHORITY.—The Secretary shall carry out an incentive program for capital leasing of rolling stock that enters into a capital lease.

"(B) SELECTION OF PARTICIPANTS.—

"(i) grantees under clause (I); and

"(2) NON-FEDERAL FUNDING.—A grantee that enters into a capital lease shall—

"(A) maintain an inventory of the rolling stock or related equipment acquired under the lease;

"(B) maintain on the accounting records of the grantee the liability of the grantee under the lease.

"(C) ELIGIBLE LEASE COSTS.—The costs for which a grantee may use assistance under this chapter, with respect to a capital lease, include—

"(i) the cost of the rolling stock or related equipment;

"(ii) associated financing costs, including interest, legal fees, and financial advisor fees;

"(iii) ancillary costs such as delivery and installation charges; and

"(iv) maintenance costs.

"(D) General.—A grantee shall negotiate the terms of any lease agreement that the grantee enters into.

"(E) APPLICABILITY OF PROCUREMENT REQUIREMENTS.—

"(i) LEASE REQUIREMENTS.—Part 639 of title 49, Code of Federal Regulations, or any successor regulation, and implementing guidance applicable to leasing shall not apply to a capital lease.

"(ii) BUY AMERICA.—The requirements under section 5323(j) shall apply to a capital lease.

"(g) APPLICABILITY OF PROCUREMENT REQUIREMENTS.—

"(1) LEASE REQUIREMENTS.—Part 639 of title 49, Code of Federal Regulations, or any successor regulation, and implementing guidance applicable to leasing shall not apply to a capital lease.

"(ii) BUY AMERICA.—The requirements under section 5323(j) shall apply to a capital lease.

"(2) NON-FEDERAL FUNDING.—A grantee that enters into a capital lease shall—

"(A) maintain an inventory of the rolling stock or related equipment acquired under the lease; and

"(B) maintain on the accounting records of the grantee the liability of the grantee under the lease.
"(II) 2 grantees that serve urbanized areas with a population of fewer than 200,000 individuals, as determined by the Bureau of the Census; and

"(III) 2 grantees that serve urbanized areas with a population of 200,000 or more individuals, as determined by the Bureau of the Census.

"(i) WAIVER.—The Secretary may waive a requirement under clause (ii) if an insufficient number of eligible grantees of a particular population size apply to participate in the program.

"(C) PARTICIPANT REQUIREMENTS.—

"(i) IN GENERAL.—A grantee that participates in the program shall—

"(I) enter into a capital lease for a period of not less than 5 years; and

"(II) replace not less than 1/4 of the grantee’s fleet through the capital lease.

"(ii) VEHICLE REQUIREMENTS.—The vehicles replaced under clause (i)(II), with respect to the fleet as constituted on the day before the date on which the capital lease is entered into shall—

"(I) be the oldest vehicles in the fleet; or

"(II) produce the highest quantity of direct greenhouse gas emissions relative to the other vehicles in the fleet, as determined by the Administrator of the Environmental Protection Agency.

"(iii) WAIVER OF FEDERAL INTEREST REQUIREMENTS.—If a grantee participating in the program seeks to replace vehicles that have a remaining Federal interest, the Secretary shall—

"(I) evaluate the economic and environmental benefits of waiving the Federal interest, as demonstrated by the grantee;

"(II) if the grantee demonstrates a net economic and environmental benefit, grant an early disposal of the vehicles; and

"(III) publish each evaluation and final determination of the Secretary under this clause in a conspicuous location on the website of the Federal Transit Administration.

"(D) PARTICIPANT BENEFIT.—During the period during which a capital lease described in subparagraph (C)(i)(I), entered into by a grantee participating in the program, is in effect, the limit on the Government share of operating expenses under subsection (d)(2) of section 5307, subsection (d)(2) of section 5310, or subsection (g)(2) of section 5311 shall not apply with respect to any grant awarded to the grantee under applicable section.

"(E) REPORTING REQUIREMENT.—Not later than 3 years after the date on which a grantee enters into a capital lease under the program, the grantee shall submit to the Secretary a report that contains—

"(i) an evaluation of the overall costs and benefits of leasing rolling stock;

"(ii) a cost comparison of leasing versus buying rolling stock;

"(iii) a comparison of the expected short-term and long-term maintenance costs of leasing versus buying rolling stock;

"(iv) a projected budget showing the changes in operating and capital expenses due to the capital lease that the grantee enters into under the program.

"(4) INCENTIVE PROGRAM FOR CAPITAL LEASING OF CERTAIN ZERO EMISSION VEHICLE COMPONENTS.—

"(A) DEFINITIONS.—In this paragraph—

"(I) the term ‘removable power source’—

"(I) means a power source that is separately installed in, and removable from, a zero emission vehicle; and

"(II) may include a battery, a fuel cell, an ultra-capacitor, or other advanced power source used in a zero emission vehicle; and

"(ii) a cost of all components of the rolling stock; and

"(ii) the amount of steel or iron used in the United States; or

"(C) when procuring rolling stock (including registered apprenticeship programs) under this chapter—

"(i) the cost of components and subcomponents produced in the United States—

"(II) for fiscal years 2016 and 2017, is more than 60 percent of the cost of all components of the rolling stock; for fiscal years 2018 and 2019, is more than 65 percent of the cost of all components of the rolling stock; and

"(iii) for fiscal year 2020 and each fiscal year thereafter, is more than 70 percent of the cost of all components of the rolling stock.

"(C) Employment outcomes, including job retention, and wages, using performance metrics established in consultation with the Secretary and the Secretary of Labor and consistent with metrics used by programs under the Innovation and Opportunity Act (29 U.S.C. 3101 et seq.); and

"(D) to the extent practical, evidence that the program did not preclude workers who are participating in skills training, on-the-job training, and work-based learning from projects funded under this chapter without regard to the length of time of their participation in the program; and

"(2) in subsection (d), by striking paragraph (4) and inserting the following:

"(4) USE FOR TECHNICAL ASSISTANCE.—The Secretary may use not more than 1 percent of the amounts made available to carry out this section to provide technical assistance for activities and programs developed, conducted, and overseen under this subsection.

"(C) AVAILABILITY OF AMOUNTS.—

"(A) IN GENERAL.—Not more than 0.5 percent of the amounts made available to a recipient under sections 5307, 5337, and 5339 is available for expenses incident to, with the approval of the Secretary, to pay not more than 80 percent of the cost of eligible activities under this subsection.

"(B) EXISTING PROGRAMS.—A recipient may use amounts made available under paragraph (A) to carry out existing local education and training programs for public transportation employees supported by the Secretary, the Department of Labor, or the Department of Education.

"SEC. 21012. GENERAL PROVISIONS.

"Section 5323 of title 49, United States Code, is amended—

"(1) in subsection (b)—

"(A) in paragraph (1), by striking "PROGRAM ESTABLISHED" and inserting "IN GENERAL";

"(B) by redesignating paragraph (2) as paragraph (3);

"(C) by inserting after paragraph (1) the following:

"(2) PROGRAMS.—A program eligible for assistance under subsection (a) shall—

"(A) provide skills training, on-the-job training, and work-based learning;

"(B) offer career pathways that support the movement from initial or short-term employment opportunities to sustainable careers;

"(C) address current or projected workforce shortages;

"(D) replicate successful workforce development models;

"(E) respond to such other workforce needs as the Secretary determines appropriate;''; and

"(2) in paragraph (3), as so redesignated—

"(i) the term 'removable power source'—

"(I) means a power source that is separ-ately installed in, and removable from, a zero emission vehicle; and

"(II) may include a battery, a fuel cell, an ultra-capacitor, or other advanced power source used in a zero emission vehicle; and

"(ii) a cost of all components of the rolling stock; and

"(iii) the amount of steel or iron used in the United States; or

"(IV) for fiscal year 2020 and each fiscal year thereafter, is more than 70 percent of the cost of all components of the rolling stock.

"(C) when procuring rolling stock (including registered apprenticeship programs) under this chapter—

"(i) the cost of components and subcomponents produced in the United States—

"(II) for fiscal years 2016 and 2017, is more than 60 percent of the cost of all components of the rolling stock; for fiscal years 2018 and 2019, is more than 65 percent of the cost of all components of the rolling stock; and

"(D) to the extent practical, evidence that the program did not preclude workers who are participating in skills training, on-the-job training, and work-based learning from projects funded under this chapter without regard to the length of time of their participation in the program; and

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

"(4) COORDINATION.—A recipient of assistance under this subsection shall—

"(A) identify the training needs and commensurate training needs at the local level in coordination with entities such as local employers, local public transportation operators, other union organizations, workforce development boards, State workforce agencies, State apprenticeship agencies, where applicable, university transportation centers, regional colleges, and community-based organizations representing minorities, women, disabled individuals, veterans, low-income populations, and other underserved populations; and

"(B) by resdesignating paragraphs (5) through (9) as paragraphs (7) through (11), re- spectively;

"(C) by inserting after paragraph (4) the following:

"(5) ROLLING STOCK FRAMES OR CAR SHELLS.—In carrying out paragraph (2)(C) in the case of a rolling stock procurement receiving assistance under this chapter in which the average cost of a rolling stock vehicle in the procurement is more than $300,000, if rolling stock frames or car shells are not produced in the United States, the Secretary shall include in the calculation of the domestic content of the rolling stock the percentage of the cost of the rolling stock frames or car shells if—

"(A) all manufacturing processes for the steel or iron used in the United States; and

"(B) the amount of steel or iron used in the rolling stock frames or car shells is signifi-
SEC. 2101. PUBLIC TRANSPORTATION SAFETY PROGRAMS.

(a) In general.—Section 5329 of title 49, United States Code, is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (C), by striking ‘‘and’’ at the end; and

(B) by redesigning subparagraph (D) as subparagraph (E); and

(c) by inserting after subparagraph (C) the following:

‘‘(D) minimum safety standards to ensure the safe operation of public transportation systems that—

(i) are related to performance standards for public transportation vehicles developed under paragraph (C); and

(ii) to the extent practicable, take into consideration—

(I) relevant recommendations of the National Transportation Safety Board;

(II) best practices standards developed by the public transportation industry;

(III) any minimum safety standards or performance standards being implemented across the public transportation industry;

and

(IV) any additional information that the Secretary determines necessary and appropriate; and

(2) in subsection (f)(2), by inserting after ‘‘public transportation system of a recipient’’ the following: ‘‘a recipient’’; and

(d) in subsection (f)(4), by adding at the end the following:

‘‘(t) VALUE ENGINEERING.—Nothing in this chapter—

(t) VALUE ENGINEERING.—Nothing in this chapter shall be construed to authorize the Secretary to mandate the use of value engineering in projects funded under this chapter.’’. 

SEC. 2104. PROJECT MANAGEMENT OVERSIGHT.

Section 5529 of title 49, United States Code, is amended—

(1) in subsection (c), by striking ‘‘section 5338(b)’’ and inserting ‘‘section 5338(h)’’; and

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ‘‘section 5338(b)’’ and inserting ‘‘section 5338(h)’’; and

(ii) by striking ‘‘and’’ at the end; and

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

‘‘(2) a requirement that oversight—

(A) begin during the project development phase of a project, unless the Secretary finds it more appropriate to begin the oversight during another phase of the project, to maximize the transportation benefits and cost savings associated with project management oversight; and

(B) be limited to quarterly reviews of compliance with the project management plan approved under subsection (b) unless the Secretary finds that the recipient requires more frequent oversight because the recipient’s compliance with competitive set-aside requirements, failed to meet the requirements of such plan and the project is at risk of going over budget or becoming behind schedule; and

(3) R EPORT.—Upon completing the review under paragraph (1), the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of

(b) REVIEW OF PUBLIC TRANSPORTATION SAFETY STANDARDS.—

(1) REVIEW REQUIRED.—

(A) In general.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of

(b) REVIEW OF PUBLIC TRANSPORTATION SAFETY STANDARDS.—

(1) REVIEW REQUIRED.—

(A) In general.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of

(b) REVIEW OF PUBLIC TRANSPORTATION SAFETY STANDARDS.—

(1) REVIEW REQUIRED.—

(A) In general.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of
the Senate and the Committee on Transportation and Infrastructure of the House of Representatives report that includes—

(A) findings based on the review conducted under paragraph (1);

(B) the outcome of the evaluation conducted under paragraph (2);

(C) a comprehensive set of recommendations to provide for the safety of the public transportation industry, including recommendations for legislative changes where applicable; and

(D) a statement of how the Secretary will take to address the recommendations provided under subparagraph (C), including, if necessary, the establishment of Federal minimum public transportation standards.

SEC. 21016. STATE OF GOOD REPAIR GRANTS.

Section 5337 of title 49, United States Code, is amended—

(1) in subsection (c)—

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

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‘(B) Activities to review and audit the safety and security, procurement, management, and financial compliance of a recipient or subrecipient of funds under this chapter.

‘(C) Activities to provide technical assistance generally, and to provide technical assistance to correct deficiencies identified in compliance reviews and audits carried out under this section.

‘(5) Government share of costs.—The Government shall pay the entire cost of carrying out a contract under this subsection.

‘(6) Availability of certain funds.—Funds made available under paragraph (1)(C) shall be made available to the Secretary before other funds appropriated to carry out any project under a full funding grant agreement.

‘(7) Grants as contractual obligations.—

‘(A) Grants financed from highway trust fund.—A grant or contract that is approved by the Secretary and financed with amounts made available from the Mass Transit Account of the Highway Trust Fund pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project.

‘(B) Grants financed from general fund.—A grant or contract that is approved by the Secretary and financed with amounts appropriated in advance from the General Fund of the Treasury pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project only to the extent that amounts are appropriated for such purpose by an Act of Congress.

‘(8) Availability of amounts.—Amounts made available by or appropriated under this section shall remain available until expended.

‘SEC. 21018. GRANTS FOR BUS AND BUS FACILITIES.

(a) In general.—Chapter 53 of title 49, United States Code, as amended by division G, is amended by striking section 5339 and inserting the following:

‘§ 5339. Grants for bus and bus facilities

‘(a) Formula grants.—

‘(1) Definitions.—In this subsection—

‘(A) the term ‘low or no emission vehicle’ means any vehicle, including a vehicle that is zero emissions or low emissions, and a vehicle that is electric, fuel cell, battery, or plug-in hybrid;

‘(B) the term ‘basic assistance’ means the grant amount or portion of such amount that is made available under paragraph (1) for each project carried out under this subsection;

‘(C) the term ‘eligible project’ means a project or program of projects in an eligible area for—

‘(i) acquiring low or no emission vehicles;

‘(ii) leasing low or no emission vehicles;

‘(iii) acquiring or leasing facilities and related equipment for low or no emission vehicles;

‘(iv) constructing facilities and related equipment for low or no emission vehicles;

‘(v) leasing facilities and related equipment for low or no emission vehicles;

‘(vi) constructing new public transportation facilities to accommodate low or no emission vehicles; or

‘(vii) rehabilitating or improving existing public transportation facilities to accommodate low or no emission vehicles;

‘(D) the term ‘low or no emission vehicle’ means a vehicle that is electric, fuel cell, battery, plug-in hybrid, or all electric;

‘(E) the term ‘project’ means—

‘(i) the acquisition of low or no emission vehicles;

‘(ii) the replacement, repair, or construction of bus facilities;

‘(iii) the acquisition of facilities or related equipment;

‘(iv) the acquisition of bus-related facilities;

‘(B) definition of terms.—In this section—

‘(i) the term ‘bus’ means a public transportation vehicle;

‘(ii) the term ‘bus facility’ means a public transportation facility;

‘(iii) the term ‘bus service’ means a public transportation service;

‘(iv) the term ‘bus service area’ means a geographic area within which public transportation services are provided;

‘(v) the term ‘bus service provider’ means the entity that operates the public transportation system;

‘(vi) the term ‘grant’ means a grant made under this section.

‘(7) Distribution of grants.—The Secretary shall make grants to eligible projects under this subsection.

‘(8) Limitation.—Of the amounts made available under this subsection, not more than 15 percent may be awarded to a single grantee.

‘(9) Eligible recipients.—The Secretary may make grants to eligible recipients described in paragraph (7) of this section.

‘(10) Cancellation of grants.—The Secretary may cancel a grant made under this subsection if the grantee fails to use the grant funds for the purpose stated in the application.

‘(11) Transit projects.—A grant made under this subsection may be used to finance or assist in the financing of—

‘(A) the acquisition, replacement, repair, or construction of low or no emission vehicles;

‘(B) the acquisition, replacement, or repair of bus facilities;

‘(C) the acquisition, replacement, repair, or construction of bus service.

‘(12) Matching funds.—The Secretary may require the matching funds described in section 5307(c)(3) of this title.

‘(13) Limitation on public funds.—The Secretary may not make a grant under this section if the project is funded in whole or in part with Federal funds.

‘(14) Grant period.—A grant shall be available only for the period described in section 5307(c)(2) of this title.

‘(15) Authorization of appropriations.—There are authorized to be appropriated to carry out this section such sums as necessary.

‘(B) SUBRECIPIENTS.—A recipient that receives a grant under this subsection may allocate amounts of the grant to subrecipients that are public agencies or private nonprofit organizations engaged in public transportation.

‘(C) Distribution of Grant Funds.—Funds allocated under section 5339(a)(2)(M) shall be distributed as follows:

‘(1) National Distribution.—$300,000,000 for each of fiscal years 2016 through 2021 shall be allocated to all States and territories and each project under section 5339(a)(2)(M) shall be allocated $20,000 for each such fiscal year.

‘(2) Distribution Using Population and Service Factors.—Funds allocated under sub-paragraph (1) shall be allocated pursuant to the formula set forth in section 5336 other than subsection (b).

‘(D) Government share of costs.—The Secretary shall pay the Government share of the cost of the project.

‘(E) Availability of funds.—Any amounts made available under this subsection shall be available until expended.

‘§ 5311. Grants for bus and bus facilities capital projects

‘(a) In general.—The Secretary may make grants under this subsection for capital projects, including—

‘(A) to replace, rehabilitate, and purchase buses and related equipment, including technological changes or innovations to modify low or no emissions vehicles or facilities; and

‘(B) to construct bus-related facilities.

‘(b) Grant requirements.—The requirements under this section shall be subject to the requirements of—

‘(1) section 5307 for recipients of grants made in urbanized areas; and

‘(2) section 5311 for recipients of grants made in rural areas.

‘(c) Government share of costs.—The Government share of the cost of an eligible project carried out under this subsection shall not exceed 80 percent.

‘(d) Availability of funds.—Any amounts made available under this subsection shall remain available until expended.

‘(e) Limitation.—Of the amounts made available under this subsection, not more than 15 percent may be awarded to a single grantee.

‘(f) Low or No Emission Grants.—

‘(1) Definitions.—In this subsection—

‘(A) the term ‘low or no emission bus’ means a bus that is electric, fuel cell, battery, or plug-in hybrid;

‘(B) the term ‘leased power source’ means a removable power source, as defined in paragraph (4)(A) of section 5316(c), that is made available through a capital lease under that section;

‘(C) the term ‘low or no emission vehicle’ means a vehicle that is electric, fuel cell, battery, plug-in hybrid, or all electric;

‘(D) the term ‘leasing facility’ means a facility that is owned or leased by a public agency and used for the storage, maintenance, or repair of low or no emission vehicles; and

‘(E) the term ‘leasing facility’ means a facility that is owned or leased by a public agency and used for the storage, maintenance, or repair of low or no emission vehicles;
(i) a passenger vehicle used to provide public transportation that the Secretary determines sufficiently reduces energy consumption or harmful emissions, including direct carbon emissions, when compared to a comparable standard vehicle; or

(ii) a zero emission vehicle used to provide public transportation.

(F) the term ‘recipient’ means a designated recipient, a local governmental authority, or a State that receives a grant under this subsection for an eligible project; and

(G) the term ‘zero emission vehicle’ means a low or no emission vehicle that produces substantially less direct carbon emissions, than consumption and harmful emissions, including direct carbon emissions, than comparable standard vehicles.

(2) GENERAL AUTHORITY.—The Secretary may make grants to recipients to finance eligible projects under this subsection.

(A) IN GENERAL.—A grant under this subsection shall be subject to the requirements of section 5307.

(B) GOVERNMENT SHARE OF COSTS FOR CERTAIN PROJECTS.—Section 5323(a) applies to eligible projects carried out under this subsection, unless the recipient requests a lower grant percentage.

(C) COMBINATION OF FUNDING SOURCES.—

(1) COMBINATION PERMITTED.—An eligible project carried out under this subsection may receive funds under section 5307 or any other provision of law.

(2) GOVERNMENT SHARE.—Nothing in this subparagraph shall be construed to alter the Government share required under paragraph (7), section 5307, or any other provision of law.

(3) GRANT REQUIREMENTS.—

(A) by striking section 5319; (B) in section 5325—

(i) in subsection (e)(2), by striking ‘‘at least two’’; and

(ii) in subsection (h), by striking ‘‘Federal Public Transportation Act of 2012’’ and inserting ‘‘Federal Public Transportation Act of 2015’’;

(C) in section 5336—

(i) in subsection (a), by striking ‘‘subsection (h)(4)’’ and inserting ‘‘subsection (h)(5)’’; and

(ii) in subsection (b), as amended by division G—

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

‘‘(1) $30,000,000 for each fiscal year shall be set aside to carry out section 5307(h);’’; and

(B) in paragraph (3), by striking ‘‘1.5 percent’’ and inserting ‘‘2 percent’’; and

(D) in section 5390(b), by striking ‘‘section 5336(b)(2)(M)’’ and inserting ‘‘section 5336(b)(2)(O)’’.

(2) TABLE OF SECTIONS.—The table of sections for chapter 53 of title 49, United States Code, is amended by striking the item relating to section 5319 and inserting the following:—

‘‘§ 5319. Repealed.’’.

(b) GOVERNMENT SHARE OF COSTS FOR CERTAIN PROJECTS.—

(1) GOVERNMENT SHARE.—The Secretary may receive funding under section 5307 or any other provision of law.

(2) AVAILABILITY OF FUNDS.—Any amounts made available for obligation under section 5307 or any other provision of law, or after the first day of the first fiscal year beginning after the date of enactment of this Act.

(3) GRANT REQUIREMENTS.—

(A) by striking section 5319;

(B) in section 5325—

(i) in subsection (e)(2), by striking ‘‘at least two’’; and

(ii) in subsection (h), by striking ‘‘Federal Public Transportation Act of 2012’’ and inserting ‘‘Federal Public Transportation Act of 2015’’;

(C) in section 5336—

(i) in subsection (a), by striking ‘‘subsection (h)(4)’’ and inserting ‘‘subsection (h)(5)’’; and

(ii) in subsection (b), as amended by division G—

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

‘‘(1) $30,000,000 for each fiscal year shall be set aside to carry out section 5307(h);’’; and

(B) in paragraph (3), by striking ‘‘1.5 percent’’ and inserting ‘‘2 percent’’; and

(D) in section 5390(b), by striking ‘‘section 5336(b)(2)(M)’’ and inserting ‘‘section 5336(b)(2)(O)’’.

(2) TABLE OF SECTIONS.—The table of sections for chapter 53 of title 49, United States Code, is amended by striking the item relating to section 5319 and inserting the following:—

‘‘§ 5319. Repealed.’’.

(B) in chapter 105 of title 49, United States Code.—Section 10501(c) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)(i), by striking ‘‘section 5302(a)’’ and inserting ‘‘section 5302(b)’’; and

(B) in subparagraph (B)—

(i) by striking ‘‘mass transportation’’ and inserting ‘‘public transportation’’; and

(ii) by striking ‘‘section 5302(a)’’ and inserting ‘‘section 5302’’; and

(2) in paragraph (2), by striking ‘‘mass transportation’’ and inserting ‘‘public transportation’’.

DIVISION C—COMPREHENSIVE TRANSPORTATION AND CONSUMER PROTECTION ACT OF 2015

SEC. 31001. SHORT TITLE.

This division may be cited as the “Comprehensive Transportation and Consumer Protection Act of 2015.”

SEC. 31002. REFERENCES TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, wherever in this division an amendment or repeal is expressed in terms of an amendment or repeal, of a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 31003. EFFECTIVE DATE.

Subtitle A of title XXXII, sections 31101, 31105, 31106, 31107, 31110, 31113, 31201, 31202, 31203, 31204, 31205, 31206, 31207, 31208, 31209, 31211, 31212, 31213, 31214, 31215, subtitles C and D of title XXXIV, and title XXXV take effect on the date of enactment of this Act.

TITLE XXXIII—OFFICE OF THE SECRETARY

Subtitle A—Accelerating Project Delivery

SEC. 31101. DELEGATION OF AUTHORITY.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following:

“§ 116. Administrations; acting officers

‘‘(a) No person designated to serve as the acting head of an administration in the department of transportation under section 3345 of title 49 may continue to perform the functions and duties of the office if the time limitations in section 3346 of that title would prevent the person from continuing to serve in formal acting capacity.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 1 is amended by inserting after the item relating to section 115 the following:

‘‘116. Administrations; acting officers.’’.

(c) APPLICABILITY.—The amendment under subsection (a) shall apply to any applicable office with a position designated for a Senate confirmed official.

SEC. 31102. INFRASTRUCTURE PERMITTING IMPROVEMENT CENTER

(a) IN GENERAL.—Subchapter I of chapter 3, as amended by sections 31104 and 31106 of this Act, is further amended by adding after section 3111 the following:

“§ 3112. Interagency Infrastructure Permitting Improvement Center

‘‘(a) IN GENERAL.—There is established in the Office of the Secretary an Interagency Infrastructure Permitting Improvement Center referred to in this section as the ‘Center’.

(b) ROLES AND RESPONSIBILITIES.—

(I) GOVERNANCE.—The Center shall report to the chair of the Steering Committee described in paragraph (2) to ensure that the perspectives of all member agencies are represented.

(II) INFRASTRUCTURE PERMITTING STEERING COMMITTEE.—An Infrastructure Permitting Steering Committee referred to in this section as the ‘Steering Committee’ is established to oversee the work of the Center. The Steering Committee shall be chaired by the Federal Chief Performance Officer in consultation with the Chair of the Council on Environmental Quality and shall be comprised of Deputy-level representatives from the following departments and agencies:

(A) The Department of Transportation.

(B) The Department of Interior.

(C) The Department of Agriculture.

(D) The Department of Commerce.

(E) The Department of Transportation.

(F) The Department of Energy.

(G) The Department of Homeland Security.

(H) The Environmental Protection Agency.


(2) The Department of the Army.

(K) The Department of Housing and Urban Development.

(L) Other agencies the Chair of the Steering Committee invites to participate.

(3) ACTIVITIES.—The Center shall support the Chair of the Steering Committee and undertake the following:

(A) Coordinate and support implementation of priority reform actions for Federal agency permitting and reviews for areas as defined and identified by the Steering Committee.

(B) Support modernization efforts at Federal agencies and interagency pilots for innovative approaches to the permitting and reviewing infrastructure.

(C) Provide technical assistance and training to field and headquarters staff of...
Federal agencies on policy changes, innovative approaches to project delivery, and other topics as appropriate.

"(D) Identify, develop, and track metrics for transportation projects, permitting processes, and project outcomes.

"(E) Administer and expand the use of online transparency tools providing for—

"(i) tracking of permit reviews, permit decisions, and project outcomes.

"(ii) development and posting of schedules for permit reviews and permit decisions; and

"(iii) sharing of best practices related to efficient permitting and reviews.

"(F) Provide reporting to the President on progress toward achieving greater efficiency in permitting decisions and review of infrastructure projects and progress toward achieving better outcomes for communities and the environment.

"(G) Meet not less frequently than annually with groups or individuals representing State, Tribal, and local governments that are engaged in the infrastructure permitting process.

"(H) Other sectors, as determined by the Steering Committee.

"(1) OTHER SECTORS COVERED.—The Center shall support project improvements in the permitting and review of infrastructure projects in the following sectors:

"(A) Surface transportation.

"(B) Aviation.

"(C) Ports and waterways.

"(D) Rail projects.

"(E) Renewable energy generation.

"(F) Electricity transmission.

"(G) Broadband.

"(H) Pipelines.

"(1) OTHER SECTORS COVERED.—The Center shall support project improvements in the permitting and review of infrastructure projects in the following sectors:

"(A) Surface transportation.

"(B) Aviation.

"(C) Ports and waterways.

"(D) Rail projects.

"(E) Renewable energy generation.

"(F) Electricity transmission.

"(G) Broadband.

"(H) Pipelines.

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"(A) Surface transportation.

"(B) Aviation.

"(C) Ports and waterways.

"(D) Rail projects.

"(E) Renewable energy generation.

"(F) Electricity transmission.

"(G) Broadband.

"(H) Pipelines.

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"(D) Rail projects.

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"(F) Electricity transmission.

"(G) Broadband.

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"(C) Ports and waterways.

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"(D) Rail projects.

"(E) Renewable energy generation.

"(F) Electricity transmission.

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"(A) Surface transportation.

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"(D) Rail projects.

"(E) Renewable energy generation.

"(F) Electricity transmission.

"(G) Broadband.

"(H) Pipelines.

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"(A) Surface transportation.

"(B) Aviation.

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"(D) Rail projects.

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"(A) Surface transportation.

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"(D) Rail projects.

"(E) Renewable energy generation.

"(F) Electricity transmission.

"(G) Broadband.

"(H) Pipelines.

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"(A) Surface transportation.

"(B) Aviation.

"(C) Ports and waterways.

"(D) Rail projects.

"(E) Renewable energy generation.

"(F) Electricity transmission.

"(G) Broadband.

"(H) Pipelines.

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"(A) Surface transportation.

"(B) Aviation.

"(C) Ports and waterways.

"(D) Rail projects.

"(E) Renewable energy generation.

"(F) Electricity transmission.

"(G) Broadband.

"(H) Pipelines.

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"(A) Surface transportation.

"(B) Aviation.

"(C) Ports and waterways.

"(D) Rail projects.

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"(F) Electricity transmission.

"(G) Broadband.

"(H) Pipelines.

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"(A) Surface transportation.

"(B) Aviation.

"(C) Ports and waterways.

"(D) Rail projects.

"(E) Renewable energy generation.

"(F) Electricity transmission.

"(G) Broadband.

"(H) Pipelines.

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"(A) Surface transportation.

"(B) Aviation.

"(C) Ports and waterways.

"(D) Rail projects.

"(E) Renewable energy generation.

"(F) Electricity transmission.

"(G) Broadband.

"(H) Pipelines.

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"(A) Surface transportation.

"(B) Aviation.

"(C) Ports and waterways.

"(D) Rail projects.

"(E) Renewable energy generation.

"(F) Electricity transmission.

"(G) Broadband.

"(H) Pipelines.

"(1) OTHER SECTORS COVERED.—The Center shall support project improvements in the permitting and review of infrastructure projects in the following sectors:

"(A) Surface transportation.

"(B) Aviation.

"(C) Ports and waterways.

"(D) Rail projects.

"(E) Renewable energy generation.

"(F) Electricity transmission.

"(G) Broadband.

"(H) Pipelines.

"(1) OTHER SECTORS COVERED.—The Center shall support project improvements in the permitting and review of infrastructure projects in the following sectors:

"(A) Surface transportation.

"(B) Aviation.

"(C) Ports and waterways.

"(D) Rail projects.

"(E) Renewable energy generation.

"(F) Electricity transmission.
SEC. 31105. MULTIMODAL CATEGORICAL EXCLUSIONS.

Section 304 is amended—

(1) in subsection (a)—

(A) by striking “operating authority” and inserting “operating transportation or secretarial office”;

(B) by deleting “has expertise” before “before ‘is not the lead’”;

(C) by deleting “and” before “project”;

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

“(2) LEAD AUTHORITY.—The term ‘lead authority’ means a Department of Transportation operating administration or secretarial office that has the lead responsibility for a proposed multimodal project.”;

(3) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by striking “a categorical exclusion designation”;

(ii) by striking “the cooperating authority of its intent to apply the cooperating authority categorical exclusion”;

(iii) by striking “the cooperating authority”;

(B) in paragraph (1), by striking “is not the lead”;

(C) by inserting “proposed multimodal” before “project”;

(4) in subsection (d)—

(A) by striking “the authority”;

(B) by inserting “the cooperating authority” before “authority”;

(C) by striking “the project”;

(D) by inserting “multimodal” before “project”;

(E) by amending paragraphs (1) and (2) to read as follows:

“(1) the lead authority makes a preliminary determination on the applicability of a categorical exclusion to a proposed multimodal project and notifies the cooperating authority of its intent to apply the cooperating authority categorical exclusion;

“(2) the cooperating authority does not object to the lead authority’s preliminary determination of its applicability”;

(5) in subsection (e)—

(A) by inserting “the office designated under” before “categorical exclusions designated under”;

(B) by striking the following:

“(c) ASSIGNMENT OF RESPONSIBILITIES.—An entity with assigned authority for responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), under section 202 of such Act, and any other Federal approval required under applicable laws for projects and activities requiring an environmental assessment or an environmental impact statement.”;

(6) in subsection (f)—

(A) by deleting “the lead authority”;

(B) by inserting “an entity with assigned authority” before “assigned authority”;

(C) by deleting “the lead authority”;

(7) in subsection (g)—

(A) by striking “categorical exclusions”;

(B) by striking “the National Environmental Policy Act”;

(C) by deleting “who has the authority”;

(8) in subsection (h)—

(A) by striking “categorical exclusions designated under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)”;

(B) by striking “has the authority”;

(9) by amending subsection (i) to read as follows:

“(i) by deleting the following:

“(A) determines that extraordinary circumstances do not exist that merit applicability of a categorical exclusion to a proposed multimodal project; and

(B) determines that the proposed multimodal project does not individually or cumulatively have a significant impact on the environment; and

(C) determines that extraordinary circumstances do not exist that merit additional analysis and documentation in an environmental impact statement or environmental assessment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);”;

(10) by amending subsection (j) to read as follows:

“(j) COOPERATING AUTHORITY EXPERTISE.—A cooperating authority shall provide expertise to the lead authority on aspects of the multimodal project in which the cooperating authority has expertise.”;

SEC. 31106. IMPROVING TRANSPARENCY IN ENVIRONMENTAL REVIEWS.

(a) IN GENERAL.—Subchapter I of chapter 3, as amended by section 31104 of this Act, is further amended by inserting after section 310 the following:

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Comprehensive American Transportation and Critical Protection Act of 2015, the Secretary of Transportation shall establish an online platform and, in coordination with Federal agencies identified under section 310, issue requirements to make publicly available the status and progress with respect to compliance with applicable requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) any other Federal approval required under applicable laws for projects and activities requiring an environmental assessment or an environmental impact statement.”;

“(2) FEDERAL AGENCY PARTICIPATION.—A Federal agency of jurisdiction over an approval required for a project under applicable laws shall provide information regarding the status and progress of the approval to the online platform, consistent with the standards established under subsection (a).

“(c) ASSIGNMENT OF RESPONSIBILITIES.—An entity with assigned authority for responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), under section 202 of such Act, and any other Federal approval required under applicable laws for projects and activities requiring an environmental assessment or an environmental impact statement.”;

“(d) DUPLICATIVE RESEARCH.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Comprehensive American Transportation and Critical Protection Act of 2015, the Secretary of Transportation shall submit a comprehensive annual modal research plan to the Assistant Secretary for Research and Technology of the Department of Transportation (referred to in this subtitle as the ‘Assistant Secretary’).

(2) REVIEW.—(I) IN GENERAL.—Not later than October 1 of each year, the Assistant Secretary, for each plan submitted pursuant to subsection (a), shall—

(A) review the scope of the research; and

(B) request that the plan be revised.

(II) PUBLIC POSTING.—Not later than January 30 of each year, the Assistant Secretary shall publish each plan that has been approved under paragraph (1)(B)(i) on a public website.

(III) REJECTION OF DUPLICATIVE RESEARCH EFFORTS.—The Assistant Secretary may not approve any plan submitted by the head of a modal administration or joint program office pursuant to subsection (a) if such plan duplicates the research efforts of any other modal administration.

(3) FUNDING LIMITATIONS.—No funds may be expended by the Department of Transportation on research that has not previously been approved as part of a modal research plan approved by the Assistant Secretary under subsection (a).

(4) INCREASING TRANSPARENCY OF TRANSPORTATION RESEARCH EFFORTS WILL—

(A) ENHANCE STAKEHOLDER CONFIDENCE IN THE FINAL PRODUCE; AND

(B) LEAD TO THE IMPROVED IMPLEMENTATION OF RESEARCH FINDINGS.

SEC. 31202. MODAL RESEARCH PLANS.

(a) IN GENERAL.—Not later than June 15 of the year preceding the research fiscal year, the Secretary of each modal administration and joint program office of the Department of Transportation shall submit a comprehensive annual modal research plan to the Assistant Secretary for Research and Technology of the Department of Transportation.

(b) REVIEW.—(1) IN GENERAL.—Not later than October 1 of each year, the Assistant Secretary, for each plan submitted pursuant to subsection (a), shall—

(A) review the scope of the research; and

(B) request that the plan be revised.

(2) PUBLIC POSTING.—Not later than January 30 of each year, the Assistant Secretary shall publish each plan that has been approved under paragraph (1)(B)(i) on a public website.

(3) REJECTION OF DUPLICATIVE RESEARCH EFFORTS.—The Assistant Secretary may not approve any plan submitted by the head of a modal administration or joint program office pursuant to subsection (a) if such plan duplicates the research efforts of any other modal administration.

(4) INCREASING TRANSPARENCY OF TRANSPORTATION RESEARCH EFFORTS WILL—

(A) ENHANCE STAKEHOLDER CONFIDENCE IN THE FINAL PRODUCE; AND

(B) LEAD TO THE IMPROVED IMPLEMENTATION OF RESEARCH FINDINGS.

SEC. 31203. CONSOLIDATED RESEARCH PROJECTS AND STRATEGIC PLAN.

(a) PROSPECTUS.—
(1) IN GENERAL.—The Secretary shall annually publish, on a public website, a comprehensive prospectus on all research projects conducted by the Department of Transportation, to the extent practicable, research funded through University Transportation Centers.

(2) CONTENTS.—The prospectus published under subsection (a) shall—
(A) include the consolidated modal research plans approved under section 1302;
(B) describe the research objectives, programs, and allocated funds for each research project;
(C) identify research projects with multimodal applicability;
(D) specify how relevant modal administrations have assisted, will contribute to, or plan to use the findings from the research project identified under paragraph (1);
(E) identify areas in which multiple modal administrations are conducting research projects on similar subjects or subjects which have bearing on multiple modes;
(F) describe the interagency and crossmodal communication and coordination that has occurred to prevent duplication of research efforts within the Department of Transportation;
(G) indicate how research is being disseminated to improve the efficiency and safety of transportation systems;
(H) describe how agencies developed their research plans; and
(I) describe the opportunities for public and stakeholder input.

(b) FUNDING REPORT.—In conjunction with each of the President’s annual budget requests under section 1105 of title 31, United States Code, the Secretary shall submit a report to appropriate committees of Congress that describes—
(1) the amount spent in the last completed fiscal year on transportation research and development; and
(2) the amount proposed in the current budget for transportation research and development.

(c) PERFORMANCE PLANS AND REPORTS.—In the plans and reports submitted under sections 1115 and 1116 of title 31, United States Code, the Secretary shall include—
(I) a summary of the Federal transportation research and development activities for the previous fiscal year in each topic area;
(II) the amount spent in each topic area;
(III) a description of the extent to which the research and development is meeting the expectations set forth in subsection (d)(3)(A); and
(IV) any amendments to the strategic plan developed under subsection (d).

(d) TRANSPORTATION RESEARCH AND DEVELOPMENT STRATEGIC PLAN.—

(1) IN GENERAL.—The Secretary shall develop a 5-year transportation research and development strategic plan to guide future Federal transportation research and development efforts.

(2) CONSISTENCY.—The strategic plan developed under paragraph (1) shall be consistent with—
(A) section 306 of title 5, United States Code;
(B) sections 1115 and 1116 of title 31, United States Code; and
(C) any other research and development plan within the Department of Transportation.

(3) CONTENTS.—The strategic plan developed under paragraph (1) shall—
(A) describe the primary purposes of the transportation research and development program, which shall include—
(i) safety; 
(ii) reducing congestion; and
(iii) improving mobility;
(B) describe the research projects identified under paragraph (1); and
(C) identify areas in which multiple modal administrations are conducting research projects on similar subjects or subjects which have bearing on multiple modes.

(4) FUNDING REPORT.—In conjunction with each of the President’s annual budget requests under section 1105 of title 31, United States Code, the Secretary shall submit a report to appropriate committees of Congress that describes—
(I) the amount spent in the last completed fiscal year on transportation research and development; and
(II) the amount proposed in the current budget for transportation research and development.

(5) C HAPTER 5 OF TITLE 23.—Chapter 5 of title 23, United States Code, is amended—

(a) in subsection (b), by striking ''as part of the 5-year transportation research and development strategic plan developed under section 31203 of the Comprehensive Transportation and Consumer Protection Act of 2015''; and inserting—

''(b) in section 5307(c)(2)(A), by striking ''or the transportation research and development strategic plan developed under section 508 of title 23, United States Code'' and inserting—

''or the 5-year transportation research and development strategic plan under section 31203 of the Comprehensive Transportation and Consumer Protection Act of 2015''.

SEC. 31204. RESEARCH OMBUDSMAN.

(a) IN GENERAL.—Subtitle III is amended by inserting after chapter 63 the following:

"CHAPTER 65—RESEARCH OMBUDSMAN

5601. Research ombudsman

(a) ESTABLISHMENT.—The Assistant Secretary for Research and Technology shall appoint a career Federal employee to serve as Research Ombudsman. This appointment shall not diminish the authority of peer review of research.

(b) QUALIFICATIONS.—The Research Ombudsman appointed under subsection (a), to the extent practicable—

(I) shall have a background in academic research and a strong understanding of sound study design;

(II) shall develop a working knowledge of the stakeholder communities and research needs of the transportation field; and

(III) shall not have served as a political appointee of the Department.

(c) RESPONSIBILITIES.—The Research Ombudsman shall—

(I) receive complaints and questions about—

(A) significant alleged omissions, improprieties, and systemic problems; and

(B) excessive delays of, or within, a specific research project; and

(ii) evaluate and assess the complaints and questions described in subparagraph (A).

(2) PETITIONS.—

(A) REVIEW.—The Research Ombudsman shall review petitions relating to—

(i) conflicts of interest;

(ii) the study design and methodology;

(iii) assumptions and potential bias; 

(iv) the length of the study; and

(v) the composition of any data sampled.

(B) RESPONSE TO PETITIONS.—The Research Ombudsman shall—

(i) respond to relevant petitions within a reasonable period;

(ii) identify deficiencies in the petition’s study design; and

(iii) propose a remedy for such deficiencies to the administrator of the modal administration responsible for completing the research project.

(C) RESPONSE TO PROPOSED REMEDY.—The administrator of the modal administration charged with completing the research project shall respond to the proposed remedy.

(D) REQUIRED REVIEWS.—The Research Ombudsman shall evaluate the study plan for all
(d) Reports.—

(1) In General.—Upon the completion of each review under subsection (c), the Secretary shall publish the report containing the results of the study required under subsection (a) to a public website.

SEC. 31206. BUREAU OF TRANSPORTATION STATISTICS INDEPENDENCE.

Section 6101 of title 41 shall not apply in the case of the Department of Transportation.

SEC. 31207. CONGRESSIONAL REVIEW.

SEC. 31208. SMART CITIES TRANSPORTATION LENDING STUDY.

(a) In General.—The Secretary shall conduct a study of digital technologies and transportation network coordination, evaluation, and oversight of the programs administered under this section.

(b) Technical and Conforming Amendments.—The table of contents for subtitle III is amended by inserting after the item relating to chapter 63 the following:

````86. Research ombudsman 6501.
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SEC. 31209. ADDITIONAL AUTHORITIES.

(a) Positions at Level II.—Section 5313 of title 5, United States Code, is amended by inserting “and” in the section heading by striking “contracts” and inserting “activities”.

(b) Table of Contents.—Section 330 of title 49 is amended by inserting “Activities” in the section heading.

(c) Position at Level II.—Section 6101 of title 41 is amended by inserting “and” in the section heading by striking “contracts” and inserting “activities.”

(d) Office of the Assistant Secretary for Research and Technology of the Department of Transportation.—Section 6101 of title 41 shall not apply in the case of the Department of Transportation.

(e) Use of Technology.—The research, development, or use of a technology under a contract, grant, cooperative research and development agreement, or other agreement entered into under this section, including the license fees and profits which may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), and other agreements to fund, and accept funds from, the Transportation Research Board of the National Research Council of the National Academy of Sciences, State departments of transportation, cities, counties, institutions of higher education, associations of those entities to carry out joint transportation research and technology efforts.

(f) Federal Share.—(1) In General.—To the extent to which the Federal share of the cost of an activity was paid under a contract, grant, cooperative research and development agreement, or other agreement entered into under this section, including the license fees and profits which may be licensed and the resulting royalties may be distributed, the Secretary shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), and other agreements to fund, and accept funds from, the Transportation Research Board of the National Research Council of the National Academy of Sciences, State departments of transportation, cities, counties, institutions of higher education, associations of those entities to carry out joint transportation research and technology efforts.

(g) Program Evaluation and Oversight.—For fiscal years 2016 through 2021, the Secretary is authorized to expend not more than 1 and a half percent of the amounts authorized to be appropriated for necessary expenses for the operations of the Office of the Assistant Secretary for Research and Technology for the coordination, evaluation, and oversight of the programs administered under this section.

(h) Waiver of Advertising Requirements.—Section 6101 of title 41 shall not apply to a contract, grant, cooperative research and development agreement, or other agreement entered into under this section, including the license under which the technology may be licensed and the resulting royalties may be distributed, except as provided in section 6101.

(i) Table of Contents.—The table relating to section 330 of title 49 is amended by inserting “Activities” in the section heading.

(j) Bureau of Transportation Statistics.—Section 6302(b) is amended by striking the introductory matter and inserting “Activities”.

(k) Position at Level II.—Section 5313 of title 5, United States Code, is amended by inserting “and other public entities, private organizations, and other persons.”

(l) Contract to conduct research into transportation service and infrastructure assurance and security.—(A) In General.—There shall be within the Department the Bureau of Transportation Statistics.

(m) Title 5 Amendments.—(1) Positions at Level II.—Section 5313 of title 5, United States Code, is amended by inserting “and” in the section heading by striking “contracts” and inserting “activities.”
striking “Under Secretary of Transportation for Security.”).

(2) POSITIONS AT LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking “Under Secretary of Transportation for Security.”

(3) POSITIONS AT LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking “(a):” in the undesignated item relating to Assistant Secretary of Transportation and inserting “(b):”.

(4) POSITIONS AT LEVEL V.—Section 5316 of title 5, United States Code, is amended by striking “(d)” in the undesignated item relating to Assistant Secretary of Transportation and inserting “(e):”.

SEC. 31106. REPEAL OF OBSOLETE OFFICE.

(a) IN GENERAL.—Section 3003 is repealed.

(b) TRANSITION.—The table of contents of chapter 55 is amended by striking the item relating to section 5503.

Subtitle C—Port Performance Act

SEC. 31301. SHORT TITLE.

This subtitle may be cited as the “Port Performance Act”.

SEC. 31302. FINDINGS.

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 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 bottleneck;

(B) to indicate performance and trends over time; and

(C) to inform investment decisions.

SEC. 31303. PORT PERFORMANCE FREIGHT STATISTICS PROGRAM.

(a) IN GENERAL.—Chapter 63 is amended by adding at the end the following:

“§ 6314. Port performance freight statistics program

“(a) IN GENERAL.—The Director shall establish and collect monthly port performance measures 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) AMENDMENTS.—

“(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 receive Federal assistance or is subject to Federal regulation to submit an annual 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 contain;

(ii) the average vessel turn time by vessel type;

(iii) the average cargo or container dwell time;

(iv) the average truck time at ports; and

(v) 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 the Port Performance Act, the Director shall establish a working group composed of—

(A) operating administrations of the Department of Transportation;

(B) the National Security Council;

(C) the Federal Maritime Commission;

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

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

(F) representatives of the Transportation Advisory Committee of the Department of Transportation.

“(b) MODIFICATIONS.—The Director may consider a modification to a metric under paragraph (1) if the modification meets the intent of the section.

“(c) ACCES 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) 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) is amended by inserting “or section 6314(b)” after “section 6302(b)(3)(B)”.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

The table of contents for chapter 63 is amended by adding at the end the following:

“§ 6314. Port performance freight statistics program.”.

TITLE XXXIX—COMMERCIAL MOTOR VEHICLE AND DRIVER PROGRAMS

Subtitle A—Compliance, Safety, and Accountability Reform

SEC. 32001. CORRELATION STUDY.

(a) IN GENERAL.—The Administrator of the Federal Motor Carrier Safety Administration (referred to in this subtitle as the “Administrator”) shall conduct the National

(1) the Safety Measurement System (referred to in this subtitle as “SMS”); and

(2) the Compliance, Safety, Accountability program (referred to in this subtitle as the “CSA program”).

(b) SCOPE OF STUDY.—In carrying out the study commissioned pursuant to subsection (a), the National Research Council—

(1) shall analyze—

(A) the accuracy with which the Behavior Analysis and Safety Improvement Categories (referred to in this subtitle as “BASIC”) measure safety performance by SMS—

(i) identity high risk drivers and carriers; and

(ii) predict or be correlated with future crash risk, crash severity, or other safety indicators for individual motor carriers, the highest risk carriers; and

(B) the methodology used to calculate BASIC percentiles and identify carriers for enforcement, including the weights assigned to particular violations, and the tie between crash risk and specific regulatory violations, in order to accurately identify and predict future crash risk for motor carriers;

(C) the relative value of inspection information and roadside enforcement data; and

(D) any data collection gaps or data sufficiency problems that may exist and the impact of those data gaps and insufficiencies on the efficacy of the CSA program; and

(E) the accuracy of data processing; and

(2) should consider—

(A) whether the current SMS provides comparable precision and confidence for SMS alerts and percentiles for the relative crash risk of individual large and small motor carriers;

(B) whether alternative systems would identify high risk carriers or identify high risk drivers and motor carriers more accurately; and

(C) the recommendations and findings of the Comptroller General of the United States and the Inspector General, and independent review team reports issued before the date of the enactment of this Act.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit a report containing the results of the completed study to—

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

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

(3) the Inspector General of the Department of Transportation; and

(4) the Comptroller General of the United States.

(d) CORRECTIVE ACTION PLAN.—

(1) IN GENERAL.—Not later than 120 days after the Administrator submits a report under subsection (c) that identifies a deficiency or opportunity for improvement in the SMS program or in any element of SMS, the Administrator shall submit a corrective action plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that—

(A) responds to the concerns highlighted by the report;

(B) identifies how the Federal Motor Carrier Safety Administration will address such concerns; and

(C) provides an estimate of the cost, including changes in staffing, enforcement, and data collection necessary to implement the recommendations.

(2) PROGRAM REPORTS.—The corrective action plan submitted under paragraph (1) shall include an implementation plan that—

(1) the Safety Measurement System (referred to in this subtitle as “SMS”); and

(2) the Compliance, Safety, Accountability program (referred to in this subtitle as the “CSA program”).
(A) includes benchmarks;  
(B) includes programmatic reforms, revisions to regulations, or proposals for legislation; and  
(C) shall be considered in any rulemaking by the Department of Transportation that relates to the CSA program, including the SMS data set or analysis.

(d) Administrative Review.—Not later than 120 days after the Administrator issues a corrective action plan under subsection (d), the Inspector General of the Department of Transportation shall—  
(1) review the extent to which such plan implements—  
(A) recommendations contained in the report required under subsection (c); and  
(B) recommendations issued by the Controller General or the Inspector General before the date of enactment of this Act; and  
(2) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the responsiveness of the corrective action plan to the recommendations described in paragraph (1).  

(f) Fiscal Limitation.—The Administrator shall—  
(1) carry out the study required under section 552 of title 5, United States Code, not required under section 31102 of title 49, United States Code, as amended by this Act.  

(h) Evaluation.—Not later than 2 years after the implementation of SMS under this section, the Administrator shall conduct an evaluation of the effectiveness of SMS by reviewing the impacts of SMS on—  
(A) law enforcement, commercial drivers and motor carriers, and motor carrier safety; and  
(B) safety and adoption of new technologies.

(j) Savings Provision.—Nothing in this section may be construed to provide the Administrator with additional authority to change the requirements for the operation of a commercial motor vehicle.

SEC. 23003. DATA CERTIFICATION.

(a) Limitation.—Beginning not later than 1 day after the date of enactment of this Act, none of the analysis of violation information, enforcement prioritization, not-at-fault crashes, alerts, or the relative percentile for each Behavioral Analysis and Safety Improvement Category developed through the CSA program may be made available to the general public (including through requests under section 552 of title 5, United States Code), but violation and inspection information submitted by the States may be presented, until the Inspector General of the Department of Transportation certifies that—  
(1) any deficiencies identified in the correlation study required under section 32001 have been addressed, and  
(2) the corrective action plan has been implemented and the concerns raised by the Department of Transportation that relates to the CSA program, including the SMS data set or analysis.
correlation study under section 32001 have been addressed;
(3) the Administrator has fully implemented or satisfactorily addressed the issues raised in the February 2014 GAO report entitled "Modifying the Compliance, Safety, Accountability Program Would Improve the Ability to Identify High Risk Carriers (GAO-14-500T)"; and
(4) the study required under section 32001 has been published on a public website; and
(5) the CSA program has been modified in accordance with section 32002.
(b) LIMITATION ON USE OF CSA ANALYSIS.—
The calculation of the percentile or the relative percentile for each Behavioral Analysis and Safety Improvement Category developed under section 3201 shall be used only for computing the CSA program ratings for the SMS system, and the results of the SMS system shall not be used to make safety fitness determinations until the requirements under subsection (a) have been satisfied.
(c) CONTINUED PUBLIC AVAILABILITY OF DATA.—Inspection and violation information submitted to the Federal Motor Carrier Safety Administration by commercial motor vehicle inspectors and qualified law enforcement officials remain available for public viewing.
(d) EXCEPTIONS.
(1) IN GENERAL.—Notwithstanding the limitations set forth in subsections (a) and (b)—
(A) the Federal Motor Carrier Safety Administration and State and local commercial motor vehicle enforcement agencies may use the data information referred to in subsection (a) for purposes of investigation and enforcement prioritization;
(B) motor carriers and commercial motor vehicle drivers may access information referred to in subsection (a) that relates directly to the motor carrier or driver, respectively; and
(C) the data analysis of motorcoach operators may be provided online, with a notation indicating that the ratings or alerts listed are not intended to imply any Federal safety rating of the carrier;
(2) LIMITATION.—Nothing in subparagraphs (A) and (B) of paragraph (1) may be construed to restrict the official use by State enforcement agencies of the data collected by the Federal Government.
(e) CERTIFICATION.—The certification process described in subsection (a) shall occur concurrently with the implementation of SIMS under section 32002.
(f) COMPLETION.—The Secretary shall modify the CSA program in accordance with section 32002 not later than 1 year after the date of completion of the report described in section 32001(c).
SEC. 32004. DATA IMPROVEMENT
(a) FUNCTIONAL SPECIFICATIONS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall develop functional specifications to ensure the consistent enforcement prioritization alerts and the data contained in this system by which a motor carrier has received an UNSATISFACTORY safety rating under part 385 of title 49, Code of Federal Regulations, or has otherwise been ordered to discontinue operations by the Federal Motor Carrier Safety Administration, it is authorized to operate on the Nation’s roadways.
(b) NOTATION.—The notation described under paragraph (1)(C) shall include: “Readers should not draw conclusions about a carrier’s overall safety condition simply based on the fact that this system contains a motor carrier’s data;” and
(c) LIMITATION.—Nothing in subparagraphs (A) and (B) of paragraph (1) may be construed to restrict the official use by State enforcement agencies of the data collected by the Federal Government.
(d) FUNCTIONALITY.—The specifications developed under section (a) shall provide for the hardcoding and smart logic functionality for roadside information collection data systems and databases relating to the CSA program.
(e) REVIEW.—The specifications developed under section (d) shall provide for the hardcoding and smart logic functionality for roadside information collection data systems and databases; and
(f) ADMINISTRATIVE REVIEW.—The Administrator shall ensure that internal systems and databases accept and effectively manage data using uniform standards.
(g) REPORT TO CONGRESS.—Before implementing the functional specifications described in subsection (a) or the standards described in subsection (c), the Administrator shall seek input from the State agencies responsible for enforcing section 31102 of title 49, United States Code.
SEC. 32005. ACCIDENT REPORT INFORMATION.
(a) REVIEW.—The Administrator shall initiate a demonstration that allows motor carriers and drivers to request a review of crashes, and the removal of crash data for use in the Federal Motor Carrier Safety Administrator’s safety measurement system of crashes, and removal from any weighting, or carrier safety analysis, if the commercial motor vehicle was operated legally and another motorist in connection with the crash is found—
(1) to have been driving under the influence;
(2) to have been driving the wrong direction on a roadway;
(3) to have struck the commercial motor vehicle in the wrong lane of travel; and
(4) to have struck the commercial motor vehicle which was legally stopped;
(b) DOCTORS.—As part of a request for review under subsection (a), the motor carrier or driver shall submit a copy of available police reports, crash investigations, judicial actions, insurance claim information, and any related court actions submitted by each party involved in the accident.
(c) SOLICITATION OF OTHER INFORMATION.—Following a notice and comment period, the Administrator may solicit other types of information to be collected under subsection (b) to facilitate appropriate reviews under this section.
(d) EVALUATION.—The Federal Motor Carrier Safety Administration shall review the information submitted under subsections (b) and (c).
(e) RESULTS.—Subject to subsection (b)(2), the results of the review under subsection (a)—
(1) shall be used to reclassify the motor carrier’s crash rating if possible;
(2) if the carrier is determined not to be responsible for the crash incident, such information, shall be reflected on the website of the Federal Motor Carrier Safety Administration;
(3) shall not be admitted as evidence or otherwise used in a civil action.
(f) FEES.—Fees collected under this section shall—
(1) be deposited in the Treasury of the United States to offset expenses of the Federal Motor Carrier Safety Administration.
(g) FEES.—Fees collected under this section shall—
(1) conduct a review of the internal crash review program to determine if other crash types should be included; and
(2) submit a report to Congress that describes—
(A) the number of crashes reviewed;
(B) the number of crashes for which the commercial motor vehicle operator was determined not to be at fault; and
(C) relevant information relating to the program, including the cost to operate the program and the fee structure established.
(h) IMPLEMENTATION AND OVERSIGHT RESPONSIBILITY.—
(1) IN GENERAL.—The Administrator shall ensure that the activities described in subsection (a) through (c) are not required under section 31102 of title 49, United States Code, as amended by this Act.
(2) REVIEWS INVOLVING FATALITIES.—If a review under subsection (a) involves a fatality, the Inspector General of the Department of Transportation shall audit and certify the review prior to making any changes under subsection (e).
SEC. 32006. POST-ACCIDENT REPORT REVIEW.
(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall convene a working group—
(1) to review the data elements of post-accident reports, for tow-away accidents involving commercial motor vehicles, that are reported to the Federal Government; and
(2) to report to the Secretary its findings and any recommendations, including best practices for State post-accident reports to achieve the data elements described in subsection (c).
(b) COMPOSITION.—Not less than 51 percent of the working group shall be composed of individuals representing the States or State law enforcement officials. The remaining members of the working group shall represent industry, labor, safety advocates, and other interested parties.
(c) CONSIDERATIONS.—The working group shall consider requiring additional data elements, including—
(1) the primary cause of the accident, if the primary cause can be determined; and
(2) the physical characteristics of the commercial motor vehicle and any other vehicle involved in the accident, including—
(A) the vehicle configuration;
(B) the gross vehicle weight if the weight can be readily determined;
(C) the number of axles; and
(D) the distance between axles, if the distance can be readily determined; and
(3) any data elements that could contribute to the appropriate consideration of requests under section 32005.
(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—
(1) review the findings of the working group;
(2) identify the best practices for State post-accident reports that are reported to the Federal Government, including identifying the data elements that should be collected following a tow-away commercial motor vehicle accident; and
(3) recommend to the States the adoption of new data elements to be collected following reportable commercial motor vehicle accidents.
SEC. 32007. RECOGNIZING EXCELLENCE IN SAFETY.
(a) IN GENERAL.—The Administrator shall establish a program to periodically recognize motor carriers and drivers whose safety records and programs exceed compliance with the Federal Motor Carrier Safety Administrator’s safety standards and demonstrate clear and outstanding safety practices.
(b) Restriction.—The program established under subsection (a) may not be deemed to be an endorsement of, or a preference for, motor carriers or drivers recognized under the program.

SEC. 32008. HIGH RISK CARRIER REVIEWS.

(a) In General.—After the completion of the certification under section 32003 of this Act and the establishment of the Safety Fitness Determination program, the Secretary shall ensure that a review is completed on each high risk carrier that demonstrates through performance data that it poses the highest safety risk. At a minimum, a review shall be conducted whenever a motor carrier is among the highest risk carriers identified and the high risk carriers reviewed.

(b) Conforming Amendment.—Section 4138 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, as amended by title III of the Moving Ahead for Progress in the 21st Century Act (49 U.S.C. 30111 note), is amended by adding at the end the following:

"Subtitle B—Transparency and Accountability

SEC. 32201. PETITIONS FOR REGULATORY RE¬VIEW.

(a) Applications for Regulatory Review.—Notwithstanding paragraph (a) of section 3381 of chapter 5 of title 49, Code of Federal Regulations, the Secretary shall allow an applicant representing a class or group of motor carriers to apply for a specific exemption from any provision of the regulations under part 395 of title 49, Code of Federal Regulations, for commercial motor vehicle drivers.

(b) Review Procedure.—

(1) In General.—The Secretary shall establish the procedures for the application for and the review of an exemption under subsection (a).

(2) Publication.—Not later than 30 days after the date of receipt of an application for an exemption, the Secretary shall publish in the Federal Register and provide the public with an opportunity to comment.

(c) Public Comment.—

(A) In General.—Each application shall be available for public comment for a 30-day period, but the Secretary may extend the opportunity for comment for 60 days if it is a significant or complex request.

(B) Review.—Beginning on the date that the public comment period under subparagraph (A) ends, the Secretary shall have 60 days to review all of the comments received.

(d) Determination.—At the end of the 60-day period under paragraph (3)(B), the Secretary may determine in the Federal Register, including—

(A) the reason for granting or denying the application; and

(B) if the application is granted—

(i) the specific class of persons eligible for the exemption; and

(ii) any conditions or limitations applied to the exemption.

(e) Additional Applications.—In making a determination whether to grant or deny an application for an exemption, the Secretary shall consider the safety impacts of the request and any appropriate conditions or limitations on the use of the exemption.

(f) Opportunity for Resubmission.—If an application is denied and the applicant can reasonably demonstrate that the reason for the denial was not a proper basis for the denial, the Secretary may allow the applicant to resubmit the application.

SEC. 32009. Period of Applicability.

(d) Period of Applicability.—

(1) In General.—Except as provided in paragraph (2) of this subsection and subsection (f), each exemption granted under this section may be valid for a period of 5 years unless the Secretary identifies a compelling reason for a shorter exemption period.

(2) Renewal.—At the end of the 5-year period under paragraph (1)—

(A) the Secretary, at the Secretary's discretion, may renew the exemption for an additional 5-year period; and

(B) an applicant may apply under subsection (a) for a permanent exemption from each applicable provision of the regulations.

(c) Limitation on Exemption.—If the Secretary determines that an exemption under this section may be granted to or used by any motor carrier that has an unsatisfactory or conditional safety fitness determination.

(f) Permanent Exemptions.—

(1) In General.—The Secretary shall make permanent the following limited exceptions:


(G) Specialized carriers and drivers responsible for transporting loads requiring special permits as published in the Federal Register Volume 80 on June 18, 2015 (80 Fed. Reg. 34967).


(j) Motor carrier safety fitness determinations; and

(k) The requirements under section (f), each exemption granted under this Act permanent if the Secretary determines that such exemption has no significant impact on safety.

SEC. 32202. INSPECTOR STANDARDS.

Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Motor Carrier Safety Administration shall revise the regulations under part 355 of title 49, Code of Federal Regulations, as necessary, to incorporate by reference the certification standards for roadside inspectors issued by the Commercial Vehicle Safety Alliance.

SEC. 32203. TECHNOLOGY IMPROVEMENTS.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Government Accountability Office shall conduct a comprehensive analysis on the Federal Motor Carrier Safety Administration's information technology and data collection and management systems. The Government Accountability Office shall:

(1) evaluate the efficacy of the existing information technology, data collection, processing systems, and data management systems and programs, including their interaction with each other and their efficiency in meeting user needs;

(2) identify any redundancies among the systems and programs described in paragraph (1);

(3) explore the feasibility of unifying data collection and processing systems;

(4) evaluate the ability of the systems and programs described in paragraph (1) to meet the needs of—

(A) the Federal Motor Carrier Safety Administration, at both the headquarters and State level;

(B) the State agencies that implement the Motor Carrier Safety Assistance Program under section 3102 of title 49, United States Code; and

(C) other users;

(5) make recommendations to improve—

(A) deficiencies in existing data sets impacting program effectiveness; and

(B) methods to improve any and all user interfaces; and

(6) determine the feasibility of consolidating the Motor Carrier Safety Assistance Program with the Pipeline and Hazardous Materials Safety Administration's hazardous materials programs.

(b) Requirements.—The study conducted under subsection (a) shall—

(1) evaluate the efficacy of the existing information technology, data collection, processing systems, and data management systems and programs, including their interaction with each other and their efficiency in meeting user needs;

(2) identify any redundancies among the systems and programs described in paragraph (1);

(3) explore the feasibility of unifying data collection and processing systems;

(4) evaluate the ability of the systems and programs described in paragraph (1) to meet the needs of—

(A) the Federal Motor Carrier Safety Administration, at both the headquarters and State level;

(B) the State agencies that implement the Motor Carrier Safety Assistance Program under section 3102 of title 49, United States Code; and

(C) other users;

(5) make recommendations to improve—

(A) deficiencies in existing data sets impacting program effectiveness; and

(B) methods to improve any and all user interfaces; and

(7) evaluate the appropriate role the Federal Motor Carrier Safety Administration should take with respect to software and information systems design, development, and maintenance for the purpose of improving the efficacy of the systems and programs described in paragraph (1).

Subtitle C—Trucking Rules Updated by Comprehensive and Key Safety Reform

SEC. 32201. UPDATE ON STATUTORY REQUIREMENTS.

(a) In General.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until a final rule has been issued for each of the requirements described under paragraphs (1) through (5), the Administrator of the Federal Motor Carrier Safety Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of a final rule for—

(1) the minimum entry-level training requirements for an individual operating a commercial motor vehicle under section 31305(c) of title 49, United States Code;

(2) motor carrier safety fitness determinations; and

(3) visibility of agricultural equipment under section 31601 of division C of the Moving Ahead for Progress in the 21st Century Act (49 U.S.C. 30111 note); and

(4) regulations to require commercial motor vehicles in interstate commerce and operated by a driver subject to the hours of service and record of duty status requirements under part 395 of title 49, Code of Federal Regulations, be equipped with an electronic control module capable of limiting the maximum speed of the vehicle; and

(5) any outstanding commercial motor vehicle safety regulation required by law and incomplete for more than 2 years.

(b) Work Plan and Rulemaking Timelines.—The study conducted under subsection (a) shall include a description of the work plan, an updated rulemaking timeline,
current staff allocations, any resource constraints, and any other details associated with the development of the rulemaking.

SEC. 32302. STATUTORY RULEMAKING.

The Administrator of the Federal Motor Carrier Safety Administration shall prioritize the use of Federal Motor Carrier Safety Administration resources for the completion of any outstanding statutory requirement for a rulemaking before beginning any new rulemaking unless the Secretary certifies to Congress that there is a significant need to move forward with a new rulemaking.

SEC. 32303. GUIDANCE REFORM.

(a) GUIDANCE.—

(1) POINT OF CONTACT.—Each guidance document or interpretation issued by the Federal Motor Carrier Safety Administration shall have a point of contact or a point of contact at the Federal Motor Carrier Safety Administration who can respond to questions regarding the general applicability of the guidance.

(2) PUBLIC ACCESSIBILITY.—

(A) In general.—Each guidance document and interpretation issued by the Federal Motor Carrier Safety Administration shall be available on the Department of Transportation’s public website on the date of issuance.

(B) Redaction.—The Administrator of the Federal Motor Carrier Safety Administration may redact from a guidance document or interpretation under subparagraph (A) any information that would reveal investigatory techniques that would compromise Federal Motor Carrier Safety Administration enforcement efforts.

(c) REVIEW.—Not later than 5 years after the date that a guidance document is issued by the Federal Motor Carrier Safety Administration enforcement efforts.

(b) REGULATORY IMPACT ANALYSIS.—

(1) In General.—Within each regulatory impact analysis of a proposed or final rule issued by the Federal Motor Carrier Safety Administration, the Secretary shall whenever practicable—

(A) consider effects of the proposed or final rule on motor carriers with differing characteristics; and

(B) formulate estimates and findings on the best available science.

(2) STATUTORY RESEARCH.—The Secretary shall consider the results of any research and determine best practices for expeditious implementation and enforcement.

(d) PUBLIC PARTICIPATION.—

(1) In general.—Before promulgating a proposed rule under part B of subtitle VI of title 49, United States Code, if the proposed rule is likely to lead to the promulgation of a major rule the Secretary shall—

(A) issue an advance notice of proposed rulemaking; and

(B) determine to proceed with a negotiated rulemaking.

(2) REQUIREMENTS.—Each advance notice of proposed rulemaking issued under paragraph (1) shall—

(A) identify the compelling public concern for the potential regulatory alternative, such as failures of private markets to protect or improve the safety of the public, the environment, or the well-being of the American people;

(B) identify and request public comment on the best available science or technical information on the need for regulatory action and on the potential regulatory alternatives, such as the benefits and costs of potential regulatory alternatives reasonably likely to be included or referenced as part of the notice of proposed rulemaking; and

(C) request public comment on the available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior.

(3) WAIVER.—This subsection shall not apply when the Secretary, for good cause, finds and incorporates the finding and a brief statement of reasons for such finding in the proposed or final rule) an advance notice of proposed rulemaking impracticable, unnecessary, or contrary to the public interest.

(4) SAVINGS CLAUSE.—Nothing in this section may be construed to limit the contents of any Advance Notice of Proposed Rulemaking.

Subtitle D—State Authorities

SEC. 32401. EMERGENCY ROUTE WORKING GROUP.

(a) In General.—

(1) Establishment.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a working group to determine best practices for expedient State approval of special permits for vehicles involved in emergency response and recovery.

(2) Members.—The working group shall include representatives from—

(A) State highway transportation departments or agencies;

(B) relevant modal agencies within the Department of Transportation;

(C) emergency response or recovery experts;

(D) relevant safety groups; and

(E) persons affected by special permit restrictions during emergency response and recovery efforts.

(b) CONSIDERATIONS.—In determining best practices under subsection (a), the working group shall consider whether—

(1) hardships currently exist that prevent the expedient State approval for special permits for vehicles involved in emergency response and recovery;

(2) it is possible to pre-identify and establish emergency routes between States through which infrastructure repair materials could be delivered following a natural disaster or an emergency;

(3) the States could pre-designate an emergency route identified under paragraph (1) as a certified emergency route if a motor vehicle that exceeds the otherwise applicable Federal and State truck length or width limits may safely operate along such route during the period of emergency recovery; and

(4) an online map could be created to identify each pre-designated emergency route identified under paragraph (2), including information on specific limitations, obligations, and notification requirements along that route.

(c) Expiration.—Not later than 1 year after the date of enactment of this Act, the working group shall submit to the Secretary a report of its findings under this section and its recommendations for the implementation of the best practices for expedient State approval of special permits for vehicles involved in emergency response and recovery.
involved in emergency recovery. Upon re-
ceipt, the Secretary shall publish the report
on a public website.

(d) FEDERAL ADVISORY COMMITTEE ACT
EXEMPTION.—The Federal Advisory General
Act (5 U.S.C. App.) shall not apply to the
working group established under this sec-
ction.

SEC. 32402. ADDITIONAL STATE AUTHORITY.

Notwithstanding any other provision of
law, not later than 180 days after the date of
enactment of this Act, any State impacted by
Sec. 2 of the Transportation Efficiency Act
of 1991 (Public Law 102–240; 105 Stat. 2148)
may establish a 6-year pilot program to

promote the pilot program as the Secretary considers
performance.

The Secretary may—

(a) INTERSTATE COMPACT PILOT PROGRAM.—

(1) IN GENERAL.—The Administrator of the
Federal Motor Carrier Safety Administra-
tion may establish a 6-year pilot program to
study the feasibility, benefits, and safety im-
pacts of allowing a licensed driver between
the ages of 18 and 21 to operate a commercial
motor vehicle in interstate commerce.

(2) INTERSTATE COMPACTS.—The Secretary
shall allow States, including the District of
Columbia, to enter into an interstate com-
pact for continuous States to allow a li-
censed driver between the ages of 18 and 21
to operate a motor vehicle across the applicable
State lines. The Secretary shall approve as
many as 3 interstate compacts, with no more
than 4 States per compact participating in
each interstate compact.

(b) MUTUAL RECOGNITION OF LICENSES.—A valid
interstate commercial driver’s license issued by a State participating in an
interstate compact under paragraph (2) shall be
recognized as valid not more than 100 air
miles from the border of the driver’s State of
licensure in each State that is participating
in that interstate compact.

(c) STANDARDS.—In developing an inter-
state compact under this subsection, partici-
Pating States shall provide for minimum li-
censure standards acceptable for interstate travel,
which may include, for a licensed driver between the ages of 18
and 21 participating in the pilot program—

(A) age restrictions;

(B) distance from origin (measured in air
miles);

(C) reporting requirements; or

(D) additional hours of service restrictions.

(e) TERMINATION.—The Secretary may ter-
minate the pilot program if the data col-
clected under subsection (c) indicates that
drivers under the age of 21 do not operate in
interstate commerce with an equivalent level of safety of those drivers age 21 and over.

Subtitle E—Motor Carrier Safety Grant
Consolidation

SEC. 32501. DEFINITIONS.

(a) IN GENERAL.—Section 31101 is amend-
ed as follows:

(1) by redesignating paragraph (4) as para-
graph (5); and

(2) by inserting after paragraph (3) the fol-
lowing:

"(4) ‘Secretary’ means the Secretary of
Transportation.".

(b) TECHNICAL AND CONFORMING AMEND-
MENTS.—Section 31101, as amended by sub-
section (a), is amended—

(1) in paragraph (1)(B), by inserting a com-
ma after ‘‘passengers’’; and

(2) in paragraph (1)(C), by striking ‘‘of
Transportation.’’

SEC. 32502. GRANTS TO STATES.

(a) MOTOR CARRIER SAFETY ASSISTANCE
PROGRAM.—Section 31102 is amended to read
as follows:

"§ 31102. Motor Carrier Safety Assistance
Program.

(a) IN GENERAL.—The Secretary shall ad-
minister a motor carrier safety assistance
program funded under section 31101.

(b) GOAL.—The goal of the program is to
ensure that the Secretary, States, local gov-
ernments, other political jurisdictions, fed-
erally-recognized tribes, other persons work in partnership to establish pro-
grams to improve motor carrier, commercial
transportation, and driver safety to support a
safe and efficient surface transportation sys-
tem—

(1) by making targeted investments to
promote compliance with Federal, inter-
state motor carrier safety, and driver safety
standards and promote coordinated
vehicular transportation, including the
transportation of passengers and haz-
ardous materials;

(2) by investing in activities likely to
reduce alcohol and other drug
related crashes; and

(3) by enhancing the performance of
Federal, State, and local governments
in achieving national goals for
improving the safety of commercial
motor vehicle and driver safety.

(b)(4) by assessing and improving statewide
performance by setting program goals and
meeting performance standards, measures,
and benchmarks.

(c) FACILITATING IMPROVEMENTS.—The Sec-
retary may—

(1) in GENERAL.—The Secretary shall pre-
scribe procedures for a State to submit a
multi-year plan, and annual updates thereto,
to the Secretary, in conformance with and
in accordance with the requirements of
this section, and the plan—

(a) includes plans for programs that
include comprehensive enforcement
efforts to address the dangerous
operation of commercial motor
vehicle safety and hazardous materials
transportation safety.

(b) designates a lead State commer-
cial motor vehicle safety agency respon-
sible for administering the plan
throughout the State;

(c) contains satisfactory assurances
that the lead State commercial motor
vehicle safety agency has or will have the legal au-
thority, resources, and qualified personnel
necessary to enforce the regulations, stand-
ards, and orders;

(d) contains satisfactory assurances
that the State will devote adequate resources to
the administration of the plan and enforce-
ment of the regulations, standards, and or-
ders;

(e) provides for the desires of the
Secretary to carry out the plan;

(f) contains satisfactory assurance
that the lead State commercial
motor vehicle safety agency will adopt
the reporting requirements and use the
resources in a manner that would be
consistent with Federal requirements;

(g) requires that the Secretary eval-
uate progress and effectiveness of
the program through a voluntary
implementation of an evaluation
program and provide the Secretary
with reports in a form acceptable to
the Secretary; and

(h) contains satisfactory assurance
that the Secretary will evaluate the
effectiveness of the program and
the net impact of the program on
the reported impact on public safety
and the economy.

(i) contains satisfactory assurance
that the Secretary will provide the
Secretary with reports in a form
acceptable to the Secretary;

(j) specifies the performance goals
and objectives that are consistent with
national priorities and performance goals,
including—

(i) the number of States that will
participate in appropriate Federal
Motor Carrier Safety Administration
information technology and data sys-
tems and other information systems
by all appropriate jurisdictions;

(ii) the Motor Carrier Safety Assis-
tance Program funding; and

(iii) the Motor Carrier Safety Assis-
tance Program.

(l) provides satisfactory assurances
that the Secretary will undertake efforts that will
emphasize and improve enforcement of State
traffic safety regulations and regulations
related to commercial motor vehicle safety;

(m) provides satisfactory assurances
in the plan that the Secretary will
address national priorities and
performance goals, including—

(i) activities aimed at removing
impaired commercial motor vehicle
drivers from the highways of the United States through ade-
quate enforcement of the regulations
of alcohol and controlled substances
and by ensuring ready roadside access to alcohol
detection and measurement equipment;

(ii) activities aimed at providing an
appropriate level of training to State
motor carrier safety assistance program officers
(Y) except as provided in subsection (d), (E) the State shall timely provide, and (F) or State directed, and remains solely responsible for the management and oversight of the activities;

(Z) provides that the State agrees to fully participate in the performance and registration information system management under section 3106(b) not later than October 1, 2020. — At the request of a State, the Secretary may waive or modify the requirements of this subsection for a fiscal year if the Secretary determines that a waiver or modification is reasonable based on circumstances described by the State, to ensure the continuation of commercial motor vehicle enforcement activities in the State.

(aa) or State directed, and remains solely responsible for the management and oversight of the activities;
"(i) EVALUATION OF PLANS AND AWARD OF GRANTS.—

"(1) AWARDS.—The Secretary shall establish criteria for the application, evaluation, and award of grants under subsection (a). Subject to subsection (j), the Secretary may allocate the amounts made available under section 31104(a)(1) among the States.

"(2) OPPORTUNITY TO CURE.—If the Secretary disapproves a plan under this section, the Secretary shall give the State a written explanation of the reasons for disapproval and an opportunity to modify and resubmit the plan for approval.

"(i) ALLOCATION OF FUNDS.—

"(1) IN GENERAL.—The Secretary, by regulation, shall prescribe allocation criteria for funds made available under section 31104(a)(1).

"(2) FISCAL ALLOCATIONS.—On October 1 of each fiscal year, or as soon as practicable thereafter, and after making a deduction under section 31104(c), the Secretary shall allocate amounts made available in section 31104(a)(1) to carry out this section for the fiscal year among the States with plans approved under this section in accordance with the criteria prescribed under paragraph (1).

"(3) ELECTIVE ADJUSTMENTS.—Subject to the availability of funding and notwithstanding the data elements used by the Secretary to calculate the annual allocation amounts, after the creation of a new allocation formula under section 32508 of the Comprehensive Transportation and Consumer Protection Act of 2015 the Secretary may not make elective adjustments to the allocation formula that decrease a State's Federal funding levels by more than 3 percent in a fiscal year. The 3 percent limit shall not apply to the withholding provisions of subsection (k).

"(k) PLAN REQUIREMENTS.—

"(1) IN GENERAL.—On the basis of reports submitted by the lead State agency responsible for administering an approved State plan and an investigation by the Secretary, the Secretary shall periodically evaluate State implementation of and compliance with the plan.

"(2) WITHHOLDING OF FUNDS.—

"(A) DISAPPROVAL.—If, after notice and an opportunity to be heard, the Secretary finds that a State's noncompliance in carrying out the plan is not being followed or has become inadequate to enforce the regulations, standards, or orders, or the State is otherwise not being followed with the data elements of this section, the Secretary may withdraw approval of the plan and notify the State. The plan is no longer in effect once the Secretary disapproves the plan. The Secretary shall with hold all funding under this section.

"(B) NONCOMPLIANCE WITHHOLDING.—In lieu of withdrawing approval of the plan, the Secretary may, after providing notice and an opportunity to be heard, withhold funding from the State to which the State would otherwise be entitled under this section for the period of noncompliance. In exercising this option, the Secretary may withhold:

"(i) up to 5 percent of funds during the fiscal year that the Secretary notifies the State of its noncompliance;

"(ii) up to 10 percent of funds for the first full fiscal year of noncompliance;

"(iii) 25 percent of funds for the second full fiscal year of noncompliance; and

"(iv) not more than 50 percent of funds for the third and any subsequent full fiscal year of noncompliance.

"(3) JUDICIAL REVIEW.—A State adversely affected by a determination under paragraph (2) may seek judicial review under chapter 7 of title 5. Notwithstanding the disapproval or withholding under paragraph (2)(A) or the withholding under paragraph (2)(B), the State may retain jurisdiction in an administrative or a judicial proceeding that commenced before the notice of disapproval or withholding if the issues involved are not related to the reasons for the disapproval or withholding.

"(i) HIGH PRIORITY FINANCIAL ASSISTANCE PROGRAM.—

"(1) IN GENERAL.—The Secretary shall administer a high priority financial assistance grant program under section 31104 for the purposes described in paragraphs (2) and (3).

"(2) ACTIVITIES RELATED TO MOTOR CARRIER SAFETY.—The purpose of this paragraph is to make discretionary grants to States and the Federal Motor Carrier Safety Administration to support innovative technology deployment and commercial motor vehicle safety initiatives that add value to the commercial motor vehicle safety system.

"(3) ELIGIBILITY.—To be eligible for a grant under this paragraph, a State shall:

"(i) have a commercial motor vehicle information system associated with the development, implementation, and deployment of intelligent transportation systems and networks that meet Federal and State requirements.

"(ii) certify to the Secretary that its commercial motor vehicle information systems and networks deployment activities, including hardware procurement, software and systems development, and infrastructure modifications—

"(A) are consistent with the national intelligent transportation systems and commercial motor vehicle information systems and networks architectures and available standards; and

"(B) promote interoperability and efficiency to the extent practicable; and

"(iii) agree to execute interoperability tests developed by the Federal Motor Carrier Safety Administration to verify that its systems conform with the national intelligent transportation systems and networks architectures and standards, and protocols for commercial motor vehicle information systems and networks.

"(4) USE OF FUNDS.—Grant funds may be used—

"(i) for deployment activities and activities to develop new and innovative advanced technology solutions that support commercial motor vehicle information systems and networks;

"(ii) for planning activities, including the development or updating of program or top level design plans in order to become eligible or maintain eligibility under subparagraph (C); and

"(iii) for the operation and maintenance costs associated with innovative technology.

"(5) SECRETARY AUTHORIZATION.—The Secretary to authorize a State to use funds made available under this section for the purposes set forth in paragraph (4) for—

"(A) IN GENERAL.—The Secretary shall award the Secretary grants for the purposes described in paragraphs (2) and (3); and

"(B) USE OF FUNDS.—(i) that complete or exceed the requirements under subsection (c)(2)(P) for entities not responsible for submitting the plan under subsection (c); and

"(ii) that exceed the requirements under subsection (c)(2)(P) for entities responsible for submitting the plan under subsection (c).

"(6) INNOVATIVE TECHNOLOGY DEPLOYMENT GRANT PROGRAM.—

"(A) IN GENERAL.—The Secretary shall establish an innovative technology deployment grant program to make discretionary grants funded under section 31104(a)(2) to eligible States for the innovative technology deployment of commercial motor vehicle information systems and networks.

"(B) PURPOSE.—The purposes of the program shall be—

"(i) to advance the technological capability and promote the deployment of intelligent transportation systems applications, including the development, implementation, and deployment of intelligent transportation systems and networks.

"(ii) to support and maintain commercial motor vehicle information systems and networks:

"(A) to link Federal motor carrier safety information systems with State commercial motor vehicle systems;

"(B) to improve the safety and productivity of commercial motor vehicles and drivers;

"(C) to reduce costs associated with commercial motor vehicle operations and Federal and State commercial vehicle regulatory requirements;

"(D) to promote the deployment of commercial motor vehicle information systems and networks.

"§ 31103. Commercial Motor Vehicle Operators Grant Program.—

"(a) IN GENERAL.—The Secretary shall award a commercial motor vehicle operators grant program funded under section 31104.

"(b) PURPOSE.—The purpose of the grant program is to train individuals in the safe operation of commercial motor vehicles (as defined in section 31301)."

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—Section 31104 is amended to read as follows:

"(2) COMMERCIAL MOTOR VEHICLE OPERATORS GRANT PROGRAM.—Section 31103 is amended to read as follows:

"(3) INNOVATIVE TECHNOLOGY DEPLOYMENT GRANT PROGRAM.—

"(A) IN GENERAL.—The Secretary shall authorize a State to use funds made available under this section for the purposes set forth in paragraph (4) for—

"(B) USE OF FUNDS.—(i) that complete or exceed the requirements under subsection (c)(2)(P) for entities not responsible for submitting the plan under subsection (c); and

"(ii) that exceed the requirements under subsection (c)(2)(P) for entities responsible for submitting the plan under subsection (c).

"(C) SECRETARY AUTHORIZATION.—The Secretary shall authorize a State to use funds made available under this section for the purposes set forth in paragraph (4) for—

"(D) PURPOSE.—The purposes of the program shall be—

"(E) AUTHORIZATION OF APPROPRIATIONS.—The following sums are authorized to be appropriated for the Program:

"(F) INNOVATIVE TECHNOLOGY DEPLOYMENT GRANT PROGRAM.

"(G) COMMERCIAL MOTOR VEHICLE OPERATORS GRANT PROGRAM.
(e) ELIGIBLE ACTIVITIES.—The Secretary shall establish criteria for eligible activities to be funded with financial assistance agreements under this section and publish those criteria in the Federal Register before the financial assistance program application period.

(2) PERIOD OF AVAILABILITY OF FINANCIAL ASSISTANCE AGREEMENT FUNDS FOR RECIPIENT EXPENDITURES.—

(1) IN GENERAL.—The period of availability for a grant or cooperative agreement authorized under subsection (a) is as follows:

(A) For grants made for carrying out section 31102(1), for the fiscal year in which it is obligated and for the next fiscal year.

(B) For grants made for carrying out section 31102(2), for the fiscal year in which it is obligated and for the next 2 fiscal years.

(C) For grants made for carrying out section 31102(3), for the fiscal year in which it is obligated and for the next 4 fiscal years.

(D) For grants made for carrying out section 31103, for the fiscal year in which it is obligated and for the next fiscal year.

(E) For grants or cooperative agreements made for carrying out 31313, for the fiscal year in which it is obligated and for the next 4 fiscal years.

(2) REOBLIGATION.—Amounts not expended by a recipient during the period of availability shall be released back to the Secretary for reobligation for any purpose under sections 31102, 31103, 31104, and 31313 in accordance with subsection (1) of this section.

(f) CONTRACT AUTHORITY; INITIAL DATE OF IMPLEMENTATION OF ASSISTANCE PROGRAM.—The Secretary shall apply to unobligated funds transferred available unobligated contract authority authorized for motor carrier safety programs carried out by the Federal Motor Carrier Safety Administration for commercial driver’s license program implementation under section 31313(a), as amended by section 32506 of this Act, is further amended by striking ‘‘The Secretary shall administer a financial assistance program for commercial driver’s license program implementation for the purposes described in paragraphs (1) and (2) and inserting ‘‘The Secretary of Transportation shall administer a financial assistance program for commercial driver’s license program implementation funded under section 31101 of this title for the purposes described in paragraphs (1) and (2).’’

(3) BORDER ENFORCEMENT GRANTS.—Section 103(c) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31102 note) is repealed.

(4) MAINTENANCE OF EFFORT AS CONDITION ON GRANTS TO STATES.—Section 103(c) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31102 note) is repealed.

(5) STATE COMPLIANCE WITH CDL REQUIREMENTS.—Section 103(e) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31102 note) is repealed.

(6) COST ESTIMATES.—Of the funds transferred, the contract authority and associated associated liquidated cash within or between Federal financial assistance programs authorized under this section and making new financial assistance awards under this section.

(7) DEDUCTIONS FOR PARTNER TRAINING AND PROGRAM IMPLEMENTATION FINANCIAL ASSISTANCE PROGRAM.—Subject to subsection (c), to make grants and cooperative agreements for the purposes described in paragraphs (1) and (2) of section 31105 of this title, the Secretary may set aside from amounts made available under paragraph (1) of this subsection up to—

(A) $31,373,000 for fiscal year 2017;

(B) $31,373,000 for fiscal year 2018;

(C) $31,373,000 for fiscal year 2019;

(D) $31,373,000 for fiscal year 2020;

(E) $1,000,000 for fiscal year 2021.

(8) ELIGIBLE ACTIVITIES.—The Secretary shall establish criteria for eligible activities to be funded with financial assistance agreements under this section and publish those criteria in the Federal Register before the financial assistance program application period.

(9) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—The Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31102 note) is amended—

(A) by striking the items relating to sections 31102, 31103, and 31104 and inserting the following:

‘‘31102. Motor Carrier Safety Assistance Program.

31103. Commercial Motor Vehicle Operators Grant Program.

31104. Authorization of appropriations.’’;

(10) WINTER HOME HEATING OIL DELIVERY STATE FLEXIBILITY PROGRAM.—Section 346 of the National Highway System Designation Act of 1995 (49 U.S.C. 31166 note) is repealed.

(11) MAINTENANCE OF EFFORT AS CONDITION ON GRANTS TO STATES.—Section 103(c) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31102 note) is repealed.

(12) STATE COMPLIANCE WITH CDL REQUIREMENTS.—Section 103(e) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31102 note) is repealed.

(13) BORDER STAFFING STANDARDS.—Section 218(d) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31133 note) is amended—

(A) in paragraph (1), by striking ‘‘under section 31104(f)(2)(B) of title 49, United States Code’’ and inserting ‘‘section 31104(a)(1) of title 49, United States Code’’; and

(B) by striking paragraph (3).

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

(f) TRANSITION.—Notwithstanding the amendments made by this section, the Secretary shall carry out sections 31102, 31103, 31104 of title 49, United States Code, and any sections repealed under subsection (d) of this section, as if the amendments were in effect on the day before October 1, 2016, with respect to applications for grants, cooperative agreements, or contracts under those sections prior to such date. SEC. 32503. NEW ENTRANT SAFETY REVIEW PROGRAM STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Office of Inspector General of the Department of Transportation shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure in the House of Representatives on its assessment of the new operator safety review program, required under section 31144(c) of title 49, United States Code, including the program’s effectiveness in reducing commercial motor vehicle accidents, fatalities, and injuries, and in improving commercial motor vehicle safety.
(b) REPORT.—Not later than 90 days after completion of the report under subsection (a), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure in the House of Representatives a report on the actions the Secretary will take to address any recommendations included in the study under subsection (a).

(c) PAPERWORK REDUCTION ACT OF 1995; EXCEPTION.—The study and the Office of the Inspector General working capital fund established under this section shall be subject to section 3506 or section 3507 of title 44, United States Code.

SEC. 32504. PERFORMANCE AND REGISTRATION INFORMATION SYSTEMS MANAGEMENT.

Section 31106(b) is amended in the heading by striking “Program” and inserting “Systems Management”.

SEC. 32505. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—Subchapter I of chapter 31 is amended by adding at the end the following:

“§ 31110. Authorization of appropriations

“(a) Administrative Expenses.—There are authorized to be appropriated to the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay administrative expenses of the Federal Motor Carrier Safety Administration—

“(1) $1,300,000,000 for fiscal year 2016;

“(2) $1,150,000,000 for fiscal year 2017;

“(3) $1,150,000,000 for fiscal year 2018;

“(4) $1,300,000,000 for fiscal year 2019;

“(5) $1,150,000,000 for fiscal year 2020; and

“(6) $1,300,000,000 for fiscal year 2021.

“(b) Use of funds.—The funds authorized by this section shall be used—

“(1) for personnel costs;

“(2) for administrative infrastructure;

“(3) for rent;

“(4) for information technology;

“(5) for programs for research and technology, information management, regulatory development, the administration of the performance and registration information systems management; “

“(6) for programs for outreach and education under subsection (d); “

“(7) for the motor carrier safety facility working capital fund established under subsection (c); “

“(8) for other operating expenses; “

“(9) for conduct safety reviews of new operators; and “

“(10) for such other expenses as may from time to time be necessary to implement statutory mandates of the Federal Motor Carrier Safety Administration not funded from other sources.

(b) Motor Carrier Safety Facility Working Capital Fund.—

“(1) In General.—The Secretary may establish a motor carrier safety facility working capital fund under section 3106.

“(2) Purpose.—Amounts in the fund shall be available for modernization, construction, leases, and expenses related to evacuating, occupying, maintaining, and expanding motor carrier safety facilities, and associated activities.

“(3) Availability.—Amounts in the fund shall be available without regard to fiscal year limitation.

“(4) Funding.—Amounts may be appropriated to the fund from the amounts made available under subsection (a).

“(5) Fund Transfers.—The Secretary may transfer funds to the working capital fund from the amounts made available in subsection (a).

“(d) Outreach and Education Program.—

“(1) In General.—The Secretary may conduct, through any combination of grants, contracts, cooperative agreements, or other activities, an internal and external outreach and education program to be administered by the Administrator of the Federal Motor Carrier Safety Administration.

“(2) Federal share.—The Federal share of an individual grant, contract, or cooperative agreement under this section shall be up to 100 percent of the cost of the grant, contract, or cooperative agreement.

“(3) Funding.—From amounts made available under this section, the Secretary shall make such funds available as are necessary to carry out this subsection for each fiscal year.

“(e) Contract Authority; Initial Date of Availability.—Amounts authorized from the Highway Trust Fund by this section shall be available for obligation on the date of their apportionment or allocation on or before October 1 of the fiscal year for which they are authorized, whichever occurs first.

“(g) Funding Availability.—Amounts made available under this section shall remain available until expended.

“(i) Enrollment.—The Secretary shall enroll all motor carriers and motor carri,”
grant program under section 31109 of that title, $5,000,000 for fiscal year 2016.

(4) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.—For carrying out the commercial vehicle information systems and networks deployment program under section 4126 of this Act (the innovative technology deployment program), $20,000,000 for fiscal year 2016.

(5) SAFETY DATA IMPROVEMENT GRANTS.—From amounts made available under section 31104(a) of title 49, United States Code, for safety data improvement grants under section 4128 of this Act, $3,000,000 for fiscal year 2016.

(a) HIGH-PRIORITY ACTIVITIES.—Section 31104(c)(2), as redesignated by section 32505 of this Act is amended by striking "2015" and inserting "2016.''.

(b) SET ASIDE.—The Secretary shall set aside from amounts made available by section 31104(a) up to $32,000,000 for fiscal year 2016 for audits of new entrant motor carriers conducted under this paragraph.

(c) PRIORITY PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 413(c) of SAFETEA-LU (49 U.S.C. 31301 note) is amended as follows:

(1) in paragraph (2), by adding at the end the following: "Funds debilitated by the Secretary for a fiscal year shall not be counted towards the $2,500,000 maximum aggregate amount for core deployment;'' and

(2) in paragraph (3), by adding at the end the following: "Funds may also be used for planning activities, including the development or updating of program or top level design plans.''

(d) FUNDING.—From amounts made available under section 31110 of title 49, United States Code, the Secretary shall make available, for fiscal year 2016, $40,000,000 to carry out the commercial motor vehicle operators grant program.''.

(e) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.—

(1) IN GENERAL.—Section 4126 of SAFETEA-LU (49 U.S.C. 31106 note; 119 Stat. 1738; Public Law 109–59) is amended—

(A) in subsection (c)—

(i) in paragraph (2), by adding at the end the following: "Funds debilitated by the Secretary for a fiscal year shall not be counted towards the $2,500,000 maximum aggregate amount for core deployment,''

(B) in subsection (d)(4), by adding at the end the following: "Funds may also be used for planning activities, including the development or updating of program or top level design plans.''

(2) INNOVATIVE TECHNOLOGY DEPLOYMENT PROGRAM.—For fiscal year 2016, the commercial vehicle information systems and networks deployment program under section 4126 of SAFETEA-LU (119 Stat. 1738; Public Law 109–59) may also be referred to as the innovative technology deployment program.

SEC. 32508. MOTOR CARRIER SAFETY ASSISTANCE PROGRAM ALLOCATION.

(a) WORKING GROUP.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a motor carrier safety assistance program formula working group (referred to in this section as the "working group").

(2) MEMBERSHIP.—

(A) IN GENERAL.—Subject to subparagraph (B), the working group shall consist of representatives of the following:

(i) the Federal Motor Carrier Safety Administration.

(ii) the lead State commercial motor vehicle safety agencies responsible for administering the motor carrier safety assistance program fund.

(iii) an organization representing State agencies responsible for enforcing a program for inspection of commercial motor vehicles.

(iv) such other persons as the Secretary considers necessary.

(b) COMPOSITION.—Representatives of State commercial motor vehicle safety agencies shall comprise at least 51 percent of the membership.

(c) NEW FORMULA.—The working group shall analyze requirements and factors for a new motor carrier safety assistance program allocation formula.

(d) RECIPROCITY.—Not later than 1 year after the date the working group is established under paragraph (1), the working group shall make a recommendation to the Secretary regarding a new Motor Carrier Safety Assistance Program allocation formula.

(e) FACA EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group established under this subsection.

(f) PUBLICATION.—The Administrator of the Federal Motor Carrier Safety Administration shall publish on a public website summaries of its meetings, and the final recommendation provided to the Secretary.

SEC. 32509. MAINTENANCE OF EFFORT CALCULATION.

(a) BEFORE NEW ALLOCATION FORMULA.—

(1) FISCAL YEAR 2017.—If a new allocation formula has not been established for fiscal year 2017, then, for fiscal year 2017, the Secretary of Transportation shall calculate the maintenance of effort required under section 32601(a)(5) of title 49, United States Code, as amended by section 32502 of this Act, by averaging the expenditures for fiscal years 2004 and 2005 required by section 32601(a)(5) of MAP-21 (Public Law 112–181), as that section was in effect on the day before the date of enactment of this Act.

(2) SUBSEQUENT FISCAL YEARS.—Beginning with the new allocation formula established under section 2508, upon the request of a State, the Secretary may use the methodology for calculating the maintenance of effort for fiscal year 2017 and each fiscal year thereafter if a new allocation formula has not been established.

(b) BEGINNING WITH NEW ALLOCATION FORMULA.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3)(B), beginning on the date that a new allocation formula is established under section 2508, the Secretary shall calculate the maintenance of effort required by section 32601(a)(5) of MAP-21 (Public Law 112–181), as that section was in effect on the day before the date of enactment of this Act.

(2) ADJUSTMENT METHODOLOGY.—If requested by a State, the Secretary may modify the maintenance of effort baseline calculated under the new allocation formula to reflect the amount of the total average of State maintenance of effort required by section 31102(e) of title 49, United States Code, as amended by section 32502 of this Act, for the purpose of negotiating a waiver or modification of the State's baseline maintenance of effort if the Secretary determines that a waiver or modification—

(A) is equitable due to reasonable circumstances;

(B) will ensure the continuation of commercial motor vehicle enforcement activities in the State; and

(C) the State uses the change to ensure that the total amount of State maintenance of effort and matching expenditures required under sections 31102 and 31104 of title 49, United States Code, as amended by section 32502 of this Act, does not exceed a sum greater than the average of the total amount of State maintenance of effort and matching expenditures for the 3 fiscal years prior to the date of enactment of this Act.

(a) BEFORE NEW ALLOCATION FORMULA.—

(1) (FISCAL YEAR 2017.—If a new allocation formula has not been established for fiscal year 2017, then, for fiscal year 2017, the Secretary of Transportation shall calculate the maintenance of effort required under section 32601(a)(5) of title 49, United States Code, as amended by section 32502 of this Act, by averaging the expenditures for fiscal years 2004 and 2005 required by section 32601(a)(5) of MAP-21 (Public Law 112–181), as that section was in effect on the day before the date of enactment of this Act.

(2) SUBSEQUENT FISCAL YEARS.—Beginning with the new allocation formula established under section 2508, upon the request of a State, the Secretary shall calculate the maintenance of effort required by section 32601(a)(5) of MAP-21 (Public Law 112–181), as that section was in effect on the day before the date of enactment of this Act.

(3) ADJUSTMENT METHODOLOGY.—If requested by a State, the Secretary may modify the maintenance of effort baseline calculated under the new allocation formula to reflect the amount of the total average of State maintenance of effort required by section 31102(e) of title 49, United States Code, as amended by section 32502 of this Act, for the purpose of negotiating a waiver or modification of the State's baseline maintenance of effort if the Secretary determines that a waiver or modification—

(A) is equitable due to reasonable circumstances;

(B) will ensure the continuation of commercial motor vehicle enforcement activities in the State; and

(C) the State uses the change to ensure that the total amount of State maintenance of effort and matching expenditures required under sections 31102 and 31104 of title 49, United States Code, as amended by section 32502 of this Act, does not exceed a sum greater than the average of the total amount of State maintenance of effort and matching expenditures for the 3 fiscal years prior to the date of enactment of this Act.

(a) BEFORE NEW ALLOCATION FORMULA.—

(1) (FISCAL YEAR 2017.—If a new allocation formula has not been established for fiscal year 2017, then, for fiscal year 2017, the Secretary of Transportation shall calculate the maintenance of effort required under section 32601(a)(5) of title 49, United States Code, as amended by section 32502 of this Act, by averaging the expenditures for fiscal years 2004 and 2005 required by section 32601(a)(5) of MAP-21 (Public Law 112–181), as that section was in effect on the day before the date of enactment of this Act.

(2) SUBSEQUENT FISCAL YEARS.—Beginning with the new allocation formula established under section 2508, upon the request of a State, the Secretary shall calculate the maintenance of effort required by section 32601(a)(5) of MAP-21 (Public Law 112–181), as that section was in effect on the day before the date of enactment of this Act.

(3) ADJUSTMENT METHODOLOGY.—If requested by a State, the Secretary may modify the maintenance of effort baseline calculated under the new allocation formula to reflect the amount of the total average of State maintenance of effort required by section 31102(e) of title 49, United States Code, as amended by section 32502 of this Act, for the purpose of negotiating a waiver or modification of the State's baseline maintenance of effort if the Secretary determines that a waiver or modification—

(A) is equitable due to reasonable circumstances;

(B) will ensure the continuation of commercial motor vehicle enforcement activities in the State; and

(C) the State uses the change to ensure that the total amount of State maintenance of effort and matching expenditures required under sections 31102 and 31104 of title 49, United States Code, as amended by section 32502 of this Act, does not exceed a sum greater than the average of the total amount of State maintenance of effort and matching expenditures for the 3 fiscal years prior to the date of enactment of this Act.
percent by section 31103 of title 49, United States Code, as that section was in effect on the day before the date of enactment of this Act. 

The Secretary shall calculate the estimated match required under section 31104(b) of title 49, United States Code, as amended by section 32502 of this Act.

The Secretary will subtract the amount in paragraph (2)(B) from the amount in subparagraph (C) and—

(i) if the number is greater than 0, then the Secretary shall calculate the amount from the amount in subparagraph (A); or

(ii) if the number is not greater than 0, then the Secretary shall calculate the maintenance of effort as using the methodology in paragraph (A).

(3) MAINTENANCE OF EFFORT AMOUNT.—

(A) IN GENERAL.—The Secretary shall use the amount calculated in paragraph (2) as the baseline maintenance of effort required in section 31102(f) of title 49, United States Code, as amended by section 32502 of this Act.

(B) DEADLINE.—If a State does not request a waiver or modification under this subsection before September 30 during the first fiscal year following the date the Secretary implements the new allocation formula under section 32508, the Secretary shall calculate the maintenance of effort using the methodology in paragraph (A).

(4) MAINTENANCE OF EFFORT DESCRIBED.—

The maintenance of effort calculated under this section is the amount required under section (a) of this section, any windshield mounted safety technology, active cruise control system, and any other system, sensor, or device used to perform the functions of a collision warning or mitigation system, lane departure warning system, for-

(5) the Federal Motor Carrier Safety Administration shall conduct a study of the effects of motor carrier operator commuting on safety and commercial motor vehicle driver fatigue.

(b) STUDY.—In conducting the study, the Administrator shall consider—

(1) the Prevailing of the University of [150 hours] commuting time on safety and commercial motor vehicle driver fatigue;

(2) the distances traveled, time zones crossed, time spent commuting, and methods of transportation.

(3) research on the impact of excessive commuting on safety and commercial motor vehicle driver fatigue;

(4) the commuting practices of commercial motor vehicle drivers and policies of motor carriers;

(5) the Federal Motor Carrier Safety Administration regulations, policies, and guidance concerning driver commuting; and

(6) any other matter the Administrator considers appropriate.

(e) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to Congress a report containing the findings under the study and any recommendations for legislative action concerning driver commuting.

SEC. 32608. HOUSEHOLD GOODS CONSUMER PROTECTION WORKING GROUP.

(a) WORKING GROUP.—The Secretary shall establish a working group for the purpose of developing recommendations on how to best convey to inexperienced consumers the information necessary to know with respect to the Federal laws concerning the interstate transportation of household goods by motor carriers.

(b) MEMBERS.—The Secretary shall ensure that the working group is comprised of individuals with expertise in consumer affairs, educators with expertise in how people learn most effectively, and representatives of the household goods moving industry.

(c) RECOMMENDATIONS.—

(1) CONTENTS.—The recommendations developed by the working group shall include, at a minimum, recommendations on—

(A) conditional publication ESA 03005 of the Federal Register concerning the publication of information about the household goods moving industry; and

(B) implementing the recommendations.

(2) EMERGENCY REGULATIONS.—Nothing in this section may be construed to affect the

(C) reducing and simplifying the paper- work required of motor carriers and shippers in interstate transportation.

(2) DEADLINE.—Not later than one year after the date of enactment of this Act, the working group shall make the recommendations described in paragraph (1) which the Secretary shall publish in a public website.

(b) EMERGENCY REGULATIONS.—Not later than 1 year after the date on which the working group makes its recommendations, the Secretary shall issue a report to Congress on the implementation of such recommendations.

(e) FEDERAL ADVISORY COMMITTEE ACT EX-

EMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group established under this section.

(f) TERMINATION.—The working group shall terminate 2 years after the date of enactment of this Act.

SEC. 32507. INTERSTATE VAN OPERATIONS.

Section 4156 of SAFETEA-LU (Public Law 109–59; 119 Stat. 1745; 49 U.S.C. 3116 note) is amended by inserting “with the exception of commuter vanpool operations, which shall remain exempt” before the period at the end.

SEC. 32508. REPORT ON DESIGN AND IMPLE-

MENTATION OF WIRELESS ROADSIDE IN-

SPECTION SYSTEMS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report regarding the design, development, testing, and implementa-

(b) ELEMENTS.—The report required under subsection (a) shall include a determination as to whether wireless roadside inspection systems—

(1) conflict with existing non-Federal elec- tronic screening systems, or create capabili- ties already available;

(2) require additional statutory authority to incorporate generated inspection data into the safety measurement system or the safety fitness determinations program; and

SEC. 32509. MOTORCOACH HOURS OF SERVICE RUL-

E.

(a) REQUIREMENT BEFORE IMPLEMENTING NEW RULES.—

(1) IN GENERAL.—The Secretary may not amend, adjust, or revise the driver hours of service regulations for motor carriers of passengers, by rulemaking or any other means, until the Secretary conducts a formal study that properly accounts for operational dif- ferences and variances in crash data for driv- ers in intercity motorcoach service and interstate property carrier operations and between segments of the intercity motor- coach industry.

(2) CONTENTS.—The study required under paragraph (1) shall include—

(A) the impact of the current hours of service regulations for motor carriers of pas- sengers on fostering safe operation of intercity motorcoaches;

(B) the separation of the failures of the current passenger carrier hours-of-service regulations and the lack of enforcement of the current regulations by Federal and State agencies;

(C) the correlation of noncompliance with current passenger carrier hours-of-service regulations, and the lack of enforcement of motorcoach industry;

(D) emerging technologies and advanced techniques that can be used to improve the data collection process used by the Federal Motor Carrier Safety Administration.

(2) EMERGENCY REGULATIONS.—Nothing in this section may be construed to affect the
SECRETARY'S EXISTING AUTHORITY TO PROVIDE RELIEF FROM THE HOURS OF SERVICE REGULATIONS IN THE EVENT OF AN EMERGENCY UNDER SECTION 390.232 OF TITLE 49, CODE OF FEDERAL REGULATIONS.

SEC. 32610. 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, 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 accident as defined by statute and regulation, and any violation of Federal Regulation 390.5 of title 49, Code of Federal Regulations, and each of the following:

(A) a failure by those same operators of State law 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 a school bus accident.

(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 retire ment, the percentage of buses in a local bus fleet needed as spare buses, and capacity levels per school bus for different age groups.

SEC. 32611. HAIR TESTING FOR PREEMPLOYMENT AND RANDOM CONTROLLED SUBSTANCES TESTS.

(a) Short Title.—This section may be cited as the "Drug Free Commercial Driver Act of 2015".

(b) Authorization of Hair Testing as an Acceptable Procedure for Preemployment and Random Controlled Substance Tests.—Section 3306 of title 49, Code of Federal Regulations, is amended—

(1) in subsection (b)(1)—

(A) by redesignating subparagraph (B) as subparagraph (A); and

(B) in subparagraph (A), by striking "The regulations shall permit such motor carriers to conduct preemployment testing of such employees for the use of alcohol," and inserting the following—

"(B) in conducting preemployment screening of commercial motor vehicle operators for the use of alcohol;

"(ii) to use hair testing as an acceptable alternative to urinalysis—

"(I) in conducting preemployment screening for the use of a controlled substance; and

"(II) in conducting random screening for the use of a controlled substance by individuals who were subject to preemployment screening;

and

(2) in subsection (c)(2)—

(A) in subparagraph (B), by striking "and" at the end;
“Incident Reports Database”) and the Federal Railroad Administration Railroad Safety Information System contain accurate and consistent data on a reportable rail equipment accident or incident under part 225 of title 49, Code of Federal Regulations, involving the release of hazardous materials.

(2) IDENTIFIERS.—The Secretary shall ensure that the Incident Reports Database uses a searchable Federal Railroad Administration report number, or other applicable unique identifier that is linked to the Federal Emergency Management Agency database, for each reportable rail equipment accident or incident under part 225 of title 49, Code of Federal Regulations, involving the release of hazardous materials.

(c) EVALUATION.—
(1) IN GENERAL.—The Department of Transportation Inspector General shall—
(A) evaluate the accuracy of information in the Incident Reports Database, including determining whether any inaccuracies exist in—
(i) the type of hazardous materials released;
(ii) the quantity of hazardous materials released;
(iii) the location of hazardous materials released;
(iv) the damages or effects of hazardous materials released; and
(v) any other data contained in the database; and
(B) considering the requirements in subsection (a), determine the consistency and accuracy of data involving accidents or incidents reportable to both the Pipeline and Hazardous Materials Safety Administration and the Federal Railroad Administration, including whether the Incident Reports Database uses a searchable identifier described in subsection (b)(2).

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Department of Transportation Inspector General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the findings under paragraphs (A) and (B) of paragraph (1) and recommendations for resolving any inconsistencies or inaccuracies.

d) SAVING CLAUSE.—Nothing in this section may be construed to prohibit the Secretary from requiring other commodity-specific information from any reportable rail equipment accident or incident under part 225 of title 49, Code of Federal Regulations.

SEC. 31014. NATIONAL EMERGENCY AND DISASTER RESPONSE.

(a) PURPOSE.—Section 5010 is amended by inserting “and to facilitate the safe movement of hazardous materials during national emergencies” after “commerce”.

(b) GENERAL REGULATORY AUTHORITY.—
(1) Section 5101 is amended by—
(A) inserting “and to facilitate the safe movement of hazardous materials” after “commerce”.

(b) HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.—From the Hazardous Materials Emergency Preparedness Fund established under section 5116(1), the Secretary may—

(1) $118,000 to carry out section 5115;

(2) $32,000,000 to carry out subsections (a) and (b) of section 5116, of which not less than $13,650,000 shall be available to carry out subsection (a);

(3) $26,500 to publish and distribute the Emergency Response Guidebook under section 5116(1); and

(4) $1,000,000 to carry out section 5116(c).

(c) HAZARDOUS MATERIALS TRAINING GRANTS.—From the Hazardous Materials Emergency Preparedness Fund established pursuant to section 5116(1), the Secretary may—

(1) $43,660,000 for fiscal year 2016;

(2) $35,120,000 for fiscal year 2017;

(3) $36,400,000 for fiscal year 2018;

(4) $37,440,000 for fiscal year 2019;

and

(5) $39,440,000 for fiscal year 2020.

(d) SAVINGS CLAUSE.—Nothing in this section shall be construed to authorize the Secretary to carry out any program or activity that is not otherwise covered under chapter 2 of title 49, United States Code, and this subtitle—

(1) $25,755,000 for fiscal year 2016;

(2) $26,012,550 for fiscal year 2017;

(3) $26,272,676 for fiscal year 2018;

(4) $26,535,426 for fiscal year 2019;

(5) $26,800,756 for fiscal year 2020; and

(6) $27,068,764 for fiscal year 2021.

(e) STATE MATCHING REQUIREMENTS.—If a grant awarded under this section requires a State to share in the cost, the aggregate of all expenditures for highway safety activities made during any fiscal year by the State and its political subdivisions (exclusive of Federal funds) for carrying out the grant (other than planning and administration) shall be available for the purpose of crediting the State during such fiscal year for the non-Federal share of the cost of any project under this section (other than planning or administration) without regard to whether such expenditures were actually made in connection with such project.

(f) GRANTS.—Grants awarded under this subtitle shall be in accordance with regulations issued by the Secretary.

(g) TRANSFERS.—Section 405(a)(1)(G) of title 23, United States Code, is amended to read as follows:

“(G) TRANSFERS.—Notwithstanding subparagraphs (A) through (F), the Secretary shall reallocate, before the last day of any fiscal year, any amounts remaining available of the amounts allocated to carry out any of the activities described in subsections (b) through (g) to increase the amount made available to carry out section 402, in order to ensure, to the maximum extent possible, that all such amounts are obligated during such fiscal year.

SEC. 3109. HIGHWAY SAFETY PROGRAMS.

(a) RESTRICTION.—Section 402(g) of title 23, United States Code, is amended to read as follows:

“(g) RESTRICTION.—Nothing in this section may be construed to authorize the appropriation or expenditure of funds for highway construction, maintenance, or design other than design of safety features of highways to be incorporated into guidelines.”.

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(b) USE OF FUNDS.—

(1) HIGHWAY SAFETY PROGRAMS.—Section 402(c)(2) of title 23, United States Code, is amended by inserting "A State may provide the funds awarded under this section to any political subdivision of a State, including Indian tribal governments," after "neighboring States.".

(2) NATIONAL PRIORITY SAFETY PROGRAMS.—Section 405(a)(1) is amended by adding at the end the following:

"(f) Politically Unintegrated Entities.—A State may provide funds awarded under this section to a political subdivision of a State, including Indian tribal governments."

(c) TITLING OF PROGRAMS.—Section 412 of title 23, United States Code, is amended by adding at the end the following:

"(f) Grants for Crime Prevention and Community Safety.—The Secretary shall make grants under this subsection in a fiscal year shall be made available by the Secretary for making grants under subparagraph (B); and

(d) HIGHWAY SAFETY PLANS.—Section 402(k)(3)(A) of title 23, United States Code, is amended by inserting "or subparagraph (B)" after "or subparagraph (A)".

(e) MAINTENANCE OF EFFORT.—Section 405(a)(1)(H) of title 23, United States Code, is amended by adding at the end the following:

"(I) A State may provide the funds apportioned under this section to a political subdivision of a State, including In-"
(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 congressionally mandated data collection system of the National Highway Traffic Safety Administration pursuant to the revision required by subsection (a).

PART II—STOP MOTORCYCLE CHECKPOINT FUNDING ACT

SEC. 34121. SHORT TITLE.

This part may be cited as the “Stop Motorcycle Checkpoint Funding Act”.

SEC. 34122. GRANT INSTRUCTIONS.

Notwithstanding section 153 of title 23, United States Code, the Secretary may not provide a grant or any funds to a State, county, town, township, Indian tribe, municipality, or other local government that may be used for any program—

(1) to check helmet usage; or

(2) to create checkpoints that specifically target motorcycle operators or motorcycle passengers.

PART III—IMPROVING DRIVER SAFETY ACT OF 2015

SEC. 34131. SHORT TITLE.

This part may be cited as the “Improving Driver Safety Act of 2015”.

SEC. 34132. DISTRACTED DRIVING INCENTIVE GRANTS.

Section 405(e) of title 23, United States Code, is amended—

(1) in paragraph (1), by inserting “and distracted driving issues as part of the State’s driver’s license examination and” after “any State that”; and

(2) in paragraph (2)—

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

(B) by amending subparagraph (C) to read as follows:

“(i) establishes a minimum fine for a violation of the statute; and;

(C) by adding at the end the following:

“(D) does not provide for an exception that specifically allows a driver to use a personal wireless communications device for texting while stopped in traffic.”;

(3) in paragraph (3), by amending subparagraph (A) to read as follows:

“(A) prohibits the use of a personal wireless communications device while driving for—

“(i) younger than 18 years of age; or

“(ii) in the learner’s permit and intermediate license stages; and

(B) by striking subparagraphs (C) and (D) and inserting the following:

“(C) establishes a minimum fine for a violation of the statute; and

“(D) does not provide for an exception that specifically allows a driver to use a personal wireless communications device while driving for—

“(I) a learner’s permit stage that—

“(i) establishes a minimum fine for a violation of the statute; and

“(II) a period of at least 6 months in duration;

“(E) contains a prohibition on the driver using a personal wireless communications device (as defined in subsection (e)) while driving except under an exception permitted under paragraph (4) of this subsection, and makes a violation of the prohibition a primary offense; and

“(F) includes a provision to provide a penalty for any additional actions determined by the Secretary through the rulemaking process.

(4) in paragraph (4)—

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

(B) in subparagraph (C)—

(i) by striking “section 31152” and inserting “section 31136”; and

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

(C) by adding at the end the following:

“(D) any additional exceptions determined by the Secretary through the rulemaking process.

(5) by amending paragraph (6) to read as follows:

“(6) ADDITIONAL DISTRACTED DRIVING GRANTS.

“(A) IN GENERAL.—Notwithstanding paragraph (1), the Secretary shall use up to 50 percent of the amounts available for grants under this subsection to award grants to any State that—

“(1)(i) in fiscal year 2017—

“(I) establishes a minimum fine for a violation of the statute; and

“(II) a period of at least 6 months in duration;

“(2)(i) in fiscal year 2018—

“(I) meets the requirements under clause (i); and

“(II) imposes fines for violations; and

“(III) has a statute that prohibits drivers who are younger than 18 years of age from using a personal wireless communications device while driving.

“(B) USE OF GRANT FUNDS.—

“(i) IN GENERAL.—Notwithstanding paragraphs (1) and (2), amounts received by a State under subparagraph (A) may be used for activities related to the enforcement of distracted driving laws, including for public information and awareness purposes.

“(ii) FISCAL YEAR 2017.—In fiscal year 2017, up to 15 percent of the amounts received by a State may be used for any eligible project or activity under section 402.

“(iii) FISCAL YEAR 2018.—In fiscal year 2018, up to 25 percent of the amounts received by a State under subparagraph (A) may be used for any eligible project or activity under section 402.; and

(B) LICENSING PROCESS.—A State is in compliance with the State’s driver’s license examination and”—

(6) in paragraph (9)(A)(i), by striking “, including operation while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise.”; and

(7) in paragraph (9)(A)(ii), by striking “, including operation while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise.”

SEC. 34133. BARRIERS TO DATA COLLECTION REPORT.

Not later than 180 days after the date of enactment of this Act, the National Highway Traffic Safety Administration shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives that—

(1) identifies legal and technical barriers to capturing adequate data on the prevalence of the use of wireless communications devices while driving; and

(2) provides recommendations on how to address such barriers.

SEC. 34134. MINIMUM REQUIREMENTS FOR STATE GRANTED DRIVER LICENSING INCENTIVE GRANT PROGRAM.

Not later than 3 years after the date of enactment of this Act, the Secretary, for activities related to the enforcement of distracted driving laws, including for public information and awareness purposes.

(IV) driving while intoxicated;

(V) misrepresentation of the individual’s age;

(VI) reckless driving;

(VII) any other driving-related offense, as determined by the Secretary.”.

PART IV—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 34141. TECHNICAL CORRECTIONS TO THE MOTOR VEHICLE AND HIGHWAY SAFETY IMPROVEMENT ACT OF 2012.

(a) HIGHWAY SAFETY PROGRAMS.—Section 402 of title 23, United States Code, is amended—

(1) in subsection (b)(4)(A) by amending “section 402” and inserting “section 402”; and

(2) in subsection (b)(4)(B)(v), by striking “and” at the end; and

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 405(e) of title 23, United States Code is amended by inserting “of title 49 after “chapter 301”.

(c) NATIONAL PRIORITY SAFETY PROGRAMS.—Section 406 of title 23, United States Code is amended by inserting “of title 49 after “chapter 301”; and

(2) by striking “after “chapter 301”.

AMENDMENT.
Subtitle B—Vehicle Safety

SEC. 34201. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subject to subsection (b), there are appropriated to the Secretary to carry out chapter 301 of title 49, and part C of subtitle VI of title 49, United States Code, amounts as follows:

(1) $132,730,000 for fiscal year 2016.
(2) $131,517,330 for fiscal year 2017.
(3) $138,363,194 for fiscal year 2018.
(4) $141,286,521 for fiscal year 2019.
(5) $147,264,411 for fiscal year 2020.

(b) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts authorized to be appropriated under subsection (a) to carry out chapter 301 of title 49, and part C of subtitle VI of title 49, United States Code, if the certification described in paragraph (2) is made during a fiscal year there is authorized to be appropriated to the Secretary for that purpose for that fiscal year and subsequent fiscal years an additional amount as follows:

(A) $45,270,000 for fiscal year 2016.
(B) $51,320,000 for fiscal year 2017.
(C) $57,296,336 for fiscal year 2018.
(D) $62,999,728 for fiscal year 2019.
(E) $69,837,974 for fiscal year 2020.

(2) CERTIFICATION.—In any additional amount authorized to be appropriated under subsection (a) to carry out chapter 301 of title 49, and part C of subtitle VI of title 49, United States Code, if the certification described in paragraph (2) is made during a fiscal year there is authorized to be appropriated to the Secretary for that purpose for that fiscal year and subsequent fiscal years an additional amount as follows:

(A) $45,270,000 for fiscal year 2016.
(B) $51,320,000 for fiscal year 2017.
(C) $57,296,336 for fiscal year 2018.
(D) $62,999,728 for fiscal year 2019.
(E) $69,837,974 for fiscal year 2020.

SEC. 34202. INSPECTOR GENERAL RECOMMENDATIONS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and periodically thereafter until the completion date, the Department of Transportation Inspector General shall submit a report to Congress detailing how the recommendations were implemented and recommending any remaining recommendations.

(b) IMPROVEMENTS.—The Secretary of Transportation and the Administrator of the National Highway Traffic Safety Administration—

(1) at the time of the first consumer notification under the requirements of this Act, shall consider the potential costs, and potential benefits of the additional methods of conveying that information to the public on the Internet detailed guidance for consumers about safety recall information.

(c) PROMOTION OF PUBLIC AWARENESS.—The Secretary shall improve public awareness of safety recall information made publicly available by periodically updating the method of conveying that information to consumers, dealers, and manufacturers, such as through public service announcements.

(d) CONSUMER GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Department of Transportation Inspector General shall conduct an analysis of the effectiveness of a State process for informing consumers of a vehicle safety recall.

(e) VIN SEARCH.—The methods by which the Secretary conducts analyses of these recall completion rates to determine trends and identify risk factors associated with lower recall rates.

(f) The actions the Secretary has planned to improve recall completion rates based on the results of this data analysis.

SEC. 34204. RECALL PROCESS.

(a) NOTIFICATION IMPROVEMENT.—(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Secretary shall prescribe such rule revising the regulations under section 577.7 of title 49, Code of Federal Regulations, to include notification by first class mail.

(2) DEFINITION OF ELECTRONIC MEANS.—In this subsection, the term ‘‘electronic means’’ includes such other means of electronic notification, such as social media or targeted online campaigns, as determined by the Secretary.

(b) CONSUMER GUIDANCE.—(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and biennially thereafter for 4 years, the Secretary shall—

(A) conduct an analysis of vehicle safety recall completion rates to assess potential actions by the National Highway Traffic Safety Administration to improve vehicle safety recall completion rates; and

(B) submit to the Committee on Commerce, Science, and Transportation of the Committee on Appropriations of the House of Representatives a report on the results of the analysis.

(c) ELIGIBILITY.—(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and biennially thereafter for 4 years, the Secretary shall—

(A) conduct an analysis of vehicle safety recall completion rates to assess potential actions by the National Highway Traffic Safety Administration to improve vehicle safety recall completion rates; and

(B) submit to the Committee on Commerce, Science, and Transportation of the Committee on Appropriations of the House of Representatives a report on the results of the analysis.

(d) CONSUMER GUIDANCE.—(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and biennially thereafter for 4 years, the Secretary shall—

(A) conduct an analysis of vehicle safety recall completion rates to assess potential actions by the National Highway Traffic Safety Administration to improve vehicle safety recall completion rates; and

(B) submit to the Committee on Commerce, Science, and Transportation of the Committee on Appropriations of the House of Representatives a report on the results of the analysis.

SEC. 34205. PILOT GRANT PROGRAM FOR STATE NOTIFICATION TO CONSUMERS OF MOTOR VEHICLE RECALL STATUS.

(a) IN GENERAL.—Not later than October 1, 2016, the Secretary shall implement a 2-year pilot program to evaluate the feasibility and effectiveness of a State process for informing consumers of open motor vehicle recalls at the time of motor vehicle registration in the State.

(b) ELIGIBILITY.—To be eligible for a grant, a State shall—

(c) ELIGIBILITY.—To be eligible for a grant, a State shall—
(1) submit an application in such form and manner as the Secretary prescribes;  
(2) agree to notify, at the time of registration, each owner or lessee of a motor vehicle presented for registration in the State of any open recall on that vehicle;  
(3) provide the open motor vehicle recall information at no cost to each owner or lessee of such vehicle presented for registration in the State; and  
(4) provide such other information as the Secretary may require.  

(8) In selecting an applicant for an award under this section, the Secretary shall consider the State’s methodology for determining open recalls on a motor vehicle, for informative purposes of the open recalls, and for determining performance.  

(e) PERFORMANCE PERIOD.—Each grant awarded under this section shall require a 2-year performance period.  

(f) REPORT.—Not later than 90 days after the completion of the performance period under subsection (e), a grantee shall provide to the Secretary a report of performance containing such information as the Secretary considers necessary to evaluate the extent to which open recalls have been remedied.  

(g) EVALUATION.—Not later than 180 days after the completion of the pilot program, the Secretary shall evaluate the extent to which open recalls identified have been remedied.  

(h) DEFINITIONS.—In this section:  

(1) CONSUMER.—The term ‘consumer’ includes owner and lessee.  

(2) MOTOR VEHICLE.—The term ‘motor vehicle’ has the meaning given the term under section 30102(a) of title 49, United States Code.  

(3) OPEN RECALL.—The term ‘open recall’ means a recall for which a notification by a manufacturer or other entity, as appropriate, has been provided under section 30119 of title 49, United States Code, and that has not been remedied under section 30120 of that title.  

(4) REGISTRATION.—The term ‘registration’ means the process for registering motor vehicles in the State.  

(5) STATE.—The term ‘State’ has the meaning given the term under section 101(a) of title 23, United States Code.  

SEC. 34206. RECALL OBLIGATIONS UNDER BANKRUPTCY.  

Section 30120A is amended by striking ‘chapter 11 of title 11’ and inserting ‘chapter 7 or chapter 11 of title 11’.  

SEC. 34207. DEALER REQUIREMENT TO CHECK HISTORY OF OPEN RECALL.  

Section 32206(b) is amended—  

(1) by inserting ‘(1) IN GENERAL.—’ before ‘A manufacturer’ and indenting appropriately;  

(2) in paragraph (1), as redesignated, by striking the period at the end and inserting the following: ‘‘If—  

‘‘(A) at the time of providing service for each of the manufacturer’s motor vehicles it services, the dealer notifies the owner or the individual requesting the service of any open recall; and  

‘‘(B) in the notification requirement under subparagraph (A) is specified in a franchise, operating, or other agreement between the dealer and the manufacturer;’’; and  

(3) by inserting after subparagraph (B) the following: ‘‘(2) DEFINITION OF OPEN RECALL.—In this subsection, the term ‘open recall’ means a recall for which a notification by a manufacturer has been provided under section 30119 and that has not been remedied under this section.’’.  

SEC. 34208. EXTENSION OF TIME PERIOD FOR COLLECTION OF DEFECTIVE VEHICLES.  

Section 30120(b) of title 49, United States Code, is amended—  

(1) in paragraph (1), by striking ‘‘60 days’’ and inserting ‘‘180 days’’; and  

(2) in paragraph (2), by striking ‘‘60-day’’ each place it appears and inserting ‘‘180-day’’ each place it appears.  

SEC. 34209. RENTAL CAR SAFETY.  

(a) SHORT TITLE.—This section may be cited as the ‘‘Raechel and Jacqueline Houck Safe Rental Car Act of 2015’’.  

(b) DISPROPORTIONS.—Section 30102(a) is amended—  

(1) by redesignating paragraphs (10) and (11) as paragraphs (12) and (13), respectively;  

(2) by redesignating subparagraph (A) through (9) as paragraphs (2) through (10), respectively;  

(3) by inserting before paragraph (2), as redesignated, the following: ‘‘(1) ‘covered rental vehicle’ means a motor vehicle that—  

(A) has a gross vehicle weight rating of 10,000 pounds or less;  

(B) is rented without a driver for an initial term of less than 4 months; and  

(C) is part of a motor vehicle fleet of 5 or more motor vehicles that are used for rental purposes by a rental company.’’; and  

(4) by inserting after paragraph (10), as redesignated, the following: ‘‘(11) ‘rental company’ means a person who—  

(A) is engaged in the business of renting covered rental vehicles;  

(B) uses for rental purposes a motor vehicle fleet of 5 or more covered rental vehicles.’’.  

(c) REMEDIES FOR DEFECTS AND NONCOMPLIANCE.—Section 30120(1) is amended—  

(1) in the subsection heading, by adding ‘‘, or Rental’’ after ‘‘Rental’’;  

(2) in paragraph (1) (A) by striking ‘‘(1) If notification’’ and inserting the following: ‘‘(1) In General.—If notification’’;  

(3) by inserting ‘‘(B) by indenting subparagraphs (A) and (B) four ems from the left margin;  

(4) by inserting ‘‘or the manufacturer has provided to a rental company notification about a covered rental vehicle in the company’s possession at the time of notification’’ after ‘‘time of notification’’;  

(5) by striking ‘‘the dealer may sell or lease’’ and inserting ‘‘sell, lease, or rental agreement’’;  

(6) by inserting paragraph (2) to read as follows: ‘‘(2) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prohibit a dealer or rental company from offering the vehicle or equipment for sale, lease, or rent;’’; and  

(7) by adding at the end the following: ‘‘(3) SPECIFIC RULES FOR RENTAL COMPANIES.—  

(A) IN GENERAL.—Except as otherwise provided under this paragraph, a rental company shall comply with the limitations on sale, lease, or rental set forth in subparagraph (C) and paragraph (1) as soon as practicable, but not later than 48 hours after the earliest receipt of the notice to owner under subsection (b) or (c) of section 30118 (including the vehicle identification number for the covered vehicle), whether by electronic means or first class mail.  

(B) SPECIAL RULE FOR LARGE VEHICLE MOBILES.—Notwithstanding paragraph (1), a rental company may sell, lease, or rent (but not otherwise dispose of) a mobile home if such vehicle—  

(i) meets the definition of a junk automobile pursuant to applicable State law; and  

(ii) is reported to the National Motor Vehicle Information System, if required under section 201 of such Act (49 U.S.C. 30504).’’.  

(d) MAKING SAFETY DEVICES AND ELEMENTS DEPENDENT.—Section 30122(b) is amended by inserting ‘‘rental company’’ after ‘‘dealer’’ each place such term appears.  

(e) INSPECTIONS, INVESTIGATIONS, AND RECORDS.—Section 30166 is amended—  

(1) by redesignating paragraphs (1) through (9), as redesignated, the following: ‘‘(1) If notification’’ and inserting ‘‘or dealer’’ each place such term appears and inserting ‘‘dealer, or rental company’’;  

(2) in subsection (e), by striking ‘‘or dealer’’ each place such term appears and inserting ‘‘dealer, or rental company’’; and  

(3) in subsection (f), by striking ‘‘or to owners’’ and inserting ‘‘, rental companies, or other owners’’.  

(f) RESEARCH AUTHORITY.—The Secretary of Transportation may conduct a study of—  

(1) the effectiveness of the amendments made by this section; and  

(2) other activities of rental companies (as defined in section 30102(a)(11) of title 49, United States Code) related to the use and disposition of motor vehicles that are the subject of a notification under section 30118 of title 49, United States Code.  

(g) STUDY.—  

(1) ADDITIONAL REQUIREMENT.—Section 32206(b)(2) of the Moving Ahead for Progress in the 21st Century Act (Public Law 112–141; 126 Stat. 758) is amended—  

(A) in subparagraph (E), by striking ‘‘and’’ at the end;  

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

(C) by inserting after subparagraph (E) the following: ‘‘(F) evaluate the completion of safety recall remedies on rental trucks; and’’;  

(2) REPORT.—Section 32206(c) of such Act is amended—  

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;  

(B) by striking ‘‘Report’’.  

(i) INITIAL REPORT.—Not later’’ and inserting the following: ‘‘(i) INITIAL REPORT.—Not later’’; and  

(C) in paragraph (1), by striking ‘‘subsection (b)’’ and inserting ‘‘subparagraphs (A) through (E) and (G) of subsection (b)(2)’’; and  

(D) by adding at the end the following:  

"""
‘‘(2) SAFETY RECALL REMEDY REPORT.—Not later than 1 year after the date of the enactment of the ‘‘Raechel and Jacqueline Houck Safe Rental Car Act of 2015’’, the Secretary shall submit to the congressional committees set forth in paragraph (1) that contains—

(A) the findings of the study conducted pursuant to section 30121(b)(2)(P); and

(B) any recommendations for legislation that the Secretary determines to be appropriate.

(2) PUBLIC COMMENTS.—The Secretary shall solicit comments regarding the implementation of this section from members of the public, including rental companies, consumer organizations, automobile manufacturers, and automobile dealers.

(a) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section—

(1) may be construed to create or increase any liability, including for loss of use, for a manufacturer as a result of having manufactured or imported a motor vehicle subject to a notification of defect or noncompliance under subsection (b) or (c) of section 30118 of title 49, United States Code; or

(2) shall supersede or otherwise affect the contractual obligations, if any, between such a manufacturer and a rental company (as defined in section 30122(a) of title 49, United States Code).

(b) RULEMAKING.—The Secretary may promulgate rules, as appropriate, to implement this section and the amendments made by this section.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 180 days after the date of enactment of this Act.

SEC. 34210. INCREASE IN CIVIL PENALTIES FOR VIOLATIONS OF MOTOR VEHICLE SAFETY.

(a) INCREASE IN CIVIL PENALTIES.—Section 30165(a) is amended—

(1) in paragraph (1)—

(A) by striking ‘‘$5,000’’ and inserting ‘‘$14,000’’; and

(B) by striking ‘‘$35,000,000’’ and inserting ‘‘$70,000,000’’; and

(2) in paragraph (3)—

(A) by striking ‘‘$5,000’’ and inserting ‘‘$14,000’’; and

(B) by striking ‘‘$35,000,000’’ and inserting ‘‘$70,000,000’’.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) of this section take effect on the date that is 180 days after the date of enactment of this Act.

SEC. 34211. ELECTRONIC ODORISER DISCLOSES.

Section 32706(g) is amended—

(1) by inserting ‘‘(1)’’ before ‘‘Not later than’’ and inserting and indenting appropriately; and

(2) by adding at the end the following:

‘‘(2) Notwithstanding paragraph (1) and subject to paragraph (3), a State, without approval from the Secretary under subsection (d), may allow for written disclosures or notices and related matters to be provided electronically if—

(A) in compliance with—

(i) the requirements of subsection 1 of chapter 96 of title 15; or

(ii) the requirements of a State law under section section 563.5 of title 49, Code of Federal Regulations, regardless of when the motor vehicle in which it is installed was manufactured, is the property of the owner, or, in the case of a leased vehicle, the lessee of the motor vehicle in which the event data recorder is installed.

(b) PRIVACY.—Data recorded or transmitted by an event data recorder described in subsection (a) may not be accessed by a person other than an owner or lessee of the motor vehicle in which the event data recorder is installed unless—

(1) a court or other judicial or administrative authority having authority to determine the need for, or facilitating emergency medical response in response to a motor vehicle crash; or

(2) the data is subject to the standards for admission into evidence required by that court or other administrative authority; or

(3) the data is subject to the standards for admission into evidence required by that court or other administrative authority; or

(4) the data is retrieved for traffic safety research, and the personally identifiable information of an owner or lessee of the vehicle, or the vehicle identification number, is not disclosed in connection with the retrieved data, except that the vehicle identification number may be disclosed to the certifying manufacturer.

(c) AUDIT.—The Department of Transportation Inspector General shall conduct an audit of the Secretary’s management and oversight of cooperative agreements and collaborative research and development agreements, including any cooperative agreements between the Secretary and foreign governments under section 30126(b)(6) of title 49, United States Code; and subsections (b)(2)(C) and (c)(1)(A) of title 23, United States Code.

Subtitle D—Miscellaneous Provisions

PART I—DRIVER PRIVACY ACT OF 2015

SEC. 34401. SHORT TITLE.

This part may be cited as the ‘‘Driver Privacy Act of 2015’’.

SEC. 34402. LIMITATIONS ON DATA RETRIEVAL FROM VEHICLE EVENT DATA RECORDERS.

(a) OWNERSHIP OF DATA.—Any data retained by an event data recorder (as defined in section 563.5 of title 49, Code of Federal Regulations), regardless of when the motor vehicle in which it is installed was manufactured, is the property of the owner, or, in the case of a leased vehicle, the lessee of the motor vehicle in which the event data recorder is installed.

(b) PRIVACY.—Data recorded or transmitted by an event data recorder described in subsection (a) may not be accessed by a person other than an owner or lessee of the motor vehicle in which the event data recorder is installed unless—

(1) a court or other judicial or administrative authority having authority to determine the need for, or facilitating emergency medical response in response to a motor vehicle crash; or

(2) the data is subject to the standards for admission into evidence required by that court or other administrative authority; or

(3) the data is subject to the standards for admission into evidence required by that court or other administrative authority; or

(4) the data is retrieved for traffic safety research, and the personally identifiable information of an owner or lessee of the vehicle, or the vehicle identification number, is not disclosed in connection with the retrieved data, except that the vehicle identification number may be disclosed to the certifying manufacturer.

(c) AUDIT.—The Department of Transportation Inspector General shall conduct an audit of the Secretary’s management and oversight of cooperative agreements and collaborative research and development agreements, including any cooperative agreements between the Secretary and foreign governments under section 30126(b)(6) of title 49, United States Code; and subsections (b)(2)(C) and (c)(1)(A) of title 23, United States Code.

Subtitle D—Miscellaneous Provisions
SEC. 34403. VEHICLE EVENT DATA RECORDER STUDY.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Administrator of the National Highway Traffic Safety Administration shall submit to Congress a report that contains the results of a study conducted by the Administrator to determine the amount of time event data recorders installed in passenger motor vehicles should capture and record for retrieval vehicle-related data in conjunction with an event that called for in their as-built or as-modified condition of physical assets, both individual and as a system, are—

(1) performing at a level at least equal to that called for in their as-built or as-modified design specification during any period when the life cycle cost of maintaining the asset is lower than the cost of replacing them; and

(2) sustained through regular maintenance and replacement programs.

(b) TIRE FUEL EFFICIENCY MINIMUM PERFORMANCE STANDARDS.—

’(A) STANDARD BASICS AND TEST PROCEDURES.—The minimum performance standards promulgated under paragraph (1) shall be expressed in terms of the rolling resistance of the tire that was purchased or leased; and

’(B) ELECTRONIC TRANSMISSION.—The rulemaking carried out under subparagraph (A) shall require a distributor or dealer of tires that is not owned or controlled by a manufacturer of tires to electronically transmit the results described in clauses (1) and (2) of subparagraph (A) to the manufacturer of the tires or the designee of the manufacturer by secure means at no cost to tire purchasers or lessees.

’(C) SATISFACTION OF REQUIREMENTS.—A regulation promulgated under subparagraph (A) may be considered to satisfy the requirements of paragraphs (2)(B), and (C) are compatible and consistent.

PART II—SAFETY THROUGH INFORMED CONSUMERS ACT OF 2015

SEC. 34403. SHORT TITLE.

This part may be cited as the ‘‘Safety Through Informed Consumers Act of 2015’’.

SEC. 34402. PASSENGER MOTOR VEHICLE INFORMATION.

Section 32302 is amended by inserting after sub section (b) the following:

’(c) CRASH AVOIDANCE.—Not later than 1 year after the date of enactment of the Safety Through Informed Consumers Act of 2015, the Secretary shall promulgate a rule to ensure that crash avoidance information is indicated on the vehicle-related data to the time necessary to provide accident investigators with vehicle-related information pertinent to crashes involving such motor vehicles.

PART III—TIRE EFFICIENCY, SAFETY, AND REGISTRATION ACT OF 2015

SEC. 34431. SHORT TITLE.

This part may be cited as the ‘‘Tire Efficiency, Safety, and Registration Act of 2015’’.

SEC. 34432. TIRE FUEL EFFICIENCY MINIMUM PERFORMANCE STANDARDS.

(a) In General.—The Secretary, after con- suitation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall promulgate regulations for tire fuel efficiency minimum performance standards for—

(A) passenger car tires with a maximum speed capability to or less than 149 miles per hour or 240 kilometers per hour; and

(B) passenger car tires with a maximum speed capability greater than 149 miles per hour or 240 kilometers per hour.

(b) TIRE IDENTIFICATION NUMBER.—The Secretary shall promulgate —

(1) IN GENERAL.—This subsection applies to new pneumatic tires for use on passenger cars.

(2) EXCEPTIONS.—This subsection does not apply to light truck tires, deep tread tires, winter-type snow tires, space-saver or temporary use spare tires, or tires with nominal rim diameters of 12 inches or less.

(3) PROMULGATION OF REGULATIONS FOR TIRE WET TRACTION MINIMUM PERFORMANCE STANDARDS.—

(A) IN GENERAL.—The Secretary shall promulgate regulations for tire wet traction minimum performance standards to ensure that passenger tire wet traction capability is not reduced to achieve improved tire fuel efficiency.

(4) TIRE IDENTIFICATION NUMBER.—The Secretary shall promulgate —

(A) TIRE WET TRACTION MINIMUM PERFORMANCE STANDARDS.—

’(1) BASIS OF STANDARD.—The minimum performance standards promulgated under paragraph (1) shall be expressed in terms of peak coefficient of friction.

’(B) TEST PROCEDURES.—Any test procedure promulgated under this subsection shall be consistent with the test procedure promulgated under subsection (a).

’(C) BENCHMARKING.—The Secretary shall conduct testing to benchmark the wet traction performance of tire models available for sale in the United States as of the date of enactment of this Act to ensure that the minimum performance standards promulgated under paragraph (1) are tailored to—

(i) tires sold in the United States; and

(ii) the needs of consumers in the United States.

(5) APPLICABILITY.—

’(1) IN GENERAL.—This subsection applies to new pneumatic tires for use on passenger cars.

’(2) EXCEPTIONS.—This subsection does not apply to light truck tires, deep tread tires, winter-type snow tires, space-saver or temporary use spare tires, or tires with nominal rim diameters of 12 inches or less.

(6) PROMULGATION OF REGULATIONS FOR TIRE WET TRACTION MINIMUM PERFORMANCE STANDARDS.—

(A) IN GENERAL.—The Secretary shall promulgate regulations for tire wet traction minimum performance standards to ensure that passenger tire wet traction capability is not reduced to achieve improved tire fuel efficiency.

(B) ELECTRONIC TRANSMISSION.—The rulemaking carried out under subparagraph (A) shall require a distributor or dealer of tires that is not owned or controlled by a manufacturer of tires to electronically transmit the results described in clauses (1) and (2) of subparagraph (A) to the manufacturer of the tires or the designee of the manufacturer by secure means at no cost to tire purchasers or lessees.

SEC. 34433. TIRE REGISTRATION BY INDE- PENDENT SELLERS.

Section 32302 is amended by striking paragraph (3) and inserting the following:

’(3) Rulemaking.—

’(A) The regulations under subsections (b) and (c) not later than 24 months after the date of enactment of this Act; and

’(B) the regulations under subsection (c) not later than 24 months after the date of promulgation of the regulations under subsection (b).’’.
**Title A—Authorization of Appropriations**

SEC. 35101. AUTHORIZATION OF GRANTS TO AMTRAK.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary for the use of Amtrak to deposit into the accounts established under section 24319(a) of title 49, United States Code, the following amounts:

(1) For fiscal year 2016, $1,456,000,000.
(2) For fiscal year 2017, $1,500,000,000.
(3) For fiscal year 2018, $1,700,000,000.

(b) PROJECT MANAGEMENT OVERSIGHT.—The Secretary, in administering grants to Amtrak under section 24318 of title 49, United States Code, may withhold, in whole or in part, grants provided under this section to the extent that the Secretary determines that actions of Amtrak, including policies and procedures used by Amtrak, are not consistent with policies and procedures established or approved by the Secretary.

(c) COMPETITION.—In administering grants to Amtrak under section 24318 of title 49, United States Code, the Secretary may withhold, in whole or in part, grants provided under this section to the extent that the Secretary determines that actions of Amtrak, including policies and procedures used by Amtrak, are not consistent with policies and procedures established or approved by the Secretary.

SEC. 35102. NATIONAL INFRASTRUCTURE AND SAFETY INVESTMENTS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary for grants under chapter 244 of title 49, United States Code, the following amounts:

(1) For fiscal year 2016, $350,000,000.
(2) For fiscal year 2017, $430,000,000.
(3) For fiscal year 2018, $6,300,000.

(b) Project Management Oversight.—The Secretary may withhold up to 1 percent from the amounts appropriated in each fiscal year under subsection (a) of this section for activities to improve the safety and security of the Nation's rail networks.

(c) Northeast Corridor Commission.—The Secretary may withhold up to $5,000,000 from the amounts appropriated in each fiscal year under subsection (a) of this section for the purposes of the Northeast Corridor Commission established under section 24405 of title 49, United States Code.

SEC. 35103. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL TRANSPORTATION SAFETY BOARD RAIL INVESTIGATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, there are authorized to be appropriated to the National Transportation Safety Board to carry out railroad accident investigations under section 1152 of title 49, United States Code, the following amounts:

(1) For fiscal year 2016, $6,300,000.
(2) For fiscal year 2017, $6,400,000.
(3) For fiscal year 2018, $6,500,000.
(4) For fiscal year 2019, $6,600,000.

(b) Investigation Personnel.—Amounts appropriated under subsection (a) of this section shall be available to the National Transportation Safety Board for personnel, in regional offices and in Washington, DC, whose duties involve railroad accident investigations.

SEC. 35104. AUTHORIZATION OF APPROPRIATIONS FOR AMTRAK OFFICE OF INSPECTOR GENERAL.

There are authorized to be appropriated to the Office of Inspector General of Amtrak the following amounts:

(1) For fiscal year 2016, $20,000,000.
(1) Deposits.—Amtrak shall deposit in the State-supported account established under subsection (a)(2). (A) A portion of the grant funds appropriated under the authorization in section 35101(a) of the Railroad Reform, Enhancement, and Efficiency Act, or any subsequent Act appropriating funds for the use of Amtrak, as specified in a grant agreement entered into under section 24318; (B) any compensation received from States provided to Amtrak for costs associated with or related to the Northeast Corridor; and (C) any operating surplus from its long-distance routes, as allocated under section 24317.

(g) Limitations on Use.—Amounts appropriated to the Secretary for the use of Amtrak may not be used to cross-subsidize operating losses or capital costs of commuter rail passenger or freight rail transportation.

**$24319. Accounts**

(a) Establishment of Account.—Beginning not later than October 1, 2016, Amtrak, in consultation with the Secretary of Transportation, shall define and establish—

(1) a Northeast Corridor investment account, including accounts for Amtrak train services and infrastructure;
(2) a State-supported account;
(3) a long-distance account; and
(4) other national network activities account.

(b) Northeast Corridor Investment Account.—

(1) Deposits.—Amtrak shall deposit in the Northeast Corridor investment account established under subsection (a)(1) —

(A) a portion of the grant funds appropriated under the authorization in section 35101(a) of the Railroad Reform, Enhancement, and Efficiency Act, or any subsequent Act appropriating funds for the use of Amtrak, as specified in a grant agreement entered into under section 24318;

(B) any compensation received from commuter rail passenger transportation providers for such providers’ share of capital costs on the Northeast Corridor provided to Amtrak under section 24905(c); and

(C) any operating surplus from the Northeast Corridor train services or infrastructure, as allocated under section 24317; and

(D) any other net revenue received in association with the Northeast Corridor, including freight access fees, electric propulsion, and commercial development.

(2) Use of Northeast Corridor Investment Account.—Except as provided in subsection (f), amounts deposited in the State-supported account shall be made available for the use of Amtrak for capital expenses and operating costs, including indirect, common, corporate, or other costs directly incurred by or allocated to State-supported routes, of its State-supported routes and retirement of principal and payment of interest on loans or capital leases attributable to its State-supported routes.

(d) Long-Distance Account.—

(A) Deposits.—Amtrak shall deposit in the long-distance account established under subsection (a)(3)—

(1) deposits; and

(B) any compensation received from States provided to Amtrak for costs associated with its long-distance routes; and

(C) any operating surplus from its long-distance routes, as allocated under section 24317.

(2) Use of Long-Distance Account.—Except as provided in subsection (f), amounts deposited in the long-distance account shall be made available for the use of Amtrak for capital expenses and operating costs, including indirect, common, corporate, or other costs directly incurred by or allocated to long-distance routes, as defined in section 35101(a), and for principal and payment of interest on loans or capital leases attributable to the long-distance routes.

(e) Other National Network Activities Account.—

(1) Deposits.—Amtrak shall deposit in the other national network activities account established under subsection (a)(4)—

(A) a portion of the grant funds appropriated under the authorization in section 35101(a) of the Railroad Reform, Enhancement, and Efficiency Act, or any subsequent Act appropriating funds for the use of Amtrak, as specified in a grant agreement entered into under section 24318; (B) any compensation received from States provided to Amtrak for costs associated with its other national network activities; and

(C) any operating surplus from its other national network activities.

(2) Use of Other National Network Activities Account.—Except as provided in subsection (f), amounts deposited into the other national network activities account shall be made available for the use of Amtrak for capital and operating costs associated to or from the Northeast Corridor, State-supported, long-distance, and other national network activities accounts—

(A) upon the expiration of 10 days after the date that Amtrak notifies the Amtrak Board of Directors, including the Secretary, of the planned transfer; and

(B) with the approval of the Secretary.

(f) Transfer Authority.—

(1) Authority.—Amtrak may transfer any funds appropriated under the authorization in section 35101(a) of the Railroad Reform, Enhancement, and Efficiency Act, or any subsequent Act appropriating funds for the use of Amtrak for deposit into the accounts described in that section, or any surplus generated by operations, to the Northeast Corridor, State-supported, long-distance, and other national network activities accounts—

(A) upon the expiration of 10 days after the date that Amtrak notifies the Amtrak Board of Directors, including the Secretary, of the planned transfer; and

(B) with the approval of the Secretary.

(2) Report.—Not later than 5 days after the date that Amtrak notifies the Amtrak Board of Directors of a planned transfer under paragraph (1), Amtrak shall transmit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report that includes—

(A) the amount of the transfer; and

(B) a detailed explanation of the reason for the transfer, including—

(1) the effects on Amtrak services funded by the account from which the transfer is drawn, in comparison to a scenario in which no transfer was made; and

(2) the effects on Amtrak services funded by the account receiving the transfer, in comparison to a scenario in which no transfer was made.

(g) Enforcement.—The Secretary shall enforce the provisions of this section, including—

(1) Requirement.—The Secretary may issue a letter of intent to Amtrak announcing an intention to obligate, for a major capital project described in clauses (i) and (iv) of section 24904(a)(2)(E), an amount from future available budget authority specified in law that is not more than the amount stipulated in the financial participation of the Secretary in the project.

(2) Notice to Congress.—At least 30 days before issuing a letter under paragraph (1), the Secretary shall notify in writing the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives of the proposed letter. The Secretary shall include with the notice a copy of the proposed letter, the criteria used for selecting the project for a grant award, and a description of how the project meets the criteria under this section.

(h) Commitment.—An obligation or administrative commitment may be made only when
amounts are appropriated. The letter of intent shall state that the contingent commitment is not an obligation of the Federal Government, and is subject to the availability of appropriated funds under Federal law and to Federal laws in force or enacted after the date of the contingent commitment.

(b) INFORMING AMENDMENTS.—The table of contents for chapter 243 is amended by adding at the end the following:

24317. Costs and revenues.
24318. Grant programs.
24319. Accounts.

(c) REPEALS.

Section 241 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) and the item relating to that section in the table of contents of that Act are repealed.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 24104 and the item relating to that section in the table of contents of chapter 243 are repealed.

SEC. 25202. 5-YEAR BUSINESS LINE AND ASSETS PLANS.

(a) AMTRAK 5-YEAR BUSINESS LINE AND ASSET PLANS.—Chapter 243, as amended by section 35201 of this Act, is further amended by inserting after section 24319 the following:

"§ 24319. Amtrak 5-year business line and asset plans

"(a) IN GENERAL.—

"(1) FINAL PLANS.—Not later than February 15 of each year, Amtrak shall submit to the Committee a top-down, bottom-up, final 5-year business line plans and 5-year asset plans prepared in accordance with this section. These plans shall form the basis for Amtrak’s general and legislative annual report to the President and Congress required by section 24315(b).

"(2) DSCALING CONSTRAINT.—Each plan prepared under this section shall be based on funding levels authorized or otherwise available to Amtrak in a fiscal year. In the absence of an authorization or appropriation of funds for a fiscal year, the plans shall be based on the amount of funding available in the previous fiscal year, plus inflation. Amtrak may include an appendix to the asset plan required in subsection (c) that describes any capital funding requirements in excess of amounts authorized or otherwise available to Amtrak in a fiscal year for capital investment.

"(b) AMTRAK 5-YEAR BUSINESS LINE PLANS.—

"(1) AMTRAK BUSINESS LINES.—Amtrak shall prepare a 5-year business line plan for each of the following business lines and services:

"(A) Northeast Corridor train services.
"(B) State-supported routes operated by Amtrak.
"(C) Long-distance routes operated by Amtrak.
"(D) Ancillary services operated by Amtrak, including commuter operations and other revenue-generating activities as determined by the Secretary in consultation with Amtrak.

"(2) CONTENTS OF 5-YEAR BUSINESS LINE PLANS.—Each 5-year business line plan for each business line shall include, at a minimum—

"(A) a statement of Amtrak’s vision, goals, and service for the business line as determined with any entities that are contributing capital or operating funding to support passenger rail services within those business lines, and aligned with Amtrak’s Strategic Plan and 5-year asset plans under subsection (c);
"(B) all projected revenues and expenditures for the business line, including identification of revenues and expenditures incurred by—

"(i) passenger operations;
"(ii) non-passenger operations that are directly related to the business line; and
"(iii) governmental funding sources, including receipts and other funding received from States;
"(C) projected ridership levels for all passenger operations;
"(D) estimates of long-term and short-term debt and associated principal and interest payments (both current and forecasts);
"(E) annual profit and loss statements and forecasts and capital asset valuations;
"(F) annual cash flow forecasts;
"(G) a statement describing the methodologies and assumptions underlying estimates and forecasts;
"(H) specific performance measures that demonstrate year over year changes in the results of Amtrak’s operations;
"(I) financial performance for each route within each business line, including descriptions of the cash operating loss or contribution and labor productivity for each route;
"(J) specific costs and savings estimates resulting from reform initiatives;
"(K) prior fiscal year and projected equipment reliability statistics; and
"(L) an identification and explanation of any major adjustments made from previously-approved plans.

"(b) 5-YEAR BUSINESS LINE PLANS PROCESS.—In meeting the requirements of this section, Amtrak shall—

"(A) coordinate the development of the business line plans with the Secretary;
"(B) for the Northeast Corridor business line plan, coordinate with the Northeast Corridor Commission and transmit to the Commission the final plan under subsection (a)(1), and consult with other entities, as appropriate;
"(C) for the State-supported route business line plan, coordinate with the State-Supported Route Committee established under section 26712;
"(D) for the long-distance route business line plan, coordinate with any States or Interstate Compacts that provide funding for such routes, as appropriate;
"(E) ensure that Amtrak’s annual budget request to Congress is consistent with the information in the 5-year business line plans; and
"(F) identify the appropriate Amtrak officials that are responsible for each business line.

"(c) STANDARDS TO PROMOTE FINANCIAL STABILITY.—In meeting the requirements under this subsection, Amtrak shall use the categories specified in the financial accounting and reporting system developed under section 203 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) when preparing its 5-year business line plans.

"(1) AMTRAK 5-YEAR ASSET PLANS.—

"(A) AMTRAK 5-YEAR ASSET PLANS.—

"(1) ASSET CATEGORIES.—Amtrak shall prepare a 5-year asset plan for each of the following asset categories:

"(A) Infrastructure, including all Amtrak-controlled Northeast Corridor assets and other Amtrak-owned infrastructure, and the associated facilities that support the operation, maintenance, and improvement of those assets.
"(B) Passenger rail equipment, including all Amtrak-controlled rolling stock, locomotives, and mechanical shop facilities that are used to overhaul equipment.
"(C) Stations, including all Amtrak-controlled and other stations and elements of other stations for which Amtrak has legal responsibility or intends to make capital investments.
"(D) National assets, including national reservations, security, training and teaching centers, and other assets associated with Amtrak’s national passenger rail transportation system.

"(2) CONTENTS OF 5-YEAR ASSET PLANS.—Each asset plan shall include, at a minimum—

"(A) a summary of Amtrak’s 5-year strategic plan for each asset category, including goals, objectives, any relevant performance metrics, and statutory or regulatory actions affecting the assets;
"(B) an inventory of existing Amtrak capital assets, to the extent practicable, including information regarding shared use or ownership, if applicable;
"(C) a prioritized list of proposed capital investments that—

"(i) categorizes each capital project as being primarily associated with—
"(I) normalized capital replacement;
"(II) backlog capital replacement;
"(III) improvements to support service enhancements or growth;
"(IV) strategic initiatives that will improve overall operational performance, lower costs, or otherwise improve Amtrak’s corporate efficiency; or
"(V) statutory, regulatory, or other legal mandates;

"(ii) identifies each project or program that is associated with more than 1 category described in clause (i); and
"(iii) describes the anticipated business outcome of each project or program identified under this subparagraph, including an assessment of—

"(I) the potential effect on passenger operations, safety, reliability, and resilience;
"(II) the potential effect on Amtrak’s ability to meet regulatory requirements if the project or program is not funded; and
"(III) the benefits and costs; and
"(D) annual profit and loss statements and forecasts and balance sheets for each asset category.

"(d) 5-YEAR ASSET PLAN PROCESS.—In meeting the requirements of this subsection, Amtrak shall—

"(A) coordinate with each business line described in subsection (b)(1) in the preparation of each 5-year asset plan and ensure integration of each 5-year asset plan with the 5-year business line plans; as applicable, coordinate with the Northeast Corridor Commission, the State-Supported Route Committee, and owners of assets affected by 5-year asset plans; and
"(B) determine the activities and costs that are—

"(i) required in order to ensure the efficient operations of a national passenger rail system;
"(ii) appropriate for allocation to 1 of the other Amtrak business lines; and
"(iii) extraneous to providing an efficient national passenger rail system or are too costly relative to the benefits or performance outcomes they provide.

"(e) DEFINITION OF NATIONAL ASSETS.—In this section, the term ‘national assets’ means the Northeast Corridor assets shared among Amtrak services, including national reservations, security, training and teaching centers, and other assets associated with the national passenger rail transportation system.

"(f) RESTRICTING OF NATIONAL ASSETS.—Not later than 1 year after the date of commencement of the evaluation paragraph (4), the Administrator of the Federal Railroad Administration, in consultation with...
the Amtrak Board of Directors, the governors of each relevant State, and the Mayor of the District of Columbia, or their designees, shall restructure or reallocate, or both, the national assets costs in accordance with the determination under that section, including making appropriate updates to Amtrak’s cost accounting methodology and system.

(b) EFFECTIVE DATE.—The requirements for Amtrak to submit final 5-year business line plans and 5-year asset plans under section 24320 of title 49, United States Code, shall take effect 1 year after the date of enactment of this Act.

(c) CONFORMING AMENDMENTS.—The table of contents for chapter 243, as amended by section 35201 of this Act, is further amended by adding at the end the following:

“24330. Amtrak 5-year business line and asset plans.”

(d) REPEAL OF 5-YEAR FINANCIAL PLAN.—Section 204 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note), and the item relating to that section in the table of contents of that Act, are repealed.

(e) IDENTIFICATION OF DUPLICATE REPORTING REQUIREMENTS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(1) identify existing Amtrak reporting requirements and identify where the existing requirements are duplicative with the business line requirements and capital plans required by section 24320 of title 49, United States Code;

(2) if the duplicative reporting requirements are administrative, the Secretary shall eliminate the duplicative requirements;

(3) submit to Congress a report with any recommendations for repealing any other duplicative Amtrak reporting requirements.

SEC. 35203. STATE-SUPPORTED ROUTE COMMITTEE.

(a) AMENDMENT.—Chapter 247 is amended by adding at the end the following:

“§ 24712. State-supported routes operated by Amtrak

(a) STATE-SUPPORTED ROUTE COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Rail Road Reform, Enhancement, and Efficiency Act, the Secretary of Transportation shall establish the State-Supported Route Committee (hereinafter referred to in this section as the ‘Committee’) to promote mutual cooperation and planning pertaining to the rail operations of Amtrak and related activities of trains operated by Amtrak on State-supported routes and to further implement section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Committee shall consist of—

(i) members representing Amtrak;

(ii) members representing the Department of Transportation, including the Federal Railroad Administration; and

(iii) members representing States.

(B) NON-VOTING MEMBERS.—The Committee may invite and accept other non-voting members to participate in Committee activities, or to the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act.

(3) DECISIONMAKING.—The Committee shall establish a bloc voting system under which, at a minimum—

(A) there are no less than 3 separate voting blocs to represent the Committee’s voting members, including—

(i) 1 voting bloc to represent the members described in paragraph (2)(A)(i); and

(ii) 1 voting bloc to represent the members described in paragraph (2)(A)(ii); and

(1) ensuring equal treatment in the provision of like services of all States and the District of Columbia; and

(2) allocate to each route the costs incurred only for the benefit of that route and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 route.

(b) INVOICES AND REPORTS.—Not later than February 15, 2016, and monthly thereafter, Amtrak shall provide to each State that sponsors a State-supported route a monthly invoice of the cost of operating such route, including fixed costs and third-party costs. The Committee shall determine the frequency and amount of the financial and performance reports that Amtrak shall provide to the States, as well as the planning and demand reports that the States shall provide to Amtrak.

(c) DISPUTE RESOLUTION.—

(1) REQUEST FOR DISPUTE RESOLUTION.—If a dispute arises with respect to the rules and procedures implemented under subsection (a)(4), the Committee shall determine under subsection (b), implementation or compliance with the cost allocation methodology developed under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) or amended under subsection (a)(6) of this section, other Amtrak or the State may request that the Surface Transportation Board conduct dispute resolution under this subsection.

(2) PROCEDURES.—The Surface Transportation Board shall establish procedures for the resolution of disputes before it under this subsection, which may include provision of professional mediation services.

(d) BINDING EFFECT.—A decision of the Surface Transportation Board under this subsection shall be binding on the parties to the dispute.

(4) OBLIGATION.—Nothing in this subsection shall affect the obligation of a State to pay an amount not in dispute.

(e) ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide assistance to the parties in the course of negotiations for a contract for operation of a State-supported route.

(2) FINANCIAL ASSISTANCE.—From among available funds, the Secretary shall—

(A) provide financial assistance to Amtrak or 1 or more States to perform required analyses of compliance with the cost allocation methodology developed under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note); and

(B) reimburse Members for travel expenses, including per diem in lieu of subsistence, in accordance with section 5705 or title 5.

(f) PERFORMANCE STANDARDS.—In negotiating a contract for operation of a State-supported route, Amtrak and the State or States that sponsor the route shall consider including provisions that provide penalties and incentives for performance.

(1) STATEMENT OF GOALS AND OBJECTIVES.—

(A) IN GENERAL.—The Committee shall develop a statement of goals, objectives, and associated recommendations concerning the future of State-supported routes operated by Amtrak. The statement shall identify the responsibilities and responsibilities of the Committee members and any other relevant entities, such as host railroads, in meeting the identified goals and objectives, or carrying out the recommendations. The Committee shall consult with such relevant entities, as the Committee considers appropriate, when developing the statement.

(B) TRANSMISSION OF STATEMENT OF GOALS AND OBJECTIVES.—Not later than 2 years after the date of enactment of the Rail Road Reform, Enhancement, and Efficiency Act, the Committee shall transmit a statement developed under the Committee to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(g) RULE OF CONSTRUCTION.—The decisions of the Committee

(1) shall pertain to the rail operations of Amtrak and related activities of trains operated by Amtrak on State-sponsored routes; and

(2) shall not pertain to the rail operations or related activities of services operated by other railroad carriers on State-supported routes.

(h) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

(1) DEFINITION OF STATE.—In this section, the term ‘State’ means any of the 50 States, the District of Columbia, or a public entity that sponsor the operation of trains by Amtrak on a State-supported route.”

SEC. 35204. ROUTE AND SERVICE PLANNING DECISIONS.

Section 208 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) is amended to read as follows:

“SEC. 208. METHODOLOGIES FOR AMTRAK ROUTE AND SERVICE PLANNING DECISIONS.

(a) METHODOLOGY.—Not later than 180 days after the date of enactment of the Rail Road Reform, Enhancement, and Efficiency Act, as a condition of receiving assistance under section 209 of this Act, Amtrak shall obtain the services of an independent entity to develop and recommend

SEC. 35209. IMPLEMENTATION OF RAIL ROAD REFORM, ENHANCEMENT, AND EFFICIENCY ACT.

SEC. 35210. FINANCIAL ASSISTANCE.

SEC. 35211. DETERMINATION OF RAIL ROAD REFORM, ENHANCEMENT, AND EFFICIENCY ACT.

SEC. 35212. STATE-SUPPORTED ROUTES OPERATED BY AMTRAK.
objective methodologies for Amtrak to use in determining what intercity rail passenger transportation routes and services it should provide, including the establishment of new routes of existing rail lines, and the contraction or expansion of services or frequencies over such routes.

(b) CONSIDERATIONS.—Amtrak shall require an applicant to include the methodologies described in subsection (a), to consider—

(1) the current and expected performance and financial condition of the intercity rail passenger transportation operations, including cost recovery, on-time performance, ridership, on-board services, stations, facilities, and equipment of such operations;

(2) the connectivity of a route with other routes;

(3) the transportation needs of communities and populations that are not well served by intercity rail passenger transportation service or by other forms of intercity transportation;

(4) the methodologies of Amtrak and major intercity rail passenger transportation service providers in other countries for determining intercity passenger rail routes and services;

(5) the financial and operational effects on the overall network, including the effects on intercity rail passenger transportation service providers in other countries;

(6) the views of States and the recommendations described in State rail plans, rail carriers that own infrastructure over which Amtrak operates, Interstate Compacts established by Congress and States, Amtrak employee representatives, stakeholder organizations, and other interested parties; and

(7) the funding levels that will be available under authorization levels that have been enacted into law.

(c) RECOMMENDATIONS.—Not later than 1 year after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, Amtrak shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives recommendations developed by the independent entity under subsection (a).

(d) CONSIDERATION OF RECOMMENDATIONS.—Not later than 90 days after the date the recommendations are transmitted under subsection (c), Amtrak shall complete the adoption of each recommendation and transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report explaining the reasons for adopting or not adopting each recommendation.

SEC. 35205. COMPETITION.

(a) ALTERNATE PASSENGER RAIL SERVICE PILOT PROGRAM.—Section 24711 is amended to read as follows:

"§ 24711. Alternate passenger rail service pilot program

"(a) IN GENERAL.—Not later than 18 months after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, the Secretary of Transportation shall promulgate a rule to implement a pilot program for competitive selection of rail carriers to operate long-distance routes (as defined in section 24102).

"(b) PILOT PROGRAM REQUIREMENTS.—

(1) IN GENERAL.—The pilot program shall—

(A) allow a party described in paragraph (2) to petition the Secretary to provide intercity rail passenger transportation over a long-distance route in lieu of Amtrak for an operations period of 4 years from the date of commencement of service by the winning bidder and, at the option of the Secretary, consistent with the rule promulgated under subsection (a), allow the contract to be renewed for an additional operations period of 4 years or would exceed a total of 3 operations periods;

(B) require the Secretary to—

(i) notify the petitioner and Amtrak of receipt of a petition under paragraph (A) and to publish in the Federal Register a notice of receipt not later than 30 days after the date of receipt; and

(ii) establish a deadline, of not more than 120 days after the notice of receipt is published in the Federal Register under clause (i), by which both the petitioner and Amtrak, if Amtrak chooses to do so, would be required to submit a complete bid to provide intercity rail passenger transportation over the applicable route;

(C) require that each bid—

(i) describe the capital needs, financial projections, and operational plans, including staffing plans, for the service, and such other factors as the Secretary considers appropriate; and

(ii) be made available by the winning bidder to the public after the bid award;

(D) for a route that receives funding from a State or States, require that for each bid received from a party described in paragraph (2), or one of its subsidiaries, the Secretary shall require the concurrence of the State or States that provide funding for that route; and

(E) for a winning bidder that is not or does not include Amtrak, require the Secretary to execute a contract not later than 270 days after the deadline established under subparagraph (B)(ii) and award the winning bid—

(i) subject to paragraphs (3) and (4), the right and obligation to provide intercity rail passenger transportation over the route subject to such performance standards as the Secretary may require; and

(ii) an operating subsidy, as determined by the Secretary, for—

(I) the first year at a level that does not exceed 90 percent of the level in effect for that specific route during the fiscal year preceding the fiscal year in which the petition was received, adjusted for inflation; and

(II) any subsequent years at the level calculated under clause (I), adjusted for inflation; and

(F) for a winning bidder that is or includes Amtrak, award to that bidder an operating subsidy, as determined by the Secretary, over the applicable route that will not change during the fiscal year in which the bid was submitted solely as a result of the winning bid;

(2) ELIGIBLE PETITIONS.—The following parties are eligible to submit petitions under paragraph (1):

(A) A rail carrier or rail carriers that own the infrastructure over which Amtrak operates a long-distance route.

(B) A rail passenger carrier with a written agreement with the rail carrier or rail carriers that own the infrastructure over which Amtrak operates a long-distance route and that host or would host the intercity rail passenger transportation.

(C) A State, group of States, or State-supported joint powers authority or other sub-State governance entity responsible for provision of intercity rail passenger transportation with a written agreement with the rail carrier or rail carriers that own the infrastructure over which Amtrak operates a long-distance route and that host or would host the intercity rail passenger transportation.

(D) A State, group of States, or State-supported joint powers authority or other sub-State governance entity responsible for provision of intercity rail passenger transportation and a rail passenger carrier with a written agreement with the rail carrier or rail carriers that own the infrastructure over which Amtrak operates a long-distance route.

(3) PERFORMANCE STANDARDS.—If the winning bidder under paragraph (1)(E)(i) is not or does not include Amtrak, the performance standards shall be consistent with the performance required of or achieved by Amtrak on the applicable route during the last fiscal year.

(4) AGREEMENT GOVERNING ACCESS ISSUES.—Unless the winning bidder already has access to the infrastructure included in a winning bid, a contract under this section shall provide for Amtrak to host the intercity rail passenger transportation.

(b) CONSIDERATIONS.—Not later than 2 years after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, the Secretary shall require Amtrak to provide access to the infrastructure included in a winning bid, a contract under this section to a winning bidder that is not or does not include Amtrak, and to publish in the Federal Register under clause (i), by which both the petitioner and Amtrak, if Amtrak chooses to do so, would be required to submit a complete bid to provide intercity rail passenger transportation over the applicable route; and

(c) ACCESS TO FACILITIES, EMPLOYEES.—If the Secretary awards a contract under this section, the Secretary shall require Amtrak to provide access to the rail-owned reservation system, stations, and facilities directly related to operations of the awarded routes to the winning bidder that is not or does not include Amtrak, and to subject the award to the applicable Federal laws and regulations governing similar contracts or classes of employees of Amtrak.

(d) THE WINNING BIDDER.—The Secretary shall provide the winning bidder with a written agreement governing access issues between the winning bidder and the rail carrier or rail carriers that own the infrastructure over which the winning bidder would operate and that host or would host the intercity rail passenger transportation.

SEC. 35206. BUDGET AUTHORITY.

(1) IN GENERAL.—The Secretary shall provide the winning bidder with a written agreement governing access issues between the winning bidder and the rail carrier or rail carriers that own the infrastructure over which the winning bidder would operate and that host or would host the intercity rail passenger transportation.

SEC. 35207. CESSATION OF SERVICE.—If a rail passenger carrier awarded a route under this section ceases to operate the service or fails to meet its obligations as required under subsection (b)(1)(E), the Secretary shall take any necessary action consistent with this title to enforce the contract and ensure the continued provision of service, including—

(1) the installment of an interim rail passenger carrier to provide rail passenger transportation;

(2) providing to the interim rail passenger carrier under paragraph (1) an operating subsidy necessary to provide service; and

(3) the winning bidder shall provide or be replaced by a qualified Amtrak employee or a person employed or contracted by a railroad, used by such rail passenger carrier in the operation of a route under this section, who has considered an employee of that rail passenger carrier and subject to the applicable Federal laws and regulations governing similar contracts or classes of employees of Amtrak.

(e) FEDERAL FUNDS.—Unless and until the Secretary has provided to a winning bidder that is not or does not include Amtrak, the Secretary may provide to a winning bidder that is not or does not include Amtrak, the Secretary may provide to an applicant for a winning bidder for a route under this section any Federal funds appropriated under section 35101(a) of the Railroad Reform, Enhancement, and Efficiency Act, or any subsequent appropriation for the same purpose, necessary to cover the operating subsidy described in subsection (b)(1)(E).
Act, or any subsequent appropriation for the same purpose, to cover any cost directly attributable to the termination of Amtrak service on the route and any indirect costs to Amtrak incurred on other Amtrak routes as a result of losing service on the route operated by the winning bidder. Any amount provided by the Secretary to Amtrak under this section shall be deducted from or have any effect on the operating subsidy described in subsection (b)(1) or (b)(2).

(f) **Deadline.**—If the Secretary does not promote and implement the program before the deadline under subsection (a), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a letter, signed by the Secretary and Administrator of the Federal Railroad Administration, each month until the rule is complete, including—

"(1) the reasons why the rule has not been issued;

"(2) an updated staffing plan for completing the rule as soon as feasible;

"(3) the contact information of the official that will be overseeing the execution of the staffing plan;

"(4) the estimated date of completion of the rule.

(g) **Dispute Resolution.**—If Amtrak and the rail passenger carrier awarded a route under this section cannot agree upon terms to carry out subsection (c)(1), and the Surface Transportation Board finds that access to Amtrak’s facilities or equipment, or the provision of services by Amtrak, is necessary under subsection (c)(1) and that the operation of Amtrak’s other services will not be impaired thereby, the Surface Transportation Board shall issue an order that the facilities and equipment be made available, and that services be provided, by Amtrak, and shall determine reasonable compensation, liability, and other terms for the use of the facilities and equipment and provision of the services.

(h) **Limitation.**—Not more than 3 long-distance routes may be selected under this section for operation by a winning bidder that is not or does not include Amtrak.

(i) **Preservation of Right to Competition.**—State-Supported Routes. —Nothing in this section shall be construed as prohibiting a State from introducing competition for intercity rail passenger transportation or services on its State-supported route or routes.

(j) **Report.**—Not later than 4 years after the date of implementation of the pilot program described in subsection (a), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the pilot program to date and any recommendations for further action.

SEC. 35206. ROLLING STOCK PURCHASES.

(a) **In General.**—Prior to entering into any contract in excess of $100,000,000 for rolling stock and locomotive procurements Amtrak shall submit a business case analysis to the Secretary, the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives on the utility of such procurements.

(b) **Contents.**—The business case analysis shall—

"(1) include a cost and benefit comparison that describes the total lifecycle costs and the anticipated benefits related to revenue, operational efficiency, reliability, and other factors;

"(2) set forth the total payments by fiscal year;

"(3) identify the specific source and amounts of funding for each payment, including Federal funds, State funds, Amtrak profits, Federal, State, or private loans or loan guarantees, and other funding;

"(4) include an explanation of whether any payment under the contract will increase Amtrak’s grant request, as required under section 23518 of title 49, United States Code, in that particular fiscal year; and

"(5) describe how Amtrak will adjust the procurement if future funding is not available.

(c) **Rule of Construction.**—Nothing in this section shall be construed as requiring Amtrak to disclose confidential information regarding a potential vendor’s proposed pricing or other sensitive business information prior to contract execution.

SEC. 35207. FOOD AND BEVERAGE POLICY.

(a) **In General.**—Chapter 243, as amended in section 35202 of this Act, is further amended by adding after section 24320 the following:

"§ 24321. Food and beverage reform

"(a) **Plan.**—Not later than 90 days after the date of enactment of the Railroad ReForm, Enhancement, and Efficiency Act, Amtrak shall begin implementing a plan to eliminate, not later than 4 years after the date of enactment of that Act, the operating loss associated with providing food and beverage service on board Amtrak trains.

"(b) **Considerations.**—In developing and implementing the plan under subsection (a), Amtrak shall consider a combination of cost management and revenue generation initiatives, including—

"(1) scheduling optimization;

"(2) onboard logistics;

"(3) product development and supply chain efficiency;

"(4) training, awards, and accountability;

"(5) technology enhancements and process improvements; and

"(6) ticket revenue allocation.

"(c) **Savings Clause.**—Amtrak shall ensure that no Amtrak employee holding a position as of the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act is involuntarily separated because of—

"(1) the development and implementation of the plan required under subsection (a); or

"(2) any other actions taken by Amtrak to implement this section.

"(d) **No Federal Funding for Operating Losses.**—Beginning on the date that is 4 years after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, no Federal funds may be used to cover any operating loss associated with providing food and beverage service on a route operated by Amtrak or an alternative passenger rail service provider that operates a route in accordance with paragraph (1).

"(e) **Report.**—Not later than 120 days after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, and annually thereafter for a period of 4 years, Amtrak shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the plan developed under subsection (a) and a description of progress in the implementation of the plan.

"(f) **Conforming Amendment.**—The table of contents for chapter 243, as amended in section 35202 of this Act, is amended by adding at the end the following:

"24321. Food and beverage reform."
agreements as are necessary to implement any qualified proposal.

(c) **REPORT.—**Not later than 270 days following the deadline for the receipt of proposals required under subsection (a), Amtrak shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Request for Proposals required by this section, including summary information of any qualified proposals submitted to Amtrak and any proposals accepted by Amtrak.

(d) **SAVINGS CLAUSE.—**Nothing in this section shall be construed to limit Amtrak’s ability to utilize right-of-way or real estate assets that it currently owns, controls, or manages or constrain Amtrak’s ability to enter into agreements with other parties to utilize such assets.

**SEC. 35210. STATION DEVELOPMENT.**

(a) **REPORT ON DEVELOPMENT OPTIONS.—**Not later than 1 year after the date of enactment of this Act, Amtrak shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

(A) improving station condition, functionality, capacity, and customer amenities;

(B) generating additional investment capital and development-related revenue streams;

(C) increasing ridership and revenue;

(D) complying with the applicable sections of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.); and

(E) strengthening multimodal connections, including transit, intercity buses, roll-on and roll-off bicycles, and airports, as appropriate; and

(2) options for additional Amtrak stops that would have a positive incremental financial impact to Amtrak, based on Amtrak feasibility studies that demonstrate a financial benefit to Amtrak by generating additional revenue that exceeds any incremental costs.

(b) **REQUEST FOR INFORMATION.—**Not later than 90 days after the date the report is transmitted under subsection (a), Amtrak shall issue a Request for Information for 1 or more owners of stations served by Amtrak to formally express an interest in completing the requirements of this section.

(c) **PROPOSALS.—**Not later than 180 days after the date the Request for Information is issued under subsection (a), Amtrak shall issue a Request for Proposals from qualified persons, including small business concerns owned and controlled by socially and economically disadvantaged individuals or veteran-owned small businesses, that would have a positive incremental financial impact to Amtrak, based on Amtrak feasibility studies that demonstrate a financial benefit to Amtrak by generating additional revenue that exceeds any incremental costs.

(d) **REPORT.—**Not later than 3 years after the date of enactment of this Act, Amtrak shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Request for Proposals process required under this section, including summary information of any qualified proposals submitted to Amtrak and any proposals accepted by Amtrak or a station owner that responded under subsection (b).

(e) **DEFINITIONS.—**In this section—

(A) the term “small business concern”, “socially and economically disadvantaged individual”, and “veteran-owned small business” have the meanings given the terms in section 306(c) of this Act.

(f) **SAVINGS CLAUSE.—**Nothing in this section shall be construed to limit Amtrak’s ability to develop its stations, terminals, or other assets, or to constrain Amtrak’s ability to enter into and carry out agreements with other parties to enhance development at or around Amtrak stations or terminals, or to affect any station development initiatives ongoing as of the date of enactment of this Act.

**SEC. 35211. AMTRAK DEBT.**

(a) **REPORT.—**Not later than 1 year after the date of enactment of this Act, Amtrak shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing an evaluation of the pilot program.

(b) **LIMITATION ON STATUTORY CONSTRUCTION.—**Nothing in this section may be interpreted to require Amtrak to add additional train cars or modify existing train cars.

(c) **FEDERAL FUNDS.—**No Federal funds may be used to implement the pilot program required under this section.

**SEC. 35212. AMTRAK PILOT PROGRAM FOR PASSENGERS TRANSPORTING DOMESTICATED CATS AND DOGS.**

(a) **IN GENERAL.—**Not later than 1 year after the date of enactment of this Act, Amtrak shall develop a pilot program that allows passengers to transport domesticated cats or dogs on certain trains operated by Amtrak.

(b) **PET POLICY.—**In developing the pilot program required under subsection (a), Amtrak shall—

(1) in the case of a passenger train that is comprised of more than 1 car, designate, where feasible, at least 1 car in which a ticketed passenger may transport a domesticated cat or dog in the same manner as carry-on baggage if—

(A) the cat or dog is contained in a pet kennel;

(B) the pet kennel complies with Amtrak size requirements for carriage of carry-on baggage;

(C) the passenger is traveling on a train operating outside of the Northeast Corridor and the passenger pays a fee described in subparagraph (D);

(2) allow a ticketed passenger to transport a domesticated cat or dog on a train in the same manner as carry-on baggage if—

(A) the cat or dog is contained in a pet kennel;

(B) the pet kennel is stowed in accordance with Amtrak requirements for cargo storage;

(C) the passenger is traveling on a train operating on a route described in subparagraph (B) of section 24102(6) of title 49, United States Code;

(D) the cargo area is temperature controlled in a manner protective of cat and dog safety and health; and

(E) the passenger pays a fee described in paragraph (3); and

(3) collect fees for each cat or dog transported by a ticketed passenger in an amount that, in the aggregate and at a minimum, covers the full costs of the pilot program.

(c) **REPORT.—**Not later than 1 year after the pilot program required under subsection (a) is first implemented, Amtrak shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing an evaluation of the pilot program.

(d) **FOOTNOTES.—**The footnotes to this section shall be applicable to the text of this section as if inserted at the point where they would historically appear.
“(C) 1 individual from the Northeast Corridor or a State with long-distance or State-supported routes.

“(3) Them.—An individual appointed under paragraph (1) shall be appointed for a term of 5 years. The term may be extended until the individual’s successor is appointed and qualified. Not more than 4 individuals appointed under paragraph (1) may be members of the same political party.

“(4) CHAIRPERSON AND VICE CHAIRPERSON.—The Board shall elect a chairperson and vice chairperson, other than the President of Amtrak, from among its membership. The vice chairperson shall serve as chairperson in the absence of the chairperson.

“(5) DESIGNEE.—The Secretary may be represented at Board meetings by the Secretary’s designee.

“(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as affecting the term of any director serving on the Amtrak Board of Directors under section 24002(a)(1) of title 49, United States Code, on the day preceding the date of enactment of this Act.

SEC. 35214. AMTRAK BOARDING PROCEDURES.

(a) In general.—Not later than 6 months after the date of enactment of this Act, the Amtrak Office of Inspector General shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that—

(1) evaluates Amtrak’s boarding procedures for passengers, including passengers using or transporting nonmotorized transportation, such as wheelchairs and bicycles, at its 15 stations through which the most people pass;

(2) compares Amtrak’s boarding procedures to—

(A) commuter railroad boarding procedures at stations shared with Amtrak;

(B) international intercity passenger rail boarding procedures; and

(C) fixed guideway transit boarding procedures; and

(3) makes recommendations, as appropriate, in consultation with the Transportation Security Administration, to improve Amtrak’s boarding procedures, including recommendations regarding the queuing of passengers and free-flow of all station users and facility improvements needed to achieve the recommendations.

(b) CONSIDERATION OF RECOMMENDATIONS.—Not later than 6 months after the report is submitted under subsection (a), Amtrak shall consider each recommendation provided under subsection (a)(3) for implementation at appropriate locations across the Amtrak system.

Subtitle C—Intercity Passenger Rail Policy

SEC. 35301. COMPETITIVE OPERATING GRANTS.

(a) In general.—Chapter 244 is amended—

(1) by striking section 24400; and

(2) by inserting after section 24405 the following:

“§ 24406. Competitive operating grants

“(a) APPLICANT DEFINED.—In this section, the term ‘applicant’ means—

“(1) the Secretary;

“(2) a group of States;

“(3) an Intercity Compact;

“(4) a public agency or publicly chartered authority under paragraph (1)(C) of this section and having responsibility for providing intercity rail passenger transportation or commuter rail passenger transportation;

“(5) a political subdivision of a State;

“(6) Amtrak or another rail passenger carrier that provides intercity rail passenger transportation;

“(7) a rail passenger carrier in partnership with at least 1 of the entities described in paragraphs (1) through (5); and

“(8) any combination of the entities described in paragraphs (1) through (7).

“(b) GRANTS AUTHORIZED.—The Secretary of Transportation shall develop and implement a program for issuing 3-year operating assistance grants to applicants, on a competitive basis, for the purpose of initiating, restoring, or enhancing intercity rail passenger service that is—

“(1) beneficial to the States; and

“(2) that fosters economic development, particularly in rural communities and for disadvantaged populations.

“(c) APPLICATION.—An applicant for a grant under this section shall submit to the Secretary—

“(1) a capital and mobilization plan that—

(A) describes any capital investments, service planning actions (such as environmental reviews), and mobilization actions (such as railroad crews and trains) required for initiation of service; and

(B) includes the timeline for undertaking and completing each of the investments and actions referred to in subparagraph (A); and

“(2) an operating plan that describes the planned operation of the service, including—

(A) the identity and qualifications of the train operator; and

(B) the identity and qualifications of any other service providers;

“(3) service frequency;

“(4) the plan for rates and schedules; and

“(5) the station facilities that will be utilized;

“(6) projected ridership, revenues, and costs;

“(7) descriptions of how the projections under subparagraph (F) were developed;

“(8) the equipment that will be utilized, how such equipment will be acquired or refurbished, and where such equipment will be maintained; and

“(9) a plan for ensuring safe operations and compliance with applicable safety regulations:

“(A) a funding plan that—

(A) describes the funding of initial capital costs and operating costs for the first 3 years of operation;

(B) includes a commitment by the applicant to provide the funds described in subparagraph (A) to the extent not covered by Federal grants and revenues; and

(C) describes the funding of operating costs and capital costs, to the extent necessary, after the first 3 years of operation; and

“(B) a status of the status of negotiations and agreements with—

(A) each railroad or regional transportation authorities whose tracks or facilities would be utilized by the service;

(B) the anticipated rail passenger carrier, if such entity is not part of the applicant group; and

(C) any other service providers or entities expected to provide services or facilities that will be used by the service, including any required access to Amtrak systems, stations, and facilities if Amtrak is not part of the applicant group;

“(d) PRIORITIES.—In awarding grants under this section, the Secretary shall give priority to applications—

“(1) for which planning, design, any environmental reviews, negotiation of agreements, acquisition of equipment, construction, and other actions necessary for initiation of service have been completed or nearly completed;

“(2) that would restore service over routes formerly operated by Amtrak, including routes with international connections; and

“(3) that would restore service over routes where such service did not previously exist;

“(4) that include private funding (including fundraising from private sources) and significant participation by State, local, and regional governmental and private entities;

“(5) that include a funding plan that demonstrates the intercity rail passenger service will be financially sustainable beyond the 3-year grant period;

“(6) that would provide service to regions and communities that are underserved or not served by other intercity public transportation;

“(7) that would foster economic development, particularly in rural communities and for disadvantaged populations;

“(8) that would provide other non-transportation benefits; and

“(9) that would enhance connectivity and geographic coverage of the existing national network of intercity passenger rail service.

“(e) LIMITATIONS.—

“(1) DURATION.—Federal operating assistance grants authorized under this section for any individual intercity rail passenger transportation benefit and

“(2) that would provide other non-transportation benefits; and

“(3) maximum funding.—Grants described in paragraph (1) may not exceed—

(A) 80 percent of the projected net operating costs for the first year of service;

(B) 70 percent of the projected net operating costs for the second year of service; and

(C) 40 percent of the projected net operating costs for the third year of service.

“(h) USE WITH CAPITAL GRANTS AND OTHER FEDERAL FUNDING.—A recipient of an operating assistance grant under subsection (b) may use grant in combination with grants awarded under this chapter or any other Federal funding that would benefit the applicable service.

“(i) AVAILABILITY.—Amounts appropriated for carrying out this section shall remain available until expended.

“(b) COORDINATION WITH AMTRAK.—If the Secretary awards a grant under this section to a rail passenger carrier other than Amtrak, Amtrak may be required under section 24711(c)(1) of this title to provide access to its reservation system, stations, and facilities that are directly related to operations to such carrier, to the extent necessary to carry out the purposes of this section. The Secretary may award an appropriate portion of the grant to Amtrak as compensation for this access.

“(j) CONDITIONS.—

“(1) GRANT AGREEMENT.—The Secretary shall require grant recipients under this section to enter into a grant agreement that requires them to provide similar information regarding the route performance, financial, and ridership projections, and capital and business plans that Amtrak is required to provide, and such other data and information as the Secretary deems necessary.

“(2) INSTALLMENTS; TERMINATION.—The Secretary may—

“(A) award grants under this section in installments, as the Secretary considers appropriate; and

“(B) terminate any grant agreement upon—

(i) the cessation of service; or

(ii) the violation of any other term of the grant agreement.

“(3) GRANT CONDITIONS.—Except as specifically provided in this section, the use of any amounts appropriated for grants under this section shall be subject to the requirements under this chapter.

“(j) REPORT.—Not later than 4 years after the date of enactment of the Railroad Reformation, Enhancement, and Efficiency Act, the Secretary, after consulting with grant recipients under this section, shall submit a report to Congress that describes—
“(A) a State (including the District of Columbia);”

“(B) a group of States;”

“(C) an Interstate Compact;”

“(D) a public agency or publicly chartered authority established by 1 or more States for providing intercity passenger rail transportation on the Northeast Corridor unless Amtrak and the public authority specified in law that is not more than the amount stipulated as the financial contingency established under a cooperative agreement with 1 or more States; or

“(E) any combination of the entities described in paragraphs (A) through (D)."

“(B) a project primarily intended to replace, rehabilitate, or repair major infrastructure assets utilized for providing intercity passenger rail service, including tunnels, bridges, and other assets, as determined by the Secretary; or

“(B) a project primarily intended to improve intercity passenger rail performance, including reduced trip times, increased train frequencies, higher operating speeds, and other improvements, as determined by the Secretary."
‘(i) the Committee on Commerce, Science, and Transportation of the Senate; ‘(ii) the Committee on Appropriations of the Senate; ‘(iii) the Committee on Transportation and Infrastructure of the House of Representatives; and ‘(iv) the Committee on Appropriations of the House of Representatives.

‘(B) CONTENTS.—The notification submitted pursuant to subparagraph (A) shall include— ‘(i) a copy of the proposed letter or agreement; ‘(ii) the criteria used under subsection (d) for selecting the project for a grant; and ‘(iii) a description of how the project meets such criteria.

‘(3) APPROPRIATIONS REQUIRED.—An obligation or administrative commitment may be made under this section only when amounts are appropriated for such purpose.

‘(i) AVAILABILITY.—Amounts appropriated for carrying out this section shall remain available until expended.

‘(j) GRANT CONDITIONS.—Except as specifically provided in this section, the use of any amount appropriated for grants under this section shall be subject to the requirements under this chapter.

(b) PROPOSAL AMENDMENT.—The table of contents for chapter 244 is amended by inserting after the item relating to section 24406 the following: “24407. Federal-State partnership for state of Gulf Coast.”

SEC. 35303. LARGE CAPITAL PROJECT REQUIREMENTS.

Section 24402 is amended by adding at the end the following: “‘(m) LARGER CAPITAL PROJECT REQUIREMENTS.—

‘(1) IN GENERAL.—For a grant awarded under the chapter for an amount in excess of $1,000,000,000, the following conditions shall apply: ‘(A) The Secretary of Transportation may not obligate any funding unless the applicant demonstrates, to the satisfaction of the Secretary, that the applicant has committed, and will be able to fulfill, the non-Federal share for the project for the grant within the applicant’s proposed project completion timetable.

‘(B) The Secretary may not obligate any funding unless the project is financially sustainable; or

‘(i) the applicant submits a financial plan to the Secretary that generally identifies the sources of Federal funding required for any subsequent phases of the corridor service development program covering the project for which the grant is awarded; ‘(ii) the grant will result in a useable segment, a transportation facility, or equipment, that has operational independence or is financially sustainable; and ‘(iii) the intercity passenger rail benefits anticipated to result from the grant, such as increased speed, improved on-time performance, reduced trip time, increased frequencies, new service, safety improvements, improved accessibility, or other significant enhancements, are detailed by the grantee and approved by the Secretary.

‘(C)(1) The Secretary shall ensure that the project is maintained to the level of utility that is necessary to support the benefits approved under subparagraph (B)(ii) for a period of 20 years from the date on which the useable segment, transportation facility, or equipment described in subparagraph (B)(ii) is placed in service.

‘(ii) If the project property is not maintained as required under clause (i) for a 12-month period, the grant recipient shall refund a pro-rata share of the Federal contribution, based upon the percentage remaining of the 20-year period that commenced when the project property was placed in service.

‘(2) EARLY WORK.—The Secretary may allow a grantee subject to this subsection to engage in early work when it determines that the project is maintained to the level of utility necessary to support the benefits approved by the Secretary.

‘(3) IN-LINE ACCOMMODATION.—The Secretary may allow a grantee subject to this subsection to accommodate other public and private entities along the proposed route or routes, which shall be selected by the Administrator.

SEC. 35304. BUSINESS PARTICIPATION STUDY.

(a) STUDY.—The Secretary shall conduct a nationwide disparity and availability study of the benefits and costs of any Federal or non-Federal actions and activities that have contributed to the restoration of intercity rail passenger service in the United States.

(b) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit a report containing the results of the study conducted under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(c) DEFINITIONS.—In this section: ‘(1) SMALL BUSINESS CONCERN.—The term ‘small business concern’ has the meaning given under section 8(d)(1) of the Small Business Act (15 U.S.C. 632), except that the term does not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals that have average annual gross receipts during the preceding 3 fiscal years in excess of $22,410,000, as adjusted annually by the Secretary for inflation.

‘(2) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUAL.—The term ‘socially and economically disadvantaged individual’ has the meaning given such term in section 8(d)(1) of the Small Business Act (15 U.S.C. 632), and relevant subcontracting regulations issued pursuant to such Act, except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this section.

‘(3) VETERAN-OWNED SMALL BUSINESS.—The term ‘veteran-owned small business’ has the meaning given the term ‘small business concern owned and controlled by veterans’ in section 3(q)(3) of the Small Business Act (15 U.S.C. 632), except that the term does not include any concern or group of concerns controlled by the same veterans that have average annual gross receipts during the preceding 3 fiscal years in excess of $22,410,000, as adjusted annually by the Secretary for inflation.

SEC. 35305. GULF COAST RAIL SERVICE WORKING GROUP.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall convene a working group to evaluate the restoration of intercity passenger rail service in the Gulf Coast region, including options outlined in the report transmitted to Congress pursuant to section 226 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432).

(b) MEMBERSHIP.—The working group shall consist of a balanced representation of— ‘(1) the preferred option selected under subsection (c)(2) and the reasons for selecting such option; ‘(2) the information described in subsection (c)(3); ‘(3) the funding sources identified under subsection (c)(4); ‘(4) the costs and benefits of restoring intercity rail passenger transportation in the region; and ‘(5) any other information the working group determines appropriate.

SEC. 35306. INTEGRATED PASSENGER RAIL WORKING GROUP.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall convene a working group to review issues relating to— ‘(1) the potential operation of State-supported routes by rail passenger carriers other than Amtrak; and ‘(2) their role in establishing an integrated intercity passenger rail network in the United States.

(b) MEMBERSHIP.—The working group shall consist of a balanced representation of— ‘(1) the Federal Railroad Administration, who shall chair the Working Group; ‘(2) States that fund State-sponsored routes; ‘(3) independent passenger rail operators, including those that carry at least 5,000,000 passengers annually in United States or international rail service; ‘(4) Amtrak; ‘(5) employee representatives from railroad unions and building trade unions with substantial engagement in railroad rights of way construction and maintenance; and ‘(6) employee representatives from railroad unions and building trade unions with substantial engagement in railroad rights of way construction and maintenance; and

(c) RESPONSIBILITIES.—The working group shall evaluate options for improving State-supported routes and may make recommendations, as appropriate, regarding— ‘(1) best practices for authorizing and expanding regional transportation planning organizations, intermodal freight, and intercity projects in rural and other communities along the proposed route or routes, which shall be selected by the Administrator; ‘(2) freight railroad carriers whose tracks may be used for such service; and ‘(7) other entities determined appropriate by the Secretary.

(c) RESPONSIBILITIES.—The working group shall evaluate options for improving State-supported routes and may make recommendations, as appropriate, regarding— ‘(1) best practices for authorizing and expanding regional transportation planning organizations, intermodal freight, and intercity projects in rural and other communities along the proposed route or routes, which shall be selected by the Administrator; ‘(2) freight railroad carriers whose tracks may be used for such service; and ‘(7) other entities determined appropriate by the Secretary.

‘(2) future sources of Federal and non-Federal funding sources for State-sponsored routes; and

‘(3) best practices in obtaining passenger rail operations and services on a competitive

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basis with the objective of creating the highest quality service at the lowest cost to the taxpayer;

(4) ensuring potential interoperability of State-supported intermodal systems as a part of a national network with multiple providers providing integrated services including ticketing, scheduling, and route planning;

and (5) the interface between State-supported routes and connecting commuter rail operations, including maximized intramodal and intermodal connections and common sources of funding for capital projects.

(d) MEETINGS.—Not later than 60 days after the establishment of the working group, the Secretary under subsection (a), the working group shall convene an organizational meeting outside the District of Columbia that shall outline the rules and procedures governing the proceedings of the working group. The working group shall hold at least 3 meetings per year in States that fund State-supported routes.

(e) REPORTS.—

(1) PRELIMINARY REPORT.—Not later than 1 year after the date the working group is established, the working group shall submit a preliminary report to the Secretary, the Governors of States funding State-supported routes, the Chairman of the Surface Transportation Board, the Northeast Corridor Commission, and the Federal Railroad Administration, and the Federal Transit Administration, and the Federal Highway Administration, and the Federal Aviation Administration, and the Federal Maritime Commission, and the Secretary of the Interior, and the Secretary of Transportation.

(2) FINAL LEGISLATIVE RECOMMENDATIONS.—

(a) The working group shall submit a final report to the Secretary, the Federal Transit Administration, and the Federal Railroad Administration, and the Federal Highway Administration, and the Federal Aviation Administration, and the Federal Maritime Commission, and the Secretary of the Interior, and the Secretary of Transportation, and the Committee on Commerce, Science, and Transportation of the House of Representatives, and the Committee on Appropriations of the House of Representatives.

(b) The report shall include—

(1) the results of the study;

(2) any recommendations for further action, including any legislative proposals consistent with such recommendations.

(f) IMPLEMENTATION.—The Secretary shall integrate the recommendations submitted under subsection (e) into its financial assistance programs under subtitle V of title 49, United States Code, and section 502 of the Investment and Improvement Act of 2008; and the Secretary shall ensure that the studies and reports under this section are consistent with such recommendations.

(g) COST ALLOCATION POLICY.—Section 24905(c) is amended—

(1) in the subsection heading, by striking “railway cost” and inserting “allocation of costs”;

(2) in paragraph (1)—

(A) by striking “the” and inserting “a”; and

(B) by striking paragraph (2) through (D) and inserting the following:

(3) the delivery of the capital plan described in section 24904; and

(4) the delivery of the capital plan described in section 24906.

(h) REPORTS.—Section 24905(b) is amended—

(1) in paragraph (1), by inserting “and periodically update” after “develop”.

(2) in paragraph (2)—

(A) by striking “Within 2 years after the issuance of” and inserting “After the issuance of”;

(B) by amending subparagraph (A) to read as follows:

(2) COST ALLOCATION POLICY.—

The Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(i) the results of the study; and

(ii) any recommendations for further action, including any legislative proposals consistent with such recommendations.

(j) IMPLEMENTATION.—

The Commission shall integrate the recommendations submitted under subsection (i) into its financial assistance programs under subtitle V of title 49, United States Code, and section 502 of the Investment and Improvement Act of 1970 (42 U.S.C. 522), as appropriate.

(k) SHARED-USE STUDY.—

SEC. 35307. SHARED-USE STUDY.

(a) COMPOSITION.—Section 24905(a) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting “infrastructure investments,” after “railway costs,” and

(B) by amending subparagraph (B) to read as follows:

(2) in paragraph (2)—

(A) by striking “formula proposed in” and inserting “policy developed under”;

(B) by striking paragraph (B) through (D) and inserting the following:

(3) SUBMISSION OF STATEMENT OF GOALS, RECOMMENDATIONS, AND PERFORMANCE REPORTS.—The Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(A) any updates made to the statement of goals developed under paragraph (1) not later than 60 days after such updates are made; and

(B) annual performance reports and recommendations for such usage in accordance with the procedures and procedural schedule applicable to a proceeding under section 24904(c), after taking into consideration the policy developed under paragraph (1), as applicable;

(4) in paragraph (3), by striking “formula” and inserting “policy”;

and

(5) by adding at the end the following:

(5) PROGRESS REPORT.—If a dispute arises with the implementation of, or compliance with, the policy developed under paragraph (1), the Commission, after taking into consideration the policy developed under paragraph (1), as applicable.

(i) the operations and performance of commuter, intercity, and freight rail transportation along the Northeast Corridor; and

(ii) the delivery of the capital plan described in section 24904.

(c) COST ALLOCATION POLICY.—Section 24905(c) is amended—

(1) in the subsection heading, by striking “railway costs” and inserting “allocation of costs”;

(2) in paragraph (1)—

(A) by removing “railway” and inserting “formula” and inserting “policy”;

(B) in the matter preceding subparagraph (A), by striking “Within 2 years after the issuance of” and inserting “After the issuance of”;

(C) in subparagraph (A), by striking “railway” and inserting “infrastructure investments,” after “railway costs,” and

(D) by adding at the end the following:

(3) SUBMISSION OF STATEMENT OF GOALS, RECOMMENDATIONS, AND PERFORMANCE REPORTS.—The Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(A) any updates made to the statement of goals developed under paragraph (1) not later than 60 days after such updates are made; and

(B) annual performance reports and recommendations for such usage in accordance with the procedures and procedural schedule applicable to a proceeding under section 24904(c), after taking into consideration the policy developed under paragraph (1), as applicable.

(C) the manner in which passenger train delays are recorded;
Surface Transportation Board conduct dispute resolution. The Surface Transportation Board shall establish procedures for resolution of disputes brought before it under this paragraph, which may include the provision of professional mediation services.

(d) CONFORMING AMENDMENTS.—Section 24905 is amended—

(1) by striking subsection (d);
(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively;

(3) in subsection (a), as redesignated, by striking "to the Commission such sums as may be necessary for the period encompassing fiscal years 2009 through 2013 to carry out this section" and inserting "to the Secretary for the use of the Commission and the Northeast Corridor Safety Committee such sums as may be necessary to carry out this special year work beginning in fiscal year 2016 through 2019, in addition to amounts withheld under section 3510(e) of the Railroad Reform, Enhancement, and Efficiency Act"; and

(4) in subsection (e)(2), as redesignated, by striking "on the main line." and inserting "on the main line and meet annually with the Commission on the topic of Northeast Corridor asset management security.

(e) NORTHEAST CORRIDOR PLANNING.—

(1) AMENDMENT.—Chapter 249 is amended—

(A) by redesignating section 24904 as section 24903; and

(B) by inserting after section 24903, as redesignated, the following:

"24904. Northeast Corridor planning."

"(a) NORTHEAST CORRIDOR CAPITAL INVESTMENT PLAN.—

"(1) REQUIREMENT.—Not later than May 1 of each year, the Northeast Corridor Commission established under section 24905 (referred to in this section as the 'Commission') shall—

"(A) develop a capital investment plan for the Northeast Corridor main line between Boston, Massachusetts, and the Virginia Avenue interlocking in the District of Columbia, and the Northeast Corridor branch lines connecting to Harrisburg, Pennsylvania, Springfield, Massachusetts, and Spuyten Duyvil, New York, including the facilities and services used to operate and maintain those lines; and

"(B) submit the capital investment plan to the Secretary of Transportation and the Committee on Transportation and Infrastructure of the House of Representatives.

"(2) CONTENTS.—The capital investment plan shall—

"(A) reflect coordination and network optimization across the entire Northeast Corridor;

"(B) integrate the individual capital and service plans developed by each operator using the methods described in the cost allocation policy developed under section 24905(c);

"(C) cover a period of 5 fiscal years, beginning with the fiscal year after the date on which the plan is completed;

"(D) notwithstanding section 24902(b), identify, prioritize, and phase the implementation of projects and programs to achieve the service outcomes identified in the Northeast Corridor service development plan and the asset condition needs identified in the Northeast Corridor management plans, once available, and consider—

"(i) the benefits and costs of capital investments in the plan;

"(ii) program and project readiness;

"(iii) the operational impacts; and

"(iv) funding availability;

"(E) categorize capital projects and programs associated with—

"(i) normalized capital replacement and basic infrastructure renewals;

"(ii) replacement or rehabilitation of major Northeast Corridor infrastructure assets, including tunnels, bridges, stations, and other assets;

"(iii) statutory, regulatory, or other legal mandates;

"(iv) improvements to support service enhancements or growth; and

"(v) strategies and programs that will improve overall operational performance or lower costs;

"(F) identify capital projects and programs that are associated with more than 1 category described in subparagraph (E);

"(G) describe the anticipated outcomes of each project or program, including an assessment of—

"(i) the potential effect on passenger accessibility, operations, safety, reliability, and resiliency;

"(ii) the ability of infrastructure owners and operators to meet regulatory requirements if the project or program is not funded; and

"(iii) the benefits and costs; and

"(H) include a financial plan.

"(b) FINANCIAL PLAN.—The financial plan under paragraph (a) shall—

"(A) identify funding sources and financing methods;

"(B) identify the expected allocated shares of costs pursuant to the cost allocation policy developed under section 24905(c);

"(C) identify the projects and programs that the Commission expects will receive Federal financial assistance;

"(D) identify the eligible entity or entities that the Commission expects will receive the Federal financial assistance described under subparagraph (B); and

"(E) develop a proposed methodology, including estimates of costs, benefits, opportunities, and impediments to developing such through-ticketing between Amtrak service and commuter rail services on the Northeast Corridor.

24904. Northeast Corridor planning."

(f) NORTHEAST CORRIDOR ASSET MANAGEMENT.—

"(1) CONTENTS.—With regard to its infrastructure, Amtrak and each State and public transportation entity that owns or controls infrastructure that supports or provides for intercity rail passenger transportation on the Northeast Corridor shall develop an asset management plan.

"(A) N OTE AND MORTGAGE.—Section 24907(a) of this title is amended by striking "section 24907(a) of this title" and inserting "section 24903(a) of this title.""

"(B) AT LEAST BIENNIALLY .—Not later than every 2 years, the Commission shall update the Northeast Corridor service development plan.

"(2) CONFORMING AMENDMENTS.—

(A) NOTE AND MORTGAGE.—Section 24907(a) is amended by striking "section 24907(a) of this title" and inserting "section 24903(a) of this title.""

(g) NORTHEAST CORRIDOR THROUGH-TICKETING AND PROCUREMENT EFFICIENCIES.

"(a) THROUGH-TICKETING STUDY.—

"(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Northeast Corridor Commission established under section 24905(a) of this title and United States Code (referred to in this section as the "Commission"), in consultation with Amtrak and the commuter rail passenger transportation providers along the Northeast Corridor shall complete a study on the feasibility and options for permitting through-ticketing between Amtrak service and commuter rail services on the Northeast Corridor.

"(2) CONTENTS.—In completing the study under paragraph (1), the Northeast Corridor Commission shall—

"(A) examine the current state of intercity and commuter rail ticketing technologies, policies, and other relevant aspects on the Northeast Corridor;

"(B) consider and recommend technology, process, policy, or other options that would permit through-ticketing to allow intercity and commuter rail passengers to purchase, in a single transaction, travel that utilizes Amtrak and connecting commuter rail services;

"(C) consider options to expand through-ticketing to include less frequent services; or

"(D) summarize costs, benefits, opportunities, and impediments to developing such through-ticketing options; and

"(E) develop a proposed methodology, including cost and schedule estimates, for carrying out a pilot program on through-ticketing on the Northeast Corridor.

"(b) REPORT.—Not later than 60 days after the date the study under paragraph (1) is complete, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

"(A) the results of the study; and

"(B) any recommendations for further action.

"(c) JOINT PROCUREMENT STUDY.—

"(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary, in cooperation with the Commission, Amtrak, and commuter rail transportation authorities on the Northeast Corridor shall complete a study of the potential benefits resulting from Amtrak and such authorities undertaking select joint procurements for operating equipment, maintenance of way, and equipment when expending Federal funds for such purchases.
(2) CONTENTS.—In completing the study under paragraph (1), the Secretary shall consider—
(A) the types of materials, assets, and equipment that are regularly purchased by Amtrak and such authorities that are similar and could be jointly procured;
(B) the potential benefits of such joint procurements, including any technologies, to achieve trip reductions, lower procurement costs, better pricing, greater market relevance, and other efficiencies;
(C) the potential costs of such joint procurements;
(D) any significant impediments to undertaking joint procurements, including any necessary harmonization and reconciliation of Federal and State procurement or safety requirements for assessing benefits and costs, for intercity passenger rail and freight rail service, including possible routes, rail carrier using the relevant corridor, if applicable; and
(E) whether to create Federal incentives or requirements relating to considering or carrying out joint procurements when expending Federal funds.

(3) TRANSMISSION.—Not later than 60 days after completing the study required under this subsection, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—
(A) the results of the study; and
(B) any recommendations for further action.

(c) NORTHEAST CORRIDOR.—In this section, the term ''Northeast Corridor'' means the Northeast Corridor main line between Boston, Massachusetts, and the Virginia Avenue interlocking in the District of Columbia, and the Northeast Corridor branch lines connecting to Harrisburg, Pennsylvania, Springfield, Massachusetts, and Spuyten Duyvil, New York, including the facilities and services used to operate and maintain those lines.

SEC. 35310. DATA AND ANALYSIS.

(a) DATA.—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with the Surface Transportation Board, Amtrak, freight railroads, State and local governments, and regional business, tourism and economic development agencies shall conduct a data needs assessment—
(1) to support the development of an efficient and effective intercity passenger rail network;
(2) to identify the data needed to conduct cost-benefit and cost-effectiveness analysis for intercity passenger rail development programs;
(3) to determine limitations to the data used for inputs;
(4) to develop a strategy to address such limitations;
(5) to identify barriers to accessing existing data;
(6) to develop recommendations regarding whether the authorization of additional data collection for intercity passenger rail travel is warranted; and
(7) to determine which entities will be responsible for generating or collecting needed data.

(b) BENEFIT-COST ANALYSIS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall enhance the usefulness of assessments of benefits and costs, for intercity passenger rail and freight rail projects—
(1) by providing ongoing guidance and training on developing benefit and cost information for rail projects;
(2) by providing more direct and consistent requirements for assessing benefits and costs across transportation funding programs, including the appropriate use of discount rates;
(3) by requiring applicants to clearly communicate the methodology used to calculate the project benefits and costs, including nonproprietary information on—
(A) assumptions underlying calculations;
(B) strengths and limitations of data used; and
(C) the level of uncertainty in estimates of project benefits and costs;
(4) by ensuring that applicants receive clear and consistent guidance on values to apply for key assumptions used to estimate potential project benefits and costs;
(c) CONFIDENTIAL DATA.—The Secretary shall protect sensitive or confidential to the greatest extent permitted by law. Nothing in this section shall require any entity to provide information in the absence of a voluntary agreement.

SEC. 35311. PERFORMANCE-BASED PROPOSALS.

(a) SOLICITATION OF PROPOSALS.—
(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall issue a request for proposals for projects for the financing, design, construction, operation, and maintenance of an intercity passenger rail system, including—
(A) the Northeast Corridor;
(B) the California Corridor;
(C) the Empire Corridor;
(D) the Pacific Northwest Corridor;
(E) the Southern Corridor;
(F) the Gulf Coast Corridor;
(G) the Chicago Hub Network;
(H) the Florida Corridor;
(I) the Keystone Corridor;
(J) the Northern New England Corridor; and
(K) the Southeast Corridor.
(2) SUBMISSION OF PROPOSALS.—Proposals shall be submitted to the Secretary not later than 180 days after the publication of such request for proposals under paragraph (1).

(b) PERFORMANCE STANDARDS.—Proposals submitted under paragraph (2) shall meet any standards established by the Secretary. For corridors with existing intercity passenger rail service, proposals shall also be designed to achieve a reduction of existing minimum intercity rail service trip times between the main corridor city pairs by a minimum of 25 percent. In the case of a proposal submitted with respect to corridor 1A, the proposal shall be designed to achieve a 2-hour or less express service between Washington, District of Columbia, and New York City, New York.

(c) CONTENTS.—A proposal submitted under this subsection shall include—
(1) the names and qualifications of the persons submitting the proposal and the entities proposed to finance, design, construct, operate, and maintain the railroad, railroad equipment, and related facilities, stations, and infrastructure;
(2) a detailed description of the proposed rail service, including possible routes, required improvements, and sources thereof, including the identity of the persons submitting the proposal or entities proposed to finance, design, construct, operate, and maintain the railroad, railroad equipment, and related facilities, stations, and infrastructure;
(3) a description of how the project would comply with all applicable Federal laws governing the rights and status of employees associated with the route and service, including those specified in section 24405 of title 49, United States Code;
(4) a description of how the project would meet the requirements of paragraphs (1) and (2) of section 24405 of title 49, United States Code; and
(5) the type of equipment to be used, including any technologies, to achieve trip time goals;
(6) a description of any proposed legislation or regulations required to implement the project;
(7) a description of how the project would comply with all applicable Federal rail safety and security laws, orders, and regulations;
(8) the locations of proposed stations, which maximizes the usage of existing infrastructure to the extent possible, and the populations such stations are intended to serve;
(9) the type of equipment to be used, including any technologies, to achieve trip time goals;
(10) a description of how the project would comply with all applicable Federal rail safety and security laws, orders, and regulations;
(11) the amount of any requested public contribution toward the project, and proposed sources; and
(12) any other information that the Secretary determines is necessary to provide the initial proposal for review and consideration.

(b) DETERMINATION AND ESTABLISHMENT OF COMMISSIONS.—Not later than 180 days after receipt of the proposals under subsection (a), the Secretary shall—
(1) make a determination as to whether any such proposal—
(A) contains the information required under paragraphs (3) and (4) of subsection (a); and
(B) are sufficiently credible to warrant further consideration;
(2) establish a commission under subsection (c) for each corridor with 1 or more proposals that the Secretary determines satisfy the requirements of paragraph (1); and
(3) forward to each commission established under paragraph (2) the applicable proposals for review and consideration.

(c) COMMISSIONS.—
(1) MEMBERS.—Each commission established under subsection (b)(2) shall include—
(A) the governors of the affected States, or their respective designees; and
(B) mayors of appropriate municipalities with stops along the proposed corridor, or their respective designees.
(2) REPRESENTATIVE.—A representative from each freight railroad carrier using the relevant corridor, if applicable; and
(3) CHAIR.—A representative from each transit authority using the relevant corridor, if applicable;
(E) representatives of nonprofit employee labor organizations representing affected railroad employees; and
(F) the President of Amtrak or his or her designee.

(2) APPOINTMENT AND SELECTION.—The Secretary shall appoint the members under paragraph (1). In selecting each commission’s designee, the Secretary shall consult with the Chairperson and Ranking Member of the Committee on Commerce, Science, and Transportation of the Senate and of the Committee on Transportation and Infrastructure of the House of Representatives.

(3) DUTIES.—The Chairperson and Vice-Chairperson shall be elected from among members of each commission.

(4) QUORUM AND VACANCY.—
   (A) QUORUM.—A majority of the members of each commission shall constitute a quorum.
   (B) VACANCY.—Any vacancy in each commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

(5) APPLICATION OF FEDERAL LAW.—Except where otherwise provided by this section, the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to each commission created under this subsection.

(d) COMMISSION CONSIDERATION.—
   (1) IN GENERAL.—Each commission established under subsection (b)(2) shall be responsible for reviewing the proposal or proposals forwarded to it under that subsection and not later than 90 days after the establishment of the commission, shall transmit to the Secretary a report, including—
      (A) a summary of each proposal received;
      (B) services to be provided under each proposal, including projected ridership, revenues, or losses;
      (C) proposed public and private contributions for each proposal;
      (D) the advantages offered by the proposal over existing intercity passenger rail services;
      (E) public operating subsidies or assets needed for the proposal project;
      (F) the public associated with the proposal, including risks associated with project financing, implementation, completion, safety, and security;
      (G) the feasibility of the proposals recommended for further consideration under subsection (e) in accordance with each proposal’s projected positive impact on the Nation’s transportation system;
      (H) an identification of any proposed Federal legislation that would facilitate implementation of the projects and Federal legislation that would be required to implement the projects; and
      (I) any other recommendations by the commission concerning the proposed projects.
   (2) SELECTION OF PROPOSALS.—Proposers shall be given an opportunity to make a verbal presentation to the commission to explain their proposals.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for the use of each commission established under subsection (b)(2) such sums as are necessary to carry out this section.
   (e) SELECTION BY SECRETARY.—
   (1) IN GENERAL.—Not later than 60 days after receiving the recommended proposals of the commissions established under subsection (b)(2), the Secretary shall—
      (A) review such proposals and select any proposal that provides substantial benefits to the Nation’s transportation system, is cost-effective, offers significant advantages over existing services, and meets other relevant factors determined appropriate by the Secretary; and
      (B) submit to the Committee on Commerce, Science, and Transportation of the Senate and of the Committee on Transportation and Infrastructure of the House of Representatives a report containing any proposal with respect to subsection (a)(1) of paragraph (6) and any other information the Secretary considers relevant.
   (2) SUBSEQUENT REPORT.—Following the submission of the report under paragraph (1), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing any proposal with respect to subparagraphs (B) and (E) of paragraph (1) of this subsection, all the information regarding the proposal provided to the Secretary under subsection (d), and any other information the Secretary considers relevant.

(3) LIMITATION ON REPORT SUBMISSION.—The report required under paragraph (2) shall not be submitted by the Secretary until the report submitted under paragraph (1) of this subsection, all the information regarding the proposal provided to the Secretary under subsection (d), and any other information the Secretary considers relevant

(a) IN GENERAL.—Each commission established under subsection (b)(2) shall be responsible for reviewing the proposal or proposals forwarded to it under that subsection and not later than 90 days after the establishment of the commission, shall transmit to the Secretary a report, including—
   (A) a summary of each proposal received;
   (B) services to be provided under each proposal, including projected ridership, revenues, or losses;
   (C) proposed public and private contributions for each proposal;
   (D) the advantages offered by the proposal over existing intercity passenger rail services;
   (E) public operating subsidies or assets needed for the proposal project;
   (F) the public associated with the proposal, including risks associated with project financing, implementation, completion, safety, and security;
   (G) the feasibility of the proposals recommended for further consideration under subsection (e) in accordance with each proposal’s projected positive impact on the Nation’s transportation system;
   (H) an identification of any proposed Federal legislation that would facilitate implementation of the projects and Federal legislation that would be required to implement the projects; and
   (I) any other recommendations by the commission concerning the proposed projects.
   (2) SELECTION OF PROPOSALS.—Proposers shall be given an opportunity to make a verbal presentation to the commission to explain their proposals.
   (3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for the use of each commission established under subsection (b)(2), the Secretary shall—
      (A) review such proposals and select any proposal that provides substantial benefits to the Nation’s transportation system, is cost-effective, offers significant advantages over existing services, and meets other relevant factors determined appropriate by the Secretary; and
      (B) submit to the Committee on Commerce, Science, and Transportation of the Senate and of the Committee on Transportation and Infrastructure of the House of Representatives a report containing any proposal with respect to subsection (a)(1) of paragraph (6) and any other information the Secretary considers relevant.
   (2) SUBSEQUENT REPORT.—Following the submission of the report under paragraph (1), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing any proposal with respect to subparagraphs (B) and (E) of paragraph (1) of this subsection, all the information regarding the proposal provided to the Secretary under subsection (d), and any other information the Secretary considers relevant.

(c) LIMITATION.—The authority provided by subsection (a) and (b) shall be effective only with respect to a fiscal year for which Amtrak receives a Federal subsidy.

SEC. 35313. MISCELLANEOUS PROVISIONS.

(a) TITLE 49 AMENDMENTS.

(1) CONTINGENT INTEREST RECOVERIES.—Section 22106(b) is amended by striking "interest thereof" and inserting "interest thereon.

(2) AUTHORITY.—Section 27202(b)(4) is amended by striking "5 years for reapproval by the Secretary" and inserting "4 years for acceptance by the Secretary.

(3) CONTENTS OF STATE RAIL PLANS.—Section 22705(a) is amended by striking paragraph (12).

(4) MISSION.—Section 24101(b) is amended by striking "of subsection (d)" and inserting "set forth in subsection (c)".

(5) CONGRESSIONAL RECORD.—The table of contents for chapter 243 is amended by striking the item relating to section 24316 and inserting the following:

"24316. Plans to address the needs of families of passengers involved in rail passenger accidents.".

(b) UPDATE.—Section 24303(b)(3) is amended by striking "$1,000,000" and inserting "$5,000,000".

(c) AMTRAK.—Chapter 247 is amended—
   (1) in section 24702(a), by striking "not included in the national rail passenger transportation system";
   (B) in section 24706—
      (1) in subsection (a)—
         (I) in paragraph (1), by striking "a discontinuance under section 24704 or"; and
         (II) in paragraph (2), by striking "section 24704 or"; and
      (2) in subsection (b), by striking "section 24704 and";
   (C) in section 24709, by striking "The Secretary of the Treasury and the Attorney General," and inserting "The Secretary of Homeland Security,".
   (d) PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT AMENDMENTS.—Section 306(a) of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) is amended by inserting "nonprofit organizations representing employees who perform manual and maintenance of passenger railroad equipment," after "equipment manufacturers".

Subtitle D—Rail Safety

PART I—SAFETY IMPROVEMENT

SEC. 35401. HIGHWAY-RAIL GRADE CROSSING SAFETY.

(a) MODEL STATE HIGHWAY-RAIL GRADE CROSSING ACTION PLAN.—
   (1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a model of a State-specific highway-rail grade crossing action plan and distribute the model plan to each State.
   (2) CONTENTS.—The plan developed under paragraph (1) shall include—
      (A) methodologies, tools, and data sources for identifying and evaluating highway-rail grade crossing safety risks, including the public safety risks posed by blocked highway-rail grade crossings due to idling trains;
      (B) best practices to reduce the risk of highway-rail grade crossing accidents or incidents and to alleviate the blockage of highway-rail grade crossings due to idling trains, including strategies for mitigation of highway-rail grade crossing safety risks; and
enforcement, including the strengths and weaknesses associated with different enforcement methods;
(C) for each State, a customized list and data set of the highway-rail grade crossing accidents or incidents in that State over the past 3 years, including the location, number of deaths, and number of injuries for each accident;
(D) contact information of a Department of Transportation safety official available to assist the State in adapting the model plan to satisfy the requirements under subsection (b).

(b) STATE-HIGHWAY GRADE CROSSING ACTION PLAN.—
(1) REQUIREMENTS.—Not later than 18 months after the Secretary develops and distributes the model plan under subsection (a), the Secretary shall promulgate a rule that requires—
(A) each State, except the 10 States identified under section 202 of the Rail Safety Improvement Act of 2008 (49 U.S.C. 22501 note), to develop and implement a State highway-rail grade crossing action plan; and
(B) each State that was identified under section 202 of the Rail Safety Improvement Act of 2008 (49 U.S.C. 22501 note), to update its State action plan under that section and submit to the Secretary the updated action plan and a report describing what the State did to implement its previous State action plan under that section and how it will continue to reduce highway-rail grade crossing safety risks.

(2) CONTENTS.—Each State plan required under subsection (a) shall—
(A) identify highway-rail grade crossings that have experienced recent highway-rail grade crossing accidents or incidents, or are at high-risk for accidents or incidents;
(B) describe strategies for improving safety at highway-rail grade crossings, including highway-rail grade crossing closures or grade separations; and
(C) designate a State official responsible for managing implementation of the State plan under subparagraph (A) or (B) of paragraph (1), as applicable.

(3) ASSISTANCE.—The Secretary shall provide assistance to each State in developing and carrying out, as appropriate, the State plan under this subsection, to enable warning and enforcement methods;

(4) PUBLIC AVAILABILITY.—Each State shall submit its final State plan under this subsection to the Secretary for publication. The Secretary shall make each approved State plan publicly available on an official Internet Web site.

(5) CONDITIONS.—The Secretary may condition the provision of a grant to a State under chapter 244 of title 49, United States Code, on that State submitting an acceptable State plan under this subsection.

(b) ALTERNATE PRACTICE OR TECHNOLOGY.—
(1) DEFINITIONS.—The term "highway-rail grade crossing" means a location within a State, other than a location described in subparagraph (A) or (B) of paragraph (2); and
(B) a pathway explicitly authorized by a public authority or a railroad carrier that is dedicated for the use of non-vehicular traffic, including pedestrians, bicyclists, and others, that is not associated with a public highway, road, or street, or a private roadway, crosses 1 or more railroad tracks either at grade or grade-separated;

(2) ALTERNATE PRACTICE OR TECHNOLOGY.—
(A) IN GENERAL.—Not later than 90 days after the date an action plan is submitted under section (a) is complete, a rail passenger carrier that has experienced recent highway-rail grade crossing accidents or incidents, or are at high-risk for accidents or incidents, shall—

SEC. 35402. SPEED LIMIT ACTION PLANS.
(a) IN GENERAL.—Not later than 90 days after the date an action plan is submitted under section (a) is complete, a rail passenger carrier that has experienced recent highway-rail grade crossing accidents or incidents, or are at high-risk for accidents or incidents, shall—

(b) RULEMAKING.—
(1) IN GENERAL.—The Secretary may promulgate a rule that requires each railroad carrier providing intercity rail passenger transportation to develop and implement a State highway-rail grade crossing action plan, to enable warning and enforcement methods; in consultation with any applicable host railroad carrier, to install signs to warn train crews before the train approaches a grade crossing of a new or updated road or street that has been designated as a road or street that has experienced recent highway-rail grade crossing accidents or incidents, or are at high-risk for accidents or incidents;

(c) APPROVAL.—Not later than 90 days after the date an action plan is submitted under subsection (a), the Secretary shall—

(d) ALTERNATIVE SAFETY MEASURES.—
(1) IN GENERAL.—The Secretary may exempt from the requirements of this section each segment of track for which operations are governed by a positive train control system certified under section 20157 of title 49, United States Code, or any other safety technology that would achieve an equivalent or greater level of safety in reducing derailment risk.

(e) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

SEC. 35403. SIGNAGE.
(a) IN GENERAL.—The Secretary shall promulgate such regulations as the Secretary considers necessary to require each railroad carrier providing intercity rail passenger transportation, in consultation with any applicable host railroad carrier, to install signs to warn train crews before the train approaches a grade crossing of a new or updated road or street that has been designated as a road or street that has experienced recent highway-rail grade crossing accidents or incidents, or are at high-risk for accidents or incidents.

(b) ALTERNATIVE SAFETY MEASURES.—The Secretary may exempt from the requirements of this section each segment of track for which operations are governed by a positive train control system certified under section 20157 of title 49, United States Code, or any other safety technology that would achieve an equivalent or greater level of safety in reducing derailment risk.

SEC. 35404. ALERTERS.
(a) IN GENERAL.—The Secretary shall promulgate a rule to require a working alerter to provide signal protection.

(b) RULEMAKING.—
(1) IN GENERAL.—The Secretary may promulgate a rule to specify the essential functionalities of a working alerter, including the manner in which the alerter can be reset.

(2) ALTERNATE PRACTICE OR TECHNOLOGY.—The Secretary may require or allow a technology or practice in lieu of a working alerter if the Secretary determines that the technology or practice would achieve an equivalent or greater level of safety in enhancing or ensuring appropriate locomotive control.

SEC. 35405. SIGNAL PROTECTION.
(a) IN GENERAL.—The Secretary shall promulgate regulations to require, not later than 18 months after the date of enactment of this Act, on-track safety regulations, whenever practicable and consistent with other safety technology or practices, and any operational considerations, include requiring implementation of redundant signal protection, such as shunting or other practices and technologies that achieve a greater level of safety, for maintenance-of-way work crews who depend on a train dispatcher to provide signal protection.

(b) ALTERNATIVE SAFETY MEASURES.—The Secretary may exempt from the requirements of this section each segment of track for which operations are governed by a positive train control system certified under section 20157 of title 49, United States Code, or...
any other safety technology or practice that would achieve an equivalent or greater level of safety in providing additional signal protection.

**SEC. 35406. TECHNOLOGY IMPLEMENTATION PLANS.**

Section 20156(e) is amended—

| (1) in paragraph (4)— |
| (A) in subparagraph (A), by striking ‘‘and’’ at the end and inserting ‘‘; and’’; and |
| (B) in subparagraph (B), by striking the period at the end and inserting ‘‘; and’’; and |

(2) by adding at the end the following:

‘‘(C) The railroad carrier is required to submit such a plan, until the implementation of a positive train control system by the railroad carrier, shall analyze and, as appropriate, implement technologies and practices to mitigate the risk of overspeed derailments.’’.

**SEC. 35407. COMMUTER RAIL TRACK INSPECTIONS.**

(a) In General.—The Secretary shall evaluate track inspection regulations to determine if a railroad carrier providing commuter rail passenger transportation on high density commuter railroad lines should be required to inspect the lines in the same manner as currently required for other commuter rail lines.

(b) Rulemaking.—Considering safety, including the effects of employee and contractor safety, and system capacity, the Secretary may promulgate a rule for high density commuter railroad lines. If, after the evaluation under subsection (a), the Secretary determines that it is necessary to promulgate a rule, the Secretary shall specifically consider the following regulatory requirements for high density commuter rail lines:

(1) At least once every 2 weeks—

(A) traverse each main line by vehicle; or

(B) inspect each main line on foot.

(2) At least once each month, traverse and inspect each siding by vehicle or by foot.

(c) Report.—If, after the evaluation under subsection (a), the Secretary determines it is not necessary to revise the regulations under this section, the Secretary, not later than 18 months after the date of enactment of this Act, shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report of the findings of the study and any recommendations for further action.

**SEC. 35410. REPAIR AND REPLACEMENT OF DAMAGED TRACK INSPECTION EQUIPMENT.**

(a) In General.—Subchapter I of chapter 201 is amended by inserting after section 20120 the following:

‘‘$20121. Repair and replacement of damaged track inspection equipment.’’

‘‘The Secretary of Transportation may receive and expend cash, or receive and utilize proceeds on behalf of the United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment, to improve the result of third-party liability for such damages, and any amounts collected under this section shall be credited directly to the Railroad Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation, and maintenance of automated track inspection equipment and vehicles and equipment for the automated track inspection program.’’.

(b) Conforming Amendment.—The table of contents of subchapter I of chapter 201 is amended by adding after section 20120 the following:

‘‘20121. Repair and replacement of damaged track inspection equipment.’’

**SEC. 35411. RAIL POLICE OFFICERS.**

(a) In General.—Section 28101 is amended—

(1) by striking ‘‘employed by’’ and inserting ‘‘may directly employ or contract with’’;

(2) by striking ‘‘employed by’’ and inserting ‘‘directly employed by or contracted by’’; and

(3) by striking ‘‘employed without’’ and inserting ‘‘directly employed or contracted without’’.

(b) Secure Gun Storage or Safety Device Exceptions.—Section 922(z)(2)(B) of title 18 is amended by striking ‘‘employed by’’ and inserting ‘‘directly employed by or contracted by’’.

(c) Conforming Amendments.—

(1) AMTRAK RAIL POLICE.—Section 24305(e) is amended—

(A) by striking ‘‘may employ’’ and inserting ‘‘may directly employ or contract with’’;

(B) by striking ‘‘employed by’’ and inserting ‘‘directly employed by or contracted by’’; and

(C) by striking ‘‘employed without’’ and inserting ‘‘directly employed or contracted without’’.

**SEC. 35412. OPERATION DEEP DIVE REPORT.**

(a) Progress Reports.—Not later than 60 days after the date of the enactment of this Act, and quarterly thereafter until the completion date, the Administrator of the Federal Railroad Administration shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes the progress of Metro-North Commuter Railroad in implementing the directives and recommendations issued by the Federal Railroad Administration in its March 2014 report to Congress titled ‘‘Operations: Deep Dive Analysis of Commuter Railroad Safety Assessment’’.

(b) Final Report.—Not later than 30 days after the completion date, the Administrator of the Federal Railroad Administration shall submit a final report on the directives and recommendations to Congress.

**SEC. 35413. POST-ACCIDENT ASSESSMENT.**

(a) In General.—The Secretary of Transportation, in cooperation with the National Transportation Safety Board and the National Railroad Passenger Corporation (referred to in this section as ‘‘Amtrak’’), shall
conduct a post-accident assessment of the Amtrak Northeast Regional Train #188 crash on May 12, 2015.

(b) ELEMENTS.—The assessment conducted pursuant to subsection (a) shall include—

(1) a review of Amtrak’s compliance with the plan for addressing the needs of the families of passengers involved in any rail passenger accident, which was submitted pursuant to section 24516 of title 49, United States Code; and

(2) a review of Amtrak’s compliance with the emergency preparedness plan required under section 239.101(a) of title 49, Code of Federal Regulations;

(3) a determination of any additional action, if any, that should be included in the plans referred to in paragraphs (1) and (2) to meet the needs of the passengers involved in the crash and their families, including—

(A) notification of emergency contacts;

(B) dedicated and trained staff to manage family assistance;

(C) the establishment of a family assistance center at the accident locale or other appropriate location;

(D) a system for identifying and recovering items belonging to passengers that were lost in the crash and their families; and

(E) the establishment of a single customer service entity within Amtrak to coordinate the response to the needs of the passengers involved in the crash and their families.

(4) recommendations for any additional training needed by Amtrak staff to better implement the plans referred to in paragraphs (1) and (2) to meet the needs of the passengers involved in the crash and their families;

(a) TECHNICAL AND CONFORMING AMENDMENTS.

(1) by inserting “(2)” before “the code, standard, requirement, or practice has been subject to notice and comment under a rule or order issued under this part”;

(b) by inserting “(1)” before “unless” and indenting accordingly;

(3) in paragraph (1), as redesignated, by striking “order, or” and inserting “order; or”;

(4) in the matter preceding paragraph (1), as redesignated, by striking “unless” and inserting “unless—”;

(d) ENFORCEMENT REPORT.—Section 20120(a) is amended—

(1) in the matter preceding paragraph (1), by striking “website” and inserting “Web site”;

(2) in paragraph (1), by striking “accident and incident reporting” and inserting “accident and incident reporting”;

(3) in paragraph (2)(G), by inserting “and” at the end; and

(4) in paragraph (5)(B), by striking “Administrative Hearing Officer or Administrator Law Judge” and inserting “administrative hearing officer or administrative law judge”.

(e) RAILROAD SAFETY RISK REDUCTION PROGRAM.—Section 20168 is amended—

(1) in subsection (g)(1)—

(A) by inserting a comma after “good faith”;

(B) by striking “non-profit” and inserting “nonprofit”;

(1) ROADWAY USER SIGHT DISTANCE AT HIGHWAY-RAIL GRADE CROSSINGS.—Section 20159 is amended by striking “the Secretary” and inserting “the Secretary of Transportation”.

(g) NATIONAL CROSSING INVENTORY.—Section 20160 is amended—

(1) in subsection (a)(1), by striking “concerning each previously unreported crossing through which it operates or with respect to the trackage over which it operates” and inserting “concerning each previously unreported crossing through which it operates or with respect to the trackage over which it operates”; and

(2) in subsection (b)(1)(A), by striking “concerning each crossing through which it operates or with respect to the trackage over which it operates” and inserting “concerning each crossing through which it operates with respect to the trackage over which it operates”;

(h) MINIMUM TRAINING STANDARDS AND PLANS.—Section 20162(a)(3) is amended by striking “after enactment of the Railroad Safety Improvement Act of 2008” and inserting “after the date of enactment of the Rail Safety Improvement Act of 2008”.

(j) RAIL SAFETY IMPROVEMENT ACT OF 2008.—

(1) TABLE OF CONTENTS.—Section 1(b) of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20107 note) is amended—

(A) in the matter preceding paragraph (1), by striking “website” and inserting “Web site”;

(B) in the item relating to title VI, by inserting “build” after “build”.

(2) SAFETY INSPECTIONS IN MEXICO.—Section 416 of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20107 note) is amended—

(A) in the matter preceding paragraph (1), by striking “Secretary of Transportation” and inserting “Secretary”; and

(B) in paragraph (4), by striking “section 1520.5” and inserting “section 1520.5.”.

(3) ELIGIBILITY OF STATES.—Section 416 of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20107 note) is amended—

(A) in the matter preceding paragraph (1), by striking “parts 171.8, 173.115” and inserting “sections 171.8, 173.115”; and

(B) by striking “part 1520.5” and inserting “section 1520.5.”.

(4) OPERATION LIFESAVER.—Section 206(a) of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20107 note) is amended—

(A) in the matter preceding paragraph (1), by striking “Secretary” and inserting “Secretary of Transportation”;

(B) by striking “website” and inserting “Web site”;

(C) by striking “website” and inserting “site”.

(b) IN GENERAL.—The Secretary”;

(2) by adding at the end the following:

(12) SAFETY INSPECTIONS IN MEXICO .—Section 416 of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20107 note) is amended—

(A) in the matter preceding paragraph (1), by striking “website” and inserting “Web site”;

(b) by striking “(1)” before “the code, standard, requirement, or practice has been subject to notice and comment under a rule or order issued under this part” and indenting accordingly;
"(A) maintain a copy of the most recent bridge inspection reports prepared in accordance with section (b)(5); and

(B) provide copies of the reports described in subparagraph (A) to appropriate and designated Union or local government transportation officials, upon request."

PART II—CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS

SEC. 35421. CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS.

(a) In General.—The Secretary may make grants under section 35320 of this Act, is further amended by adding at the end the following:

"§ 354408. Consolidated rail infrastructure and safety improvements

"(a) General. The Secretary may make grants under this section to an eligible recipient to assist in financing the cost of improving passenger and freight rail transportation systems in terms of safety, efficiency, or reliability.

"(b) Eligible recipients. The following entities are eligible to receive a grant under this section:

"(1) A State.

"(2) A group of States.

"(3) An Interstate Compact.

"(4) A public agency or publicly chartered authority established by 1 or more States and having responsibility for providing intercity rail passenger or commuter rail passenger, or freight rail transportation service.

"(5) A political subdivision of a State.

"(6) Amtrak or another rail passenger carrier

"(7) A Class II railroad or Class III railroad (as those terms are defined in section 20102).

"(8) Any rail carrier or rail equipment manufacturer that holds partnership with at least 1 of the entities described in paragraphs (1) through (5).

"(9) Any entity established to procure, manage, and finance the construction and/or operation of a railroad property, including a railroad carrier, a railroad, an interstate compact, or a State or local government body.

"(10) The development of rail-related capital, operational, or safety improvements.

"(11) The implementation and operation of a safety program or institution designed to improve rail safety culture and rail safety performance.

"(12) Any research that the Secretary considers necessary to advance any particular aspect of rail-related capital, operations, or safety improvements.

"(13) Workforce development activities, coordinated to the extent practicable with the existing local training programs supported by the Department of Labor, and Department of Education.

"(d) Application process. The Secretary shall publish a formal and manner of filing an application under this section.

"(e) Project selection criteria.—

"(1) In general.—In selecting a recipient of a grant under this section, the Secretary shall:

"(A) give preference to a proposed project for which the proposed Federal share of total project costs does not exceed 50 percent; and

"(B) after factoring in preference to projects under subparagraph (A), select projects that will maximize the net benefits of the funds appropriated for use under this section, considering the cost-benefit analysis of the proposed project, including anticipated private and public benefits relative to the costs of the proposed project and factoring in the other considerations described in paragraph (2).

"(2) Other considerations.—The Secretary shall also consider the following:

"(A) The degree to which the proposed project's business plan considers potential private sector participation in the financing, construction, and operation of the project.

"(B) The recipient's past performance in developing and delivering similar projects, and previous financial contributions.

"(C) Whether the recipient has or will have the legal, financial, and technical capacity to carry out the proposed project, satisfying the capability and willingness to maintain the equipment or facilities;

"(D) If applicable, the consistency of the proposals and documents set forth by the Secretary or required by law or State rail plans developed under chapter 227;

"(E) If applicable, any technical evaluation ratings that proposed project received under previous competitive grant programs administered by the Secretary; and

"(F) Such other factors as the Secretary considers relevant to the successful delivery of the project.

"(2) Rail safety and other safety enhancements.

"(a) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Homeland Security, shall promulgate regulations—

"(1) to require a Class I railroad transporting hazardous materials—

"(i) to generate accurate real-time, and electronic train consist information, including—

"(i) the identity, quantity, and location of hazardous materials on a train;

"(ii) the point of origin and destination of the train;

"(iii) any emergency response information or records required by the Secretary and

"(iv) any emergency response point of contact designated by the Class I railroad; and

"(B) to enter into a memorandum of understanding with each applicable fusion center to provide that fusion center with secure and confidential access to the electronic train consist information described in subparagraph (A) for each train transporting hazardous materials in that fusion center's jurisdiction.

"(c) Performance measures.—The Secretary shall establish performance measures for each grant recipient to assess progress in achieving strategic goals and objectives. The Secretary may require each grant recipient to periodically report information related to such performance measures.

"(d) Rural areas.—In general. Of the amounts appropriated under this section, at least 25 percent shall be available for projects in rural areas. The Secretary shall consider a project to be in a rural area if all of the land within the area of the project (determined by the geographic location or locations where the majority of the project funds will be spent) is located in a rural area.

"(e) Definition of rural area.—In this subsection, the term 'rural area' means any area not in an urbanized area, as defined by the Census Bureau.

"(f) Federal share of total project costs.—

"(1) Total project costs.—The Secretary shall estimate the total costs of a project under this subsection based on the best available information, including engineering studies of economics, environmental analyses, and information on the expected use of equipment or facilities.

"(2) Federal share.—The Federal share of total project costs under this subsection shall not exceed 80 percent.

"(3) Treatment of passenger rail revenue.—If Amtrak or another rail passenger carrier is an applicant under this section, Amtrak or the other rail passenger carrier, as applicable, may use ticket and other revenue generated from its operations and other non-Federal revenue to satisfy the non-Federal share requirements.

"(g) Availability.— Except as specifically provided in this section, the use of any appropriated funds under this section shall be subject to the requirements of this chapter.

"(h) Project selection criteria.—

"(1) In general.—In selecting a recipient of a grant under this section, the Secretary shall:

"(A) give preference to a proposed project for which the proposed Federal share of total project costs does not exceed 50 percent; and

"(B) after factoring in preference to projects under subparagraph (A), select projects that will maximize the net benefits of the funds appropriated for use under this section, considering the cost-benefit analysis of the proposed project, including anticipated private and public benefits relative to the costs of the proposed project and factoring in the other considerations described in paragraph (2).

"(2) Other considerations.—The Secretary shall also consider the following:

"(A) The degree to which the proposed project's business plan considers potential private sector participation in the financing, construction, and operation of the project.

"(B) The recipient's past performance in developing and delivering similar projects, and previous financial contributions.

"(C) Whether the recipient has or will have the legal, financial, and technical capacity to carry out the proposed project, satisfying the capability and willingness to maintain the equipment or facilities;

"(D) If applicable, the consistency of the proposals and documents set forth by the Secretary or required by law or State rail plans developed under chapter 227;

"(E) If applicable, any technical evaluation ratings that proposed project received under previous competitive grant programs administered by the Secretary; and

"(F) Such other factors as the Secretary considers relevant to the successful delivery of the project.

"(i) Rail safety and other safety enhancements.

"(a) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Homeland Security, shall promulgate regulations—

"(1) to require a Class I railroad transporting hazardous materials—

"(i) to generate accurate real-time, and electronic train consist information, including—

"(ii) the identity, quantity, and location of hazardous materials on a train;

"(iii) the point of origin and destination of the train;

"(iv) any emergency response information or records required by the Secretary and

"(v) any emergency response point of contact designated by the Class I railroad; and

"(B) to enter into a memorandum of understanding with each applicable fusion center to provide that fusion center with secure and confidential access to the electronic train consist information described in subparagraph (A) for each train transporting hazardous materials in that fusion center's jurisdiction.

"(c) Performance measures.—The Secretary shall establish performance measures for each grant recipient to assess progress in achieving strategic goals and objectives. The Secretary may require each grant recipient to periodically report information related to such performance measures.

"(d) Rural areas.—In general. Of the amounts appropriated under this section, at least 25 percent shall be available for projects in rural areas. The Secretary shall consider a project to be in a rural area if all of the land within the area of the project (determined by the geographic location or locations where the majority of the project funds will be spent) is located in a rural area.

"(e) Definition of rural area.—In this subsection, the term 'rural area' means any area not in an urbanized area, as defined by the Census Bureau.

"(f) Federal share of total project costs.—

"(1) Total project costs.—The Secretary shall estimate the total costs of a project under this subsection based on the best available information, including engineering studies of economics, environmental analyses, and information on the expected use of equipment or facilities.

"(2) Federal share.—The Federal share of total project costs under this subsection shall not exceed 80 percent.

"(3) Treatment of passenger rail revenue.—If Amtrak or another rail passenger carrier is an applicant under this section, Amtrak or the other rail passenger carrier, as applicable, may use ticket and other revenues generated from its operations and other non-Federal revenue to satisfy the non-Federal share requirements.

"(g) Availability.— Except as specifically provided in this section, the use of any appropriated funds under this section shall be subject to the requirements of this chapter.
(2) to require each applicable fusion center to provide advance notice for a high-hazard flammable liquid railroad train traveling through the jurisdiction of each State, political subdivision of a State, or public agency, which notice includes the electronic train consist information described in paragraph (1)(A) for the high-hazard flammable liquid train, and to the extent practicable, for requesting States, political subdivisions, or public agencies, to ensure that the fusion center shall provide at least 12 hours of advance notice for a high-hazard flammable liquid train traveling through the jurisdiction of the State, political subdivision of a State, or public agency, and include within the notice its best estimate of the time the train will enter the jurisdiction.

(4) to prohibit any railroad, employee, or agent from withholding, or causing to be withheld, the train consist information from first responders, emergency response officials, and law enforcement personnel described in paragraph (2) in the event of an incident, accident, or public health or safety emergency involving the rail transportation of hazardous materials;

(5) to establish security and confidentiality procedures governing the release of the electronic train consist information to unauthorized persons; and

(6) to allow each Class I railroad to enter into a memorandum of understanding with any Class II or Class III railroad that operates trains over the Class I railroad’s line to incorporate the Class II or Class III railroad’s train consist information within the existing framework described in paragraph (1).

(b) DEFINITIONS.—In this section:

(1) APPLICABLE FUSION CENTER.—The term “applicable fusion center” means a fusion center with responsibility for a geographic area within which a Class I railroad operates that, in its opinion, would provide the electronic train consist information to first responders, emergency response officials, and law enforcement personnel involved in the response to or investigation of an incident, accident, or public health or safety emergency involving the rail transportation of hazardous materials.

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

(3) CLASS II RAILROAD, CLASS II RAILROAD, AND CLASS III RAILROAD.—The terms “Class II railroad,” “Class II railroad” and “Class III railroad” have the meaning given in the term in section 20102 of title 49, United States Code.

(4) NATIONAL CONTINGENCY PLAN.—The term “National Contingency Plan” has the meaning given in the term in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701).

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

(6) WORST-CASE DISCHARGE.—The term “worst-case discharge” means a railroad carrier’s calculation of its largest foreseeable discharge in the event of an accident or incident.

SEC. 35434. 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 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.

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

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

(2) the level and structure of insurance that would be necessary and appropriate—

(A) to efficiently allocate risk and financial responsibility for claims; and

(B) to ensure that a railroad carrier transporting hazardous materials can continue to operate despite the risk of an accident or incident;

(3) the potential applicability to trains transporting hazardous materials of a liability regime modeled after section 170 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2210); and

(B) a liability regime modeled after subsection (a) of section 300aa-10 of the Public Health Service Act (42 U.S.C. 300aa-10 et seq.).

(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 designated as hazardous by the Secretary of Transportation under chapter 51 of the United States Code.

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

SEC. 35435. STUDY AND TESTING OF ELECTRONICALLY-CONTROLLED PNEUMATIC BRAKES.

(a) GOVERNMENT ACCOUNTABILITY OFFICE STUDY.—In general.—The Government Accountability Office shall complete an independent
evaluation of ECP brake systems pilot program data and the Department of Transportation’s research and analysis on the effects of ECP brake systems.

(2) Reporting requirements.—In completing the independent evaluation under paragraph (1), the Government Accountability Office shall examine the following issues related to ECP brake systems:

(A) Data and modeling results on safety benefits relative to conventional brakes and to other braking technologies or systems, such as distributed power and 2-way end-of-train devices.

(B) Data and modeling results on business benefits, including the effects of dynamic braking.

(C) Data on costs, including up-front capital costs and on-going maintenance costs.

(D) Rail operator potential operational challenges, including the effects of potential locomotive and car segregation, technical reliability issues, and network disruptions.

(E) Analysis of potential implementation challenges, including installation time, positive train control integration complexities, component availability issues, and tank car shop capabilities.

(F) Analysis of international experiences with the use of advanced braking technologies.

(3) DEADLINE.—Not later than 18 months after the date of enactment of this Act, the Government Accountability Office shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the independent evaluation under paragraph (1).

(b) Emergency braking application testing

(1) IN GENERAL.—The Secretary of Transportation shall enter into an agreement with the NCRRP Board—

(A) to complete testing of ECP brake systems during emergency braking application, including more than one scenario involving the uncoupling of a train with 70 or more DOT 117-specific or DOT 117R-specific tank cars; and

(B) to transmit, not later than 18 months after the date of enactment of this Act, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the testing.

(2) INDEPENDENT EXPERTS.—In completing the testing under paragraph (1), the NCRRP Board may contract with 1 or more engineering firms, as appropriate, with relevant experience in conducting railroad safety technology tests or similar crash tests.

(3) TESTING FRAMEWORK.—In completing the testing under paragraph (1), the NCRRP Board and each contractor described in paragraph (2) shall ensure that the testing objectively, accurately, and reliably measures the performance of ECP brake systems relative to other braking technologies or systems, such as distributed power and 2-way end-of-train devices, including differences in—

(A) the number of cars derailed;

(B) the number of cars punctured;

(C) the measures of in-train forces; and

(D) the stopping distance.

(4) FUNDING.—The Secretary shall require, as part of the agreement under paragraph (1), that the NCRRP Board fund the testing required under this section, using such sums as are necessary from the amounts appropriated to the Office of the Secretary.

(5) EQUIPMENT.—The NCRRP Board and each contractor described in paragraph (2) shall test, using rolling stock, and, where appropriate, use other equipment or infrastructure from a private entity for the purposes of conducting the testing required under this section.

(c) ECP brake system requirements

(1) ANALYSIS.—The Secretary shall—

(A) not later than 90 days after the report date, fully incorporate and reflect the findings from both reports into a draft updated regulatory impact analysis of the effects of the applicable ECP brake system requirements;

(B) as soon as practicable after completion of the draft updated analysis under subparagraph (A), solicit public comment on the analysis for a period of not more than 30 days; and

(C) not later than 60 days after the end of the public comment period, post the final updated regulatory impact analysis on the Department of Transportation Web site.

(2) DETERMINATION.—Not later than 180 days after the report date, the Secretary shall—

(A) determine, based on whether the final regulatory impact analysis described in paragraph (1)(C) demonstrates that the benefits, including safety benefits, of the applicable ECP brake system requirements exceed their costs, whether the applicable ECP brake system requirements are justified; and

(B)(i) if the applicable ECP brake system requirements are justified, publish in the Federal Register the determination with the reasons for it; or

(ii) if the Secretary does not publish the determination under clause (i), repeal the applicable ECP brake system requirements.

(d) DEFINITIONS.—In this section:


(2) CLASS 3 FLAMMABLE LIQUID.—The term ‘‘Class 3 flammable liquid’’ has the meaning given in the term in section 173.120(a) of title 49, Code of Federal Regulations.

(3) ECP.—The term ‘‘ECP’’ means electronically-controlled pneumatic when applied to a brake or brakes.

(4) ECP brake mode.—The term ‘‘ECP brake mode’’ includes any operation of a rail car or an entire train using an ECP brake system.

(5) ECP BRAKE SYSTEM.—

(A) IN GENERAL.—The term ‘‘ECP brake system’’ means a train power braking system actuated by compressed air and controlled by electronic signals from the locomotive or an ECP-EOT to the cars in the consist for service and emergency applications in which the brake pipe is used to provide a constant supply of compressed air to the reservoirs on each car but does not convey braking signals to the car.

(B) INCLUSIONS.—The term ‘‘ECP brake system’’ includes dual mode and stand-alone ECP brake systems.

(6) HIGH-HAZARD FLAMMABLE UNIT TRAIN.—

The term ‘‘high-hazard flammable unit train’’ means a train consisting of not more than 70 or more loaded tank cars containing Class 3 flammable liquid.

(7) NCRRP BOARD.—The term ‘‘NCRRP Board’’ means the independent governing board of the National Cooperative Rail Research Program.
Secretary determines that the rail passenger carrier has implemented an alternative technology or practice that provides an equivalent or greater safety benefit or is better suited to the risks of the operation.

"(g) TAMPERING.—A rail carrier may take appropriate enforcement or administrative action against any employee that tampers with or disables any audio or inward- or outward-facing image recording device installed by the rail carrier.

"(h) PRESERVATION OF DATA.—Each rail passenger carrier subject to the requirements of subsection (a) shall preserve recording device data for 1 year after the date of a reportable accident or incident.

"(i) REPORTS.—An in-car audio or image recording, and any part thereof, that the Secretary obtains as part of an accident or incident investigated by the Department of Transportation shall be exempt from disclosure under section 552(b)(3) of title 5.

"(j) PROHIBITED USE.—An in-car audio or image recording obtained by a rail carrier under this section may not be used to retaliate against an employee.

"(k) TECHNICAL CORRECTION.—Nothing in this section may be construed as requiring a rail carrier to cease or restrict operations upon a technical failure of an inward- or outward-facing image recording device. Such rail carrier shall repair or replace the failed inward- or outward-facing image recording device as soon as practicable.

"(l) OPENING RAILWAY AMENDMENT.—The table of contents for subchapter II of chapter 201 is amended by adding at the end the following: "2016b. Installation of audio and image recording devices."

SEC. 35437. RAIL PASSENGER TRANSPORTATION LIABILITY.

(a) LIMITATIONS.—Section 28103(a) is amended—
(1) in paragraph (2), by striking "$200,000,000" and inserting "$295,000,000, exclusive or greater safety benefit or is better suited to the risks of the operation.

SEC. 35442. UPDATED PLANS.

SEC. 35441. COORDINATION OF SPECTRUM.

(a) ASSESSMENT.—The Secretary, in coordination with the Chairman of the Federal Communications Commission, shall assess spectrum needs and availability for implementing positive train control systems (as defined in section 20157(c)(3) of title 49, United States Code), the Secretary and the Chairman may consult with external stakeholders in carrying out this section.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that contains the results of the assessment conducted under subsection (a).

SEC. 35443. RAIL PASSENGER TRANSPORTATION AMENDMENTS.

SEC. 35444. ASSESSMENT AND IMPLEMENTATION PLAN.

(a) ASSESSMENT.—The Secretary shall, not later than 1 year after the date of enactment of this Act, assess the feasibility of installing positive train control systems (as defined in section 20157(c)(3) of title 49, United States Code), and shall report the results to the Committee on Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that contains the results of the assessment conducted under subsection (a).

SEC. 35445. RAIL PASSENGER TRANSPORTATION AMENDMENTS.

SEC. 35446. ASSESSMENT AND IMPLEMENTATION PLAN.

(a) ASSESSMENT.—The Secretary shall, not later than 1 year after the date of enactment of this Act, assess the feasibility of installing positive train control systems (as defined in section 20157(c)(3) of title 49, United States Code), and shall report the results to the Committee on Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that contains the results of the assessment conducted under subsection (a).

SEC. 35447. RAIL PASSENGER TRANSPORTATION AMENDMENTS.

SEC. 35448. MODIFICATION REPORTING.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall implement a reporting requirement to monitor industry-wide progress toward modifying tank cars used in high-hazard flammable liquid traffic.

(b) REPORT.—The Secretary shall submit a report to the Committees on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 35449. REPORT ON CRUDE OIL CHARACTERISTICS, RISKS, AND REGULATORY ACTIONS.

Not later than 180 days after the research completion of the comprehensive Crude Oil Characteristics Research Sampling, Analysis, and Experiment (SAE) study at Sandia National Laboratories, the Secretary of Energy, in cooperation with the Secretary of Transportation, shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Natural Resources of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives that contains—

"(1) the results of the comprehensive Crude Oil Characteristics Research Sampling, Analysis, and Experiment (SAE) Plan study; and

"(2) recommendations, based on the findings of the study, for—

(A) regulations that should be prescribed by the Secretary of Energy to improve the safe transport of crude oil; and

(B) statutes that should be enacted by Congress to improve the safe transport of crude oil.

PART IV—POSITIVE TRAIN CONTROL

SEC. 35441. COORDINATION OF SPECTRUM.

(a) ASSESSMENT.—The Secretary, in coordination with the Chairman of the Federal Communications Commission, shall assess spectrum needs and availability for implementing positive train control systems (as defined in section 20157(c)(3) of title 49, United States Code), the Secretary and the Chairman may consult with external stakeholders in carrying out this section.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains the results of the assessment conducted under subsection (a).

SEC. 35442. UPDATED PLANS.

(a) IMPLEMENTATION.—Section 20157(a) is amended to read as follows:

"(a) IMPLEMENTATION.—

(1) PLAN REQUIRED.—Each Class I railroad carrier and each entity providing regularly scheduled intercity or commuter rail passenger transportation shall develop and submit to the Secretary of Transportation a plan for implementing a positive train control system by December 31, 2015, governing operations on—

(A) its main line over which intercity rail passenger transportation or commuter rail passenger transportation (as defined in section 2102) is regularly provided; and

(B) its main line over which poison- or toxic-on-goods materials (as defined in sections 171.8, 173.115, and 173.132 of title 49, Code of Federal Regulations) are transported; and

(c) any other tracks as the Secretary may prescribe by regulation or order.

(2) INTEROPERABILITY AND PRIORITIZATION.—The plan shall describe how this plan and any other plan submitted by any entity subject to paragraph (1) will provide for interoperability of the positive train control systems

SEC. 35443. ASSESSMENT AND IMPLEMENTATION PLAN.

(a) ASSESSMENT.—The Secretary shall, not later than 1 year after the date of enactment of this Act, assess the feasibility of installing positive train control systems (as defined in section 20157(c)(3) of title 49, United States Code), and shall report the results to the Committee on Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that contains the results of the assessment conducted under subsection (a).

SEC. 35444. ASSESSMENT AND IMPLEMENTATION PLAN.

(a) ASSESSMENT.—The Secretary shall, not later than 1 year after the date of enactment of this Act, assess the feasibility of installing positive train control systems (as defined in section 20157(c)(3) of title 49, United States Code), and shall report the results to the Committee on Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that contains the results of the assessment conducted under subsection (a).

SEC. 35445. ASSESSMENT AND IMPLEMENTATION PLAN.

(a) ASSESSMENT.—The Secretary shall, not later than 1 year after the date of enactment of this Act, assess the feasibility of installing positive train control systems (as defined in section 20157(c)(3) of title 49, United States Code), and shall report the results to the Committee on Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that contains the results of the assessment conducted under subsection (a).

SEC. 35446. ASSESSMENT AND IMPLEMENTATION PLAN.

(a) ASSESSMENT.—The Secretary shall, not later than 1 year after the date of enactment of this Act, assess the feasibility of installing positive train control systems (as defined in section 20157(c)(3) of title 49, United States Code), and shall report the results to the Committee on Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that contains the results of the assessment conducted under subsection (a).

SEC. 35447. ASSESSMENT AND IMPLEMENTATION PLAN.

(a) ASSESSMENT.—The Secretary shall, not later than 1 year after the date of enactment of this Act, assess the feasibility of installing positive train control systems (as defined in section 20157(c)(3) of title 49, United States Code), and shall report the results to the Committee on Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that contains the results of the assessment conducted under subsection (a).

SEC. 35448. ASSESSMENT AND IMPLEMENTATION PLAN.

(a) ASSESSMENT.—The Secretary shall, not later than 1 year after the date of enactment of this Act, assess the feasibility of installing positive train control systems (as defined in section 20157(c)(3) of title 49, United States Code), and shall report the results to the Committee on Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that contains the results of the assessment conducted under subsection (a).
with movements of trains of other railroad carriers over its lines and shall, to the extent practical, implement the positive train control systems in a manner that addresses areas of greater risk before areas of lesser risk.

"(3) SECRETARIAL REVIEW OF UPDATED PLANS.—

(A) SUBMISSION OF UPDATED PLANS.—Notwithstanding the deadline set forth in paragraph (1), no later than 90 days after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, each Class I railroad carrier or other entity subject to paragraph (1) may submit to the Secretary an updated plan that amends the plan submitted under paragraph (1) with an updated implementation schedule (as described in paragraph (4)(B)) and milestones or metrics (as described in paragraph (4)(A)) that demonstrate that the railroad carrier or other entity will implement a positive train control system as soon as practicable, if implementing in accordance with the updated plan will not introduce operational challenges or risks to full, successful, and safe implementation.

(B) REVIEW OF UPDATED PLANS.—Not later than 150 days after receiving an updated plan under subparagraph (A), the Secretary shall review the updated plan and approve or disapprove it. In determining whether to approve or disapprove an updated plan, the Secretary shall consider whether the railroad carrier or other entity submitting the plan—

(i) has encountered technical or programmatic challenges identified by the Secretary in the 2012 report transmitted to Congress pursuant to subsection (d); and

(ii) the challenges referred to in subclause (i) have negatively affected the successful implementation of positive train control systems;

(iii) has demonstrated due diligence in its effort to implement a positive train control system; and

(iv) has set an implementation schedule in its updated plan that will not introduce operational challenges or risks to full, successful, and safe implementation.

(C) MODIFICATION OF UPDATED PLANS.—(1) If the Secretary has not approved an updated plan under subparagraph (A) within 60 days of receiving the updated plan under subparagraph (A), the Secretary shall immediately—

(i) provide a written response to the railroad carrier or other entity that identifies the reason for not approving the updated plan and explains any incomplete or deficient items;

(ii) allow the railroad carrier or other entity to submit, within 30 days of receiving the written response under subclause (i), a modified version of the updated plan for the Secretary’s initial review; and

(iii) approve or issue final disapproval for a modified version of the updated plan submitted under subclause (I) no later than 60 days after receiving the written response under subclause (i).

(2) During the 60-day period described in clause (i)(III), the railroad or other entity that has submitted a modified version of the updated plan under paragraph (1)(II) may make additional modifications, if requested by the Secretary, for the purposes of correcting incomplete or deficient items to receive approval.

(D) PUBLIC AVAILABILITY.—Not later than 30 days after approving an updated plan under subparagraph (A), the Secretary shall make the updated plan available on the website of the Federal Railroad Administration.

(E) PENDING REVIEWS.—For an applicant that submits an updated plan under subparagraph (A), the Secretary shall extend the deadline for implementing a positive train control system until the date the Secretary approves or issues final disapproval for the updated plan with an updated implementation schedule (as described in paragraph (4)(B)).

(F) DISAPPROVAL.—A railroad carrier or other entity that has modified its version of the updated plan disapproved by the Secretary under subparagraph (C)(i)(III), and that has not implemented a positive train control system by the deadline in subsection (a)(1), is subject to enforcement action authorized under subsection (e).

(G) CONTENTS OF UPDATED PLAN.—

(A) MILESTONES OR METRICS.—Each updated plan submitted under paragraph (3) shall describe the following milestones or metrics:

(i) The total number of components that will be installed with positive train control by the end of each calendar year until positive train control is fully implemented, with totals separated by each component category.

(ii) The number of employees that will receive the training, as required under the applicable positive train control system regulations, by the end of each calendar year until positive train control is fully implemented.

(iii) The calendar year or years in which spectrum will be acquired and will be available for use in all areas that it is needed for positive train control implementation, if such spectrum is not already acquired and ready for use.

(B) IMPLEMENTATION SCHEDULE.—Each updated plan submitted under paragraph (3) shall include an implementation schedule that identifies the dates by which the railroad carrier or other entity will—

(i) fully implement a positive train control system;

(ii) complete all component installation, consistent with the milestones or metrics described in paragraph (A)(i); and

(iii) complete all employee training required under the applicable positive train control system regulations, consistent with the milestones or metrics described in subparagraph (A)(ii).

(C) ADDITIONAL INFORMATION.—Each updated plan submitted under paragraph (3) shall include—

(i) the total number of positive train control components required for implementation, with totals separated by each major component category;

(ii) the total number of employees requiring training under the applicable positive train control system regulations;

(iii) a summary of the remaining challenges to positive train control system implementation, including—

(a) an outline of the plan to complete the updated plan; and

(b) challenges to positive train control system implementation, with totals separated by each major component category.

(iv) a summary of remaining challenges to positive train control system implementation, including—

(a) an outline of the plan to complete the updated plan; and

(b) challenges to positive train control system implementation, with totals separated by each major component category.

(iii) a summary of the remaining challenges to positive train control system implementation, including—

(A) the extent to which the railroad carrier or other entity met or exceeded the metrics or milestones described in paragraph (4)(A);

(B) the extent to which the railroad carrier or other entity complied with its implementation schedule under paragraph (4)(B); and

(C) any updates to the information provided under paragraph (4)(C).

(7) CONSTRAINT.—Each updated plan shall reflect that the railroad carrier or other entity subject to paragraph (1) will, not later than December 31, 2015,—

(A) complete component installation and spectrum acquisition; and

(B) activate its positive train control system without undue delay.

(S) ENFORCEMENT.—Section 20157(e) is amended to read as follows:

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) by inserting before paragraph (2), as redesignated, the following:

(V) ACTIVATE.—The term ‘activate’ means to initiate the use of a positive train control system in every subdivision or district where the railroad carrier or other entity is prepared to do so safely, reliably, and successfully, and proceed with revenue service demonstration as necessary for system testing and certification, prior to full implementation.

(d) CONFORMING AMENDMENT.—Section 20157(g) is amended—

(1) by striking “The Secretary’’ and inserting the following:

(i) in General.—The Secretary’’; and

(ii) by adding at the end the following:

(2) CONFORMING REGULATORY AMENDMENTS.—Immediately after the date of the enactment of the Railroad Reform, Enhancement, and Efficiency Act, the Secretary—

(A) shall remove or revise any references to specified dates in the regulations or orders implementing this section to the extent necessary to conform with the amendments made by such Act; and

(B) may not enforce any such date-specific deadlines or requirements that are inconsistent with the amendments made by such Act.

(e) SAVINGS PROVISIONS.—
to prohibit the Secretary from enforcing the metrics and milestones under section 20157(a)(4)(A) of title 49, United States Code, as amended by section 35442 of this Act.

(2) Conforming to paragraph (3) of that section to be an amendment that makes amendments to the initial implementation plan.

(2) Submission of new plan.—Nothing in the amendments made by this section may be construed to require a Class I railroad carrier or other entity subject to section 20157(a) of title 49, United States Code, to submit a new implementation plan pursuant to the deadline set forth in that section.

(3) Approval.—A railroad carrier or other entity subject to section 20157(a) of title 49, United States Code, has its updated plan, including a modified version of the updated plan, submitted to the Secretary under subparagraph (B) or subparagraph (C) of paragraph (3) of that section shall not be required to implement a positive train control system on the railroad line, until the Secretary certifies that—

(a) STUDY.—After the Secretary certifies that each Class I railroad carrier and each entity providing regularly scheduled intercity or commuter passenger rail service that is subject to section 20157(a) of title 49, United States Code, is certified by the Secretary under subsection (b) of such section and implemented on all of the railroad carrier's or other entity's rail lines required to have operations governed by a positive train control system, any railroad carrier or other entity shall not be subject to the requirements set forth in part I of part 236 of title 49, Code of Federal Regulations, that would otherwise apply in the event of a positive train control system component failure.

(b) Interoperability Procedure.—If multiple railroad carriers operate on a single railroad line through a trackage or haulage agreement, each railroad carrier operating on the railroad line shall not be subject to the operating restrictions set forth in subparagraph (B) of section 236.1006(b)(5)(ii)(B) of title 49, Code of Federal Regulations, with respect to the railroad line, until the Secretary certifies that—

(1) each Class I railroad carrier and each entity subject to section 20157(a) of title 49, United States Code, is certified by the Secretary under subsection (b) of such section and implemented on all of that railroad carrier's or other entity's rail lines required to have operations governed by a positive train control system, any railroad carrier or other entity shall not be subject to the requirements set forth in part I of part 236 of title 49, Code of Federal Regulations, that would otherwise apply in the event of a positive train control system component failure.

(c) Railroad and Transit Projects.—Section 303 is amended—

(1) in subsection (c), by striking "railway or rail transit line" and inserting "railway or rail transit lines or elements of such lines, with the exception of stations, that are in use or were historically used for the transportation of goods or passengers, shall not be considered a use of an historic site under section (a), regardless of whether the railroad or rail transit line or element of such line is listed on, or eligible for listing on, the National Register of Historic Places.’’.

SEC. 35503. EFFICIENT ENVIRONMENTAL REVIEW.

(a) IN GENERAL.—Section 304 is amended—

(1) in the heading, by striking ‘‘for multimodal projects’’ and inserting ‘‘and increasing the efficiency of environmental reviews’’;

(2) by adding at the end the following:

‘‘(E) ensure that, with respect to projects that are subject to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.),—

‘‘(1) STUDY.—The Secretary of Transportation shall prepare a plan for—

‘‘(A) determining the extent of, and the effects of, individual project reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), to the greatest extent feasible, described in section 1333 of title 23, United States Code, to any railroad project that requires the approval of the Secretary of Transportation under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and

‘‘(2) REGULATIONS AND PROCEDURES.—The Secretary of Transportation shall incorporate such project development procedures into the agency regulations and procedures pertaining to rail projects.

(3) APPLICABILITY FOR NEPA DECISIONS.—

(a) IN GENERAL.—A Department of Transportation operating administration may apply a categorical exclusion designated by another Department of Transportation operating administration under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.),

(b) FINDINGS.—A Department of Transportation operating administration may adopt, in whole or in part, another Department of Transportation operating administration’s Record of Decision, Finding of No Significant Impact, and any associated evaluations, determinations, or findings demonstrating compliance with any law related to environmental review or historic preservation.''

SEC. 35504. ADVANCE ACQUISITION.

(a) IN GENERAL.—Chapter 241 is amended by inserting after section 24105 the following:

‘‘(a) RAIL CORRIDOR PRESERVATION.—The Secretary may acquire a right-of-way at any level, including on or under a railroad or rail transit line or element within the right-of-way or adjacent real property, for the purposes of constructing or maintaining, extending, or modifying a railroad or rail transit line or element within the right-of-way or adjacent real property.

(b) FUNDING.—The Secretary may acquire a right-of-way at any level, including on or under a railroad or rail transit line or element within the right-of-way or adjacent real property, with the exception of stations, that are in use or were historically used for the transportation of goods or passengers, shall not be considered a use of an historic site under section (a), regardless of whether the railroad or rail transit line or element of such line is listed on, or eligible for listing on, the National Register of Historic Places.’’.

(b) IN GENERAL.—Section 304 is amended—

(1) in subsection (a), by inserting ‘‘railway or rail transit line’’ after ‘‘railway’’;

(2) in subsection (b) after ‘‘railway or rail transit line’’; and

(3) in subsection (c) after ‘‘railway or rail transit line’’.

(c) Small railroads.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall amend section 236.1006(b)(4)(B)(i)(I)(ii) of title 49, Code of Federal Regulations, to require that a railroad acquiring or converting to equipping locomotives for applicable Class II and Class III railroads operating in positive train control territory, to extend each deadline by 3 years.

(d) Small airports.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall amend section 139 of title 23, United States Code, to extend each deadline by 3 years.

(e) Rail and transit projects.—Section 303 is amended—

(1) in subsection (c), by striking ‘‘railway or rail transit line’’ and inserting ‘‘railway or rail transit lines’’;

(2) in subsection (d)(2)(A)(i) after ‘‘railway or rail transit line’’;

(3) in subsection (c) after ‘‘railway or rail transit line’’.

(f) Switching to positive train control systems.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit a report containing the results of the study conducted under paragraph (1) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(g) Rail and transit projects.—Section 303 is amended—

(1) in subsection (c), by striking ‘‘railway or rail transit line’’ and inserting ‘‘railway or rail transit lines’’;

(2) by adding at the end the following:

‘‘(e) RAIL AND TRANSIT.—Improvements to, or the maintenance, rehabilitation, or operation of, railroad or rail transit lines or elements of such lines, with the exception of stations, that are in use or were historically used for the transportation of goods or passengers, shall not be considered a use of an historic site under section (a), regardless of whether the railroad or rail transit line or element of such line is listed on, or eligible for listing on, the National Register of Historic Places.’’.

(h) Transportation Projects.—Section 303 is amended—

(1) in subsection (c), by striking ‘‘railway or rail transit line’’ and inserting ‘‘railway or rail transit lines’’;

(2) in subsection (d)(2)(A)(i) after ‘‘railway or rail transit line’’;

(3) in subsection (c) after ‘‘railway or rail transit line’’.

(i) Rail and transit projects.—Section 303 is amended—

(1) in subsection (c), by striking ‘‘railway or rail transit line’’ and inserting ‘‘railway or rail transit lines’’;

(2) in subsection (d)(2)(A)(i) after ‘‘railway or rail transit line’’;

(3) in subsection (c) after ‘‘railway or rail transit line’’;

(4) in subsection (c) after ‘‘railway or rail transit line’’;

(5) in subsection (c) after ‘‘railway or rail transit line’’.

(j) Small railroads.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall amend section 236.1006(b)(4)(B)(i)(I)(ii) of title 49, Code of Federal Regulations, to require that a railroad acquiring or converting to equipping locomotives for applicable Class II and Class III railroads operating in positive train control territory, to extend each deadline by 3 years.

(k) Small airports.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall amend section 139 of title 23, United States Code, to extend each deadline by 3 years.

(l) Rail and transit projects.—Section 303 is amended—

(1) in subsection (c), by striking ‘‘railway or rail transit line’’ and inserting ‘‘railway or rail transit lines’’;

(2) in subsection (d)(2)(A)(i) after ‘‘railway or rail transit line’’;

(3) in subsection (c) after ‘‘railway or rail transit line’’.
(b) REFERENCES TO THE RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976.—Except as otherwise expressly provided, wherever in this subtitle an amendment made by this paragraph affects terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be to the section or other provision of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (45 U.S.C. 801 et seq.).

SEC. 35602. DEFINITIONS.

Section 501 (45 U.S.C. 821) is amended—
(1) by redesignating paragraph (8) as paragraph (10); and
(2) by redesignating paragraphs (6) and (7) as paragraphs (7) and (6), respectively.

(3) by adding at the end the following:

"(6) The term 'investment-grade rating' means a rating of BBB minus, Baa 3, bbB minus, BBb(low), or higher assigned by a rating agency.'; and

(4) by inserting after paragraph (8), as redesignated, the following:

"(9) The term 'master credit agreement' means an agreement to make 1 or more direct loans or loan guarantees at future dates for a program of related projects on terms acceptable to the Secretary.'; and

(5) by adding at the end the following:

"(10) The term 'project obligation' means a note, bond, debenture, or other debt obligation issued by a borrower in connection with the financing of a direct loan or loan guarantee under this title.

(11) The term 'railroad' has the meaning given the term 'railroad carrier' in section 502(a) (45 U.S.C. 822(a)).

(12) The term 'railroad carrier' means an entity that is the owner of or has a controlling economic interest in, a railroad.

(13) The term 'railroad line' means the line, branch, or spur of a railroad that is used for transportation of freight or passengers.

(14) The term 'substantial completion' means—

(A) the opening of a project to passenger or freight traffic;

(B) the comparable event, as determined by the Secretary and specified in the direct loan.

SEC. 35603. ELIGIBLE APPLICANTS.

Section 502(a) (45 U.S.C. 822(a)) is amended—
(1) by inserting ''(b) OPPORTUNITY TO COM- MENT.—'' before ''The head of the Federal agency shall afford'' and indenting accordingly;

(2) in the matter before subsection (b), by inserting ''(a) IN GENERAL.—'' before ''The head of any Federal agency having direct and indirect oversight and'';

(3) by adding at the end the following:

"(c) EXEMPTION FOR RAILROAD RIGHTS-OF-WAY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Track, Railroad, and Infrastructure Network Act, the Secretary of Transportation shall submit a proposed exemption of railroad rights-of-way from the review under this chapter to the Council for its consideration, consistent with the exemption for interstate highways approved on March 10, 2005 (70 Fed. Reg. 11,928).

(2) FINAL EXEMPTION.—Not later than 180 days after the date on which the Secretary submits the proposed exemption under paragraph (1), the Council shall issue a final exemption of railroad rights-of-way under this chapter, consistent with the exemption for interstate highways approved on March 10, 2005 (70 Fed. Reg. 11,928)."

SEC. 35604. ELIGIBLE PURPOSES.

Section 502(b)(1) (45 U.S.C. 822(b)(1)) is amended—
(1) in subparagraph (A), by inserting ', and costs related to these activities, including pre-construction costs' after 'shops';

(2) in subparagraph (B), by striking 'paragraphs (A) of' and inserting 'subparagraphs (A) of' and

(3) in subparagraph (C), by striking the period at the end and inserting a semicolon;

and

(4) by adding at the end the following:

"(D) reimburse planning and design expenses relating to projects described in subparagraph (A) or (C);".

SEC. 35606. PROGRAM ADMINISTRATION.

(a) APPLICATION AND REVIEW PROCEDURES.—Section 5021 (45 U.S.C. 82211) is amended to read as follows:

"(1) APPLICATION PROCESSING PROCEDURES.—

"(b) TERMS AND CONDITIONS.—"...".
sought, and for making necessary determinations and findings; 

"(B) the cost of award management and project management oversight; 

"(C) dedicated services from expert firms, including counsel, and independent financial advisors to assist in the underwriting, auditing, servicing, and exercise of rights with respect to direct loans and loan guarantees; and

"(D) the cost of all other expenses incurred as a result of a breach of any term or condition of the direct loan or loan guarantee, as applicable, under this subsection, or in default of a direct loan or loan guarantee.

"(2) STANDARDS. The Secretary may charge different amounts under this subsection based on the different costs incurred under paragraph (1).

"(3) SERVICER. 

"(A) IN GENERAL. The Secretary may appoint a financial entity to assist the Secretary in servicing a direct loan or loan guarantee.

"(B) IDENTIFY. A servicer appointed under subparagraph (A) shall act as the agent of the Secretary in servicing a direct loan or loan guarantee under this section.

"(C) FEES. A servicer appointed under subparagraph (A) may request the Secretary to add a servicing fee from the obligor or other loan party, subject to approval by the Secretary.

"(D) SAFETY AND OPERATIONS ACCOUNT. Amounts collected under this subsection shall—

"(i) be credited directly to the Safety and Operations account of the Federal Railroad Administration; and

"(ii) remain available until expended to pay for the costs described in this subsection.

SEC. 35606. LOAN TERMS AND REPAYMENT.

(a) PREREQUISITES FOR ASSISTANCE. Section 502(g)(1) (45 U.S.C. 822(g)(1)) is amended by striking "35 years from the date of its execution of the loan" and inserting "the lesser of 45 years after the date of the project or the estimated useful life of the rail equipment or facilities to be acquired, rehabilitated, improved, developed, or established."

(b) REPAYMENT SCHEDULES. Section 502(j) (45 U.S.C. 822(j)) is amended—

"(1) by adding "and paragraph (2) of this subsection, the Secretary may enter into a master credit agreement results in each of the following:

"(i) the direct loan is rated in the A category or higher;

"(ii) the direct loan is secured and payable from pledged revenues not affected by project performance, such as a tax-based revenue pledge or a system-backed pledge of project revenues; and

"(iii) the program share, under this title, of eligible project costs is 50 percent or less."

"(2) LIMITATION. The Secretary may impose limitations for the waiver of the non-subordination requirement under this paragraph if the Secretary determines that such limitations would be in the financial interest of the Federal Government.

SEC. 35607. CREDIT RISK PREMIUMS.

Section 502(f) (45 U.S.C. 822(f)) is amended—

"(1) in paragraph (1), by adding the following:

"(A) establish the maximum amount and terms and conditions of each applicable direct loan or loan guarantee;

"(B) identify 1 or more dedicated non-Federal revenue sources that will secure the repayment of each applicable direct loan or loan guarantee;

"(C) provide for the obligation of funds for the direct loans or loan guarantees contingent on and after all requirements have been met for the projects subject to the master credit agreement; and

"(D) provide 1 or more dates, as determined by the Secretary, before which the master credit agreement results in each of the direct loans or loan guarantees or in the release of the master credit agreement.

SEC. 35608. MASTER CREDIT AGREEMENTS. 

Section 502 (45 U.S.C. 822) is amended by subsections (c) and (d) of section 35606 of this Act, is further amended by adding at the end of the following:

"(m) MASTER CREDIT AGREEMENTS. —

"(1) in general. —Subject to section 502(d) and paragraph (2) of this subsection, the Secretary may enter into a master credit agreement that is contingent on one of the conditions for a public agency borrower that is financ-

"(2) CONDITIONS. Each master credit agreement shall—

"(A) establish the maximum amount and general terms and conditions of each applicable direct loan or loan guarantee; 

"(B) identify 1 or more dedicated non-Federal revenue sources that will secure the repayment of each applicable direct loan or loan guarantee; 

"(C) provide for the obligation of funds for the direct loans or loan guarantees contingent on and after all requirements have been met for the projects subject to the master credit agreement; and

"(D) provide 1 or more dates, as determined by the Secretary, before which the master credit agreement results in each of the direct loans or loan guarantees or in the release of the master credit agreement.

SEC. 35609. PRIORITIES AND CONDITIONS. 

(a) PRIORITY PROJECTS. —Section 502(c) (45 U.S.C. 822(c)) is amended—

"(1) in paragraph (1), by inserting "projects for the installation of a positive train control system (as defined in section 203 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)(1)), including the cost of a modification thereof, the Secretary may accept on behalf of an applicant for assistance under this section a commitment from a non-Federal source, including a State or local government or agency or public benefit corporation or public authority thereof, to pay credits, premiums and modification costs with respect to the loan that is the subject of the application or modification."; 

"(2) in paragraph (2), by inserting "(A) establish the maximum amount and terms and conditions of each applicable direct loan or loan guarantee; (B) identify 1 or more dedicated non-Federal revenue sources that will secure the repayment of each applicable direct loan or loan guarantee; (C) provide for the obligation of funds for the direct loans or loan guarantees contingent on and after all requirements have been met for the projects subject to the master credit agreement; and (D) provide 1 or more dates, as determined by the Secretary, before which the master credit agreement results in each of the direct loans or loan guarantees or in the release of the master credit agreement."; 

"(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (2), respectively; 

"(C) insert, after section 227 of title 49 "after section 135 of title 49"; 

"(D) by redesignating paragraphs (6) through (8) and paragraphs (7) through (9), respectively; and 

"(E) by inserting after paragraph (5) the following: 

"(1) prioritize projects for the installation of a positive train control system (as defined in section 203 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)(1)), including the cost of a modification thereof, the Secretary may accept on behalf of an applicant for assistance under this section a commitment from a non-Federal source, including a State or local government or agency or public benefit corporation or public authority thereof, to pay credits, premiums and modification costs with respect to the loan that is the subject of the application or modification.

"(2) review the proposal for a project for which the Secretary may enter into a master credit agreement results in each of the following:

"(A) establish the maximum amount and terms and conditions of each applicable direct loan or loan guarantee; 

"(B) identify 1 or more dedicated non-Federal revenue sources that will secure the repayment of each applicable direct loan or loan guarantee; 

"(C) provide for the obligation of funds for the direct loans or loan guarantees contingent on and after all requirements have been met for the projects subject to the master credit agreement; and

"(D) provide 1 or more dates, as determined by the Secretary, before which the master credit agreement results in each of the direct loans or loan guarantees or in the release of the master credit agreement.

"(3) CREDITWORTHINESS. —An applicant may propose a project that may accept as a basis for determining the amount of the credit risk premium under paragraph (2) any of the following in addition to the value of any tangible asset:

"(A) The net present value of a future stream of State or local subsidy income or other dedicated revenues to secure the direct loan or loan guarantee.

"(B) Adequate coverage requirements to ensure repayment, on a non-recourse basis, of any other dedicated revenues to secure the direct loan or loan guarantee.

"(C) An investment-grade rating on the direct loan or loan guarantee, as applicable, under this Act and any other dedicated revenue source, including—

"(i) the direct loan is rated in the A category or higher;

"(ii) the direct loan is secured and payable from pledged revenues not affected by project performance, such as a tax-based revenue pledge or a system-backed pledge of project revenues; and

"(iii) the program share, under this title, of eligible project costs is 50 percent or less."

"(2) CONDITIONS. —Each master credit agreement shall—

"(A) establish the maximum amount and general terms and conditions of each applicable direct loan or loan guarantee; 

"(B) identify 1 or more dedicated non-Federal revenue sources that will secure the repayment of each applicable direct loan or loan guarantee; 

"(C) provide for the obligation of funds for the direct loans or loan guarantees contingent on and after all requirements have been met for the projects subject to the master credit agreement; and

"(D) provide 1 or more dates, as determined by the Secretary, before which the master credit agreement results in each of the direct loans or loan guarantees or in the release of the master credit agreement."

"(3) CREDITWORTHINESS. —An applicant may propose a project that may accept as a basis for determining the amount of the credit risk premium under paragraph (2) any of the following in addition to the value of any tangible asset:

"(A) The net present value of a future stream of State or local subsidy income or other dedicated revenues to secure the direct loan or loan guarantee.

"(B) Adequate coverage requirements to ensure repayment, on a non-recourse basis, of any other dedicated revenues to secure the direct loan or loan guarantee.

"(C) An investment-grade rating on the direct loan or loan guarantee, as applicable, under this Act and any other dedicated revenue source, including—

"(i) the direct loan is rated in the A category or higher;

"(ii) the direct loan is secured and payable from pledged revenues not affected by project performance, such as a tax-based revenue pledge or a system-backed pledge of project revenues; and

"(iii) the program share, under this title, of eligible project costs is 50 percent or less."

"(2) CONDITIONS. —Each master credit agreement shall—

"(A) establish the maximum amount and general terms and conditions of each applicable direct loan or loan guarantee; 

"(B) identify 1 or more dedicated non-Federal revenue sources that will secure the repayment of each applicable direct loan or loan guarantee; 

"(C) provide for the obligation of funds for the direct loans or loan guarantees contingent on and after all requirements have been met for the projects subject to the master credit agreement; and

"(D) provide 1 or more dates, as determined by the Secretary, before which the master credit agreement results in each of the direct loans or loan guarantees or in the release of the master credit agreement."
TEGIC PLAN.—The term "national multimodal freight transportation modes" means—

(A) the infrastructure supporting any mode of transportation that moves freight, including the national highway network, the national rail network, ports, waterways, and airports; and

(B) any vehicles or equipment transporting goods on such infrastructure.

(4) NATIONAL HIGHWAY FREIGHT NETWORK.—The term "national highway freight network" means the network established under section 167 of title 23.

(5) NATIONAL MULTIMODAL FREIGHT NETWORK.—The term "national multimodal freight network" means the network established under section 5403.

(6) NATIONAL MULTIMODAL FREIGHT STRATEGY.—The term "national multimodal freight strategic plan" means the strategic plan developed under section 5404.

(7) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(8) STATE.—The term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, and the United States Virgin Islands.

(9) MODIFICATION COSTS.—At the discretion of the Secretary, the authority to accept modification costs on behalf of an applicant under section 522(f) of the Railroad Revitalization and Regulatory Reform Act of 1978 (45 U.S.C. 822(f)), as amended by section 5607 of this Act, may apply with respect to any direct loan (or direct loan obligation) or an outstanding loan guarantee (or loan guarantee commitment) that was in effect prior to the date of enactment of this Act. Any such transaction entered into before the date of enactment of this Act shall be administered until completion under its terms as if this Act were not enacted.

(b) MODIFICATION COSTS.—At the discretion of the Secretary, the authority to accept modification costs on behalf of an applicant under section 522(f) of the Railroad Revitalization and Regulatory Reform Act of 1978 (45 U.S.C. 822(f)), as amended by section 5607 of this Act, may apply with respect to any direct loan (or direct loan obligation) or an outstanding loan guarantee (or loan guarantee commitment) that was in effect prior to the date of enactment of this Act.

DIVISION D—FREIGHT AND MAJOR TRAFFIC INTERCHANGE NETWORK

TITLE XLI—FREIGHT POLICY

SEC. 41001. ESTABLISHMENT OF FREIGHT CHAP-
TER.

(a) FREIGHT.—Subtitle III of title 49, United States Code, is amended by inserting after chapter 53 the following:

"CHAPTER 54—FREIGHT"

"§ 5401. Definitions

"§ 5402. National multimodal freight policy

"§ 5403. National multimodal freight network

"§ 5404. State freight advisory committees.

"§ 5405. National multimodal freight strategic plan.

"§ 5406. State freight plans.

"§ 5407. Transportation investment planning and data tools.

"§ 5408. Savings provision.

"§ 5409. Assistance for freight projects.

"§ 5410. Definitions

"In this chapter:

"(1) ECONOMIC COMPETITIVENESS.—The term 'economic competitiveness' means the ability of the economy to efficiently move freight and people, produce goods, and deliver services, including—

"(A) reductions in the travel time of freight;

"(B) reductions in the congestion caused by the movement of freight;

"(C) improvements to freight travel time reliability; and

"(D) reductions in freight transportation costs due to congestion and insufficient infrastructure.

"(2) FREIGHT.—The term 'freight' means the commercial transportation of cargo, including agricultural, manufactured, retail, or other goods by vessel, vehicle, pipeline, or rail.

"(3) FREIGHT TRANSPORTATION MODES.—The term 'freight transportation modes' means—

"(A) the infrastructure supporting any mode of transportation that moves freight, including highways, ports, waterways, rail facilities, and pipelines; and

"(B) any vehicles or equipment transporting goods on such infrastructure.

"(4) NATIONAL HIGHWAY FREIGHT NETWORK.—The term 'national highway freight network' means the network established under section 167 of title 23.

"(5) NATIONAL MULTIMODAL FREIGHT NETWORK.—The term 'national multimodal freight network' means the network established under section 5403.

"(6) NATIONAL MULTIMODAL FREIGHT STRATEGY.—The term 'national multimodal freight strategic plan' means the strategic plan developed under section 5404.
shall designate a primary freight system with the goal of—
(A) improving network and intermodal connectivity; and
(B) using measurable data as part of the assessment of the significance of freight movement, including the consideration of points of origin, destination, and linking components of domestic and international supply chains.

(2) FACTORS.—In designating or redesigning a primary freight system, the Secretary shall consider—
(A) origins and destinations of freight movement within, to, and from the United States;
(B) volume, value, and the strategic importance of freight;
(C) access to border crossings, airports, seaports, and pipeline connections;
(D) the economic factors, including balance of trade;
(E) access to major areas for manufacturing, agriculture, or natural resources;
(F) access to energy exploration, development, installation, and production areas;
(G) intermodal links and intersections that provide connectivity;
(H) freight choke points and other impediments contributing to significant measurable congestion, delay in freight movement, or regional congestion;
(I) impacts on all freight transportation modes and modes that share significant freight infrastructure capacity;
(J) elements and transportation corridors identified by a multi-State coalition, a State, a State advisory committee, or a metropolitan planning organization, using national or local data, as having critical freight importance to the region;
(K) intermodal connectors, major distribution centers, inland intermodal facilities, and first- and last-mile facilities;
(L) the annual average daily truck traffic on principal arterials; and
(M) the significance of goods movement, including consideration of global and domestic supply chains.

(3) REQUIREMENTS FOR DESIGNATION.—A designation may be made under this subsection if the freight transportation facility or infrastructure being considered—
(A) is in an urbanized area, regardless of population;
(B) has been designated under subsection (d) as a critical rural freight corridor; or
(C) is an intermodal facility;
(d) The Secretary shall designate as a critical rural freight corridor the primary freight network; or
(ii) an intermodal freight facility;
(D) is a logistics center, agricultural region, or manufacturing, warehousing, or industrial area; and
(E) is important to the movement of freight within a State or metropolitan region, as determined by the Secretary or the metropolitan planning organization.

(4) CONSIDERATIONS.—In designating or redesignating the primary freight system under subsection (c), the Secretary shall—
(A) use, to the extent practicable, measurable data to assess the significance of goods movement, including the consideration of points of origin, destination, and linking components of the United States and global and domestic supply chains;
(B) consider—
(i) any changes in the economy or freight transportation network demand; and
(ii) any opportunities to submit proposed designations in accordance with paragraph (5).

(5) STATE INPUT.—
(A) IN GENERAL.—Each State that proposes increased designations on the primary freight system shall—
(i) consider nominations for additional designations from metropolitan planning organizations and State freight advisory committees within the State;
(ii) consider nominations for the additional designations from owners and operators of port, rail, pipeline, and airport facilities; and
(iii) ensure that additional designations are consistent with the State Transportation Improvement Program or freight plan.

(6) REVISIONS.—States may revise routes certified under section 4006 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–220; 105 Stat. 214B) to conform with the designated freight system under this section.

(7) SUBMISSION AND CERTIFICATION.—Each State shall submit to the Secretary—
(i) a list of the additional designations added under this subsection; and
(ii) certification that—
(I) the State has satisfied the requirements under subparagraph (A); and
(ii) the data referred to in clause (i) address the factors for redesignation described in subsection (c)(3).

(8) CRITICAL RURAL FREIGHT CORRIDORS.—A State may designate freight transportation infrastructure or facilities within the borders of the State as a critical rural freight corridor if the public road or facility—
(i) is a rural principal arterial roadway or facility;
(ii) provides access or service to energy exploitation, development, installation, or production areas; and
(iii) connects to an international port of entry;
(9) provides access to significant air, rail, water, or other freight facilities in the State; or
(10) has been determined by the State to be vital to improving the efficient movement of freight of importance to the economy of the State.

(11) REDESIGNATION OF PRIMARY FREIGHT SYSTEM.—Beginning on the date that is 5 years after the date of completion of the first national multimodal freight strategic plan under subsection (c) and every 5 years thereafter, the Secretary, using the designation factors described in subsection (c)(2)(A), shall redesignate the primary freight system.

TITLE XLII—PLANNING
SEC. 42001. NATIONAL FREIGHT STRATEGIC PLAN.
Chapter 54 of subtitle III of title 49, United States Code (as amended by title XLII), is amended by adding at the end the following:
"8 5404. National freight strategic plan
(a) Initial development of national freight strategic plan.—Not later than 3 years after the date of enactment of the DRIVE Act, the Secretary, in consultation with State departments of transportation, metropolitan planning organizations, and other appropriate public and private transportation stakeholders, shall develop, after providing opportunity for notice and comment on a draft national freight strategic plan, and post on the public website of the Department of Transportation a national freight strategic plan that includes—
(I) an analysis of bottlenecks on the national multimodal freight network that create significant freight congestion based on a quantitative methodology developed by the Secretary, which shall, at a minimum, include—
(I) information from the Freight Analysis Framework of the Federal Highway Administration; and
(ii) the maximum extent practicable, an estimate of the cost of addressing each bottleneck and any operational improvements that could be implemented;
(2) a forecast of freight volumes, based on the most recent data available, for—
(A) the 5-year period beginning in the year during which the plan is issued; and
(B) if practicable, for the 10- and 20-year period beginning in the year during which the plan is issued; and
(3) an identification of major trade gateways and national freight corridors that connect major economic corridors, population centers, trade gateways, and other major freight generators for current and forecasted traffic and freight volumes, the identification of which shall be revised, as appropriate, in subsequent plans; and
(4) assessment of statutory, regulatory, technological, institutional, financial, and other barriers to improved freight transportation performance (including opportunities for overcoming such barriers); and
(5) routes for providing access to major areas for manufacturing, agriculture, or natural resources;
(6) best practices for improving the performance of the national freight network; and
(7) best practices to mitigate the impacts of freight movement on communities;
(8) the process for addressing multistate project and encouraging jurisdictions to collaborate on multistate projects; and
(9) identification of locations or areas with congestion involving freight traffic, and strategies to address those issues;
(10) strategies to improve freight intermodal connectivity; and
(11) best practices for improving the performance of the national multimodal freight network and rural and urban access to critical freight corridors.

SEC. 42002. STATE FREIGHT ADVISORY COMMITTEES.
Chapter 54 of subtitle III of title 49, United States Code (as amended by section 42001), is amended by adding at the end the following: "5405. State freight advisory committees
(a) In general.—Each State shall establish a freight advisory committee consisting of representatives of a cross-section of public and private sector freight stakeholders, including representatives of ports, third party logistics providers, shippers, carriers, railroads, associated freight industry workforce, the transportation department of the State, and local governments.
(b) Role of committee.—A freight advisory committee for a State described in subsection (a) shall—
(1) advise the State on freight-related priorities, issues, projects, and funding needs;
(2) develop a coordinated vision for State transportation decisions affecting freight mobility;
"(3) communicate and coordinate regional priorities with other organizations;

"(4) promote the sharing of information between the private and public sectors on freight issues; and

"(5) participate in the development of the freight plan of the State described in section 5406.

SEC. 42003. STATE FREIGHT PLANS.

Chapter 54 of subtitle III of title 49, United States Code (as amended by section 42002), is amended by adding at the end the following:

"§ 5406. State freight plans

"(a) In general.—Each State shall develop a freight plan that provides a comprehensive plan for the immediate and long-range planning and investment goals of the State with respect to freight.

"(b) Plan contents.—A freight plan described in subsection (a) shall include, at a minimum—

"(1) an identification of significant freight system trends, needs, and issues with respect to the State;

"(2) a description of the freight policies, strategies, and performance measures that will guide the freight-related transportation investment decisions of the State;

"(3) when applicable, a listing of critical rural and urban freight corridors designated within the State under section 5403 of this title (b) of this title and section 150(b) of title 23;

"(4) a description of how the plan will improve the ability of the State to meet the national freight goals established under section 5402(b) of this title and section 150(b) of title 23;

"(5) a description of how innovative technologies and operational strategies, including freight intelligent transportation systems, that improve the safety and efficiency of freight movement, were considered;

"(6) in the case of roadways on which travel by commercial trucks (including mining, agricultural, energy, cargo, and timber vehicles) is projected to substantially deteriorate the condition of roadways, a description of improvements that may be required to reduce or impede the deterioration;

"(7) an inventory of facilities with freight mobility issues, such as bottlenecks, within the State, and where the facilities are State owned or operated, a description of the strategies the State is employing to address those freight mobility issues;

"(8) consideration of any significant congestion or delay caused by freight movements and any strategies to mitigate that congestion or delay; and

"(9) a freight investment plan that, subject to subsections (c) and (d), includes a list of priority projects and describes how funds made available to carry out section 108 of title 23 would be invested and matched.

"(c) Relationship to long-range plan.—

"(1) Incorporation.—A State freight plan described in subsection (a) may be developed separately from or incorporated into the statewide strategic long-range transportation plan required by section 135 of title 23.

"(2) Planning.—The freight investment plan component of a freight plan shall include a project, or an identified phase of a project, only if funding for completion of the project can reasonably be anticipated to be available for the project within the time period identified in the freight investment plan.

"(d) Planning period.—The freight plan shall address a 5-year forecast period.

"(e) Updates.—

"(1) In general.—A State shall update the freight plan not less frequently than once every 5 years.

"(2) Freight investment plan.—A State may participate in an initial constraint investment plan more frequently than is required under paragraph (1)."

SEC. 42004. FREIGHT DATA AND TOOLS.

Chapter 54 of subtitle III of title 49, United States Code (as amended by section 42003), is amended by adding at the end the following:

"§ 5407. Transportation investment data and planning tools

"(a) In general.—Not later than 1 year after the date of enactment of the DRIVE Act, the Secretary shall—

"(1) begin development of new tools and improvement of existing tools to support an outcome-oriented, performance-based approach to evaluate proposed freight-related and other transportation projects, including—

"(A) methodologies for systematic analysis of benefits and costs on a national or regional basis;

"(B) tools for ensuring that the evaluation of freight-related and other transportation projects could consider safety, economic competitiveness, urban and rural access, environmental sustainability, and system condition in the project selection process;

"(C) improved methods for data collection and trend analysis;

"(D) encouragement of public-private partnerships to carry out data sharing activities while maintaining the confidentiality of all proprietary data; and

"(E) other tools to assist in effective transportation planning;

"(2) identify transportation-related model data elements to support a broad range of evaluation methods and techniques to assist in making transportation investment decisions; and

"(3) at a minimum, in consultation with other relevant Federal agencies, consider any improvements to existing freight flow data collection efforts that could reduce identified data gaps and deficiencies, and help improve forecasts of freight transportation demand.

"(b) Consultation.—The Secretary shall consult with Federal, State, and other stakeholders to develop, improve, and implement the tools and collect the data described in subsection (a).

SEC. 42005. SAVINGS PROVISION.

Chapter 54 of subtitle III of title 49, United States Code (as amended by section 42004), is amended by adding at the end the following:

"§ 5408. Savings provision

"Nothing in this chapter provides additional authority to regulate, directly or indirectly, direct private activity on freight networks designated by this chapter."

TITLE XLIII—FORMULA FREIGHT PROGRAM

SEC. 43001. NATIONAL HIGHWAY FREIGHT PROGRAM.

(a) In general.—Section 167 of title 23, United States Code, is amended to read as follows:

"§ 167. National highway freight program

"(a) Establishment.—

"(1) In general.—It is the policy of the United States to improve the condition and performance of the national highway freight network to the extent practicable so that the national highway freight network provides the foundation for the United States to compete in the global economy and achieve each goal described in subsection (b).

"(2) Establishment.—In support of the goals described in subsection (b), the Federal Highway Administrator (referred to in this section as the Administrator) shall establish a national highway freight program in accordance with this section to improve the efficient movement of freight on the national highway freight system.

"(b) Goals.—The goals of the national highway freight program are—

"(1) to invest in infrastructure improvements and to implement operational improvements on the highways of the United States that—

"(A) strengthen the contribution of the national highway freight network to the economic competitiveness of the United States;

"(B) reduce congestion and relieve bottlenecks in the freight transportation system;

"(C) reduce the cost of freight transportation;

"(D) improve the reliability of freight transportation; and

"(E) increase productivity, particularly for domestic industries and businesses that create high-value jobs;

"(2) to improve the safety, security, efficiency, and resiliency of freight transportation in rural and urban areas;

"(3) to improve the state of good repair of the national highway freight network;

"(4) to use advanced technology to improve the safety and efficiency of the national highway freight network;

"(5) to incorporate concepts of performance, innovation, competition, and accountability into the operation and maintenance of the national highway freight network;

"(6) to improve the productivity of the national highway freight network; and

"(7) to reduce the environmental impacts of freight movement.

"(c) Establishment of a National Highway Freight Program.—

"(1) In general.—The Administrator shall establish a national highway freight program in accordance with this section to assist States in strategically directing resources toward improved system performance for efficient movement of freight on highways.

"(2) Network components.—The national highway freight network shall consist of—

"(A) the primary highway freight system, as designated under subsection (d);

"(B) critical rural freight corridors established under subsection (e);

"(C) critical urban freight corridors established under subsection (f); and

"(D) the portions of the Interstate System not designated as part of the primary highway freight system, including designated future Interstate System routes as of the date of enactment of the DRIVE Act.

"(d) Designation and redesignation of the primary highway freight system.—

"(1) Initial designation of the primary highway freight system.—The initial designation of the primary highway freight system shall be—

"(A) the network designated by the Secretary under section 167(d) of title 23, United States Code, as in effect on the day before the date of enactment of the DRIVE Act; and

"(B) all National Highway System freight intermodal connectors.

"(2) Redesignation of primary highway freight system.—

"(A) In general.—Beginning on the date that is 1 year after the date of enactment of the DRIVE Act and every 5 years thereafter, using the designation factors described in subparagraph (E), the Administrator shall redesignate the primary highway freight system (including any additional mileage added to the primary highway freight system under paragraph (a) of the date on which the redesignation process is effective).

"(B) Mileage.—

"(1) First redesignation.—In redesignating the primary highway freight system on the date that is 1 year after the date of enactment of the DRIVE Act, the Administrator shall limit the system to 90,000 centerline miles, as specified in paragraph (a) of the date on which the redesignation process is effective.

"(C) Additional mileage.—In redesignating the primary highway freight system on the date that is 1 year after the date of enactment of the DRIVE Act, the Administrator shall add to the primary highway freight system the last 1000 centerline miles, as specified in paragraph (a) of the date on which the redesignation process is effective.

"(D) Next redesignation.—In redesignating the primary highway freight system on the date that is 1 year after the date of enactment of the DRIVE Act, the Administrator shall add to the primary highway freight system the last 1000 centerline miles, as specified in paragraph (a) of the date on which the redesignation process is effective.

"(E) Designation factors.—The Administrator shall use the following factors to redesignate the primary highway freight system:

"(i) Economic development.

"(ii) Infrastructure and transportation.

"(iii) Environment.

"(iv) National economic competitiveness.

"(v) Safety.
“(11) SUBSEQUENT REDesignATIONS.—Each redesignation after the redesignation described in clause (1), the Administrator may increase the primary highway freight system by up to the total mileage of the system, without regard to the connectivity of the primary highway freight system.

“(C) CONsiderations.—

“(i) Designation.—In redesignating the primary highway freight system, to the maximum extent practicable, the Administrator shall use measurable data to assess the significance of goods movement, including consideration of points of origin, destination, and linking components of the United States.

“(ii) Specify a corridor.—In redesignating the primary highway freight system, the Administrator shall include all National Highway System freight intermodal connectors.

“(D) INPUT.—In addition to the process provided to State freight advisory committees under paragraph (3), in redesignating the primary highway freight system, the Administrator shall provide an opportunity for State freight advisory committees to submit additional miles for consideration.

“(E) FACTORS FOR REDESIGNATION.—In redesignating the primary highway freight system, the Administrator shall consider—

“(i) the origins and destinations of freight movement in, to, and from the United States;

“(ii) land and water ports of entry;

“(iii) access to energy exploration, development, installation, or production areas;

“(iv) proximity of access to other freight intermodal facilities, including rail, air, water, and pipelines;

“(v) the total freight tonnage and value moved via highways;

“(vi) significant freight bottlenecks, as identified by the Administrator;

“(vii) urban freight corridors.

“(F) CRITICAL RURAL FREIGHT CORRIDORS.—A State may designate a public road within the borders of the State as a critical rural freight corridor if the public road—

“(i) is a rural principal arterial roadway and has a minimum of 25 percent of the annual average daily traffic of the road measured in passenger vehicle equivalent units from trucks (Federal Highway Administration vehicle class 8 to 13); and

“(ii) provides access to energy exploration, development, installation, or production areas;

“(iii) connects the primary highway freight system, a roadway described in paragraph (1) or (2), or the State freight system to facilities that handle more than—

“(A) 50,000 20-foot equivalent units per year; or

“(B) 500,000 tons per year of bulk commodities;

“(i) provides access to—

“(A) a grain elevator;

“(B) an agricultural facility;

“(C) a mining facility;

“(D) a forestry facility; or

“(E) an intermodal facility; or

“(ii) connects to an international port of entry;

“(iii) provides access to significant air, rail, water, or other freight facilities in the State; or

“(iv) is, in the determination of the State, vital to promoting the efficient movement of freight of importance to the economy of the State.

“(G) CRITICAL URBAN FREIGHT CORRIDORS.—

“(1) URBANIZED AREA WITH POPULATION OF 50,000 OR MORE.—In an urbanized area with a population of 50,000 or more, individuals, the representative metropolitan planning organization, in consultation with the State, may designate an urbanized area within the borders of that area of the State as a critical urban freight corridor.

“(2) URBANIZED AREA WITH A POPULATION LESS THAN 50,000.—In an urbanized area with a population of less than 50,000 individuals, the State, in consultation with the representative metropolitan planning organization, may designate a public road within the borders of that area of the State as a critical urban freight corridor.

“(H) REQUIREMENTS FOR DESIGNATION.—A designation for a public road under paragraphs (1) or (2) if the public road—

“(1) is in an urbanized area, regardless of population; and

“(2) connects an intermodal facility to—

“(A) the primary highway freight network; or

“(B) the Interstate System; or

“(C) an intermodal freight facility; or

“(ii) is located within a corridor of a route on the primary highway freight network and provides an alternative highway option important to goods movement;

“(iii) serves a major freight generator, including airports, ports, and national border crossings;

“(iv) includes intermodal interchange, transfer, and access into and out of the facility.

“(I) DESIGNATION AND CERTIFICATION.—

“(1) DESIGNATION.—States and metropolitan planning organizations may designate corridors under subsections (e) and (f) and notify the designated corridors to the Administrator on a rolling basis.

“(2) CERTIFICATION.—Each State or metropolitan planning organization that designates a corridor under subsection (e) or (f) shall certify to the Administrator that the designated corridor meets the requirements of the applicable subsection.

“(J) HIGHWAY FREIGHT TRANSPORTATION CONDITIONS AND PERFORMANCE REPORTS.—Not later than 2 years after the date of enactment of the DRIVE Act and biennially thereafter, the Administrator shall prepare and submit to Congress a report that describes the conditions and performance of the national highway freight network in the United States.

“(K) USE OF APPOINTED FUNDS.—

“(1) IN GENERAL.—A State shall obligate funds apportioned to the State under section 104(b)(5) to improve the movement of freight on the national highway freight network.

“(2) FORMULA.—The Administrator shall calculate for each State the proportion that—

“(A) the total mileage in the State designated as part of the primary highway freight system; bears to

“(B) the total mileage of the primary highway freight system in all States.

“(L) USE OF FUNDS.—

“(A) STATES WITH HIGH PRIMARY HIGHWAY FREIGHT SYSTEM MILEAGE.—If the proportion of a State under paragraph (2) is greater than or equal to 3 percent, the State may obligate funds apportioned to the State under section 104(b)(5) for projects on any component of the national highway freight network.

“(B) STATES WITH LOW PRIMARY HIGHWAY FREIGHT SYSTEM MILEAGE.—If the proportion of a State under paragraph (2) is less than 3 percent, the State may obligate funds apportioned to the State under section 104(b)(5) for projects on any component of the national highway freight network.

“(M) FReIGHT PLANNING.—Notwithstanding any other provision of law beginning 2 years after the date of enactment of the DRIVE Act, a State may not obligate funds apportioned to the State under section 104(b)(5) unless the State—

“(i) established a freight advisory committee in accordance with section 5405 of title 49; and

“(ii) developed a freight plan in accordance with section 5406 of title 49, except that the multimodal component of the plan may be incomplete before an obligation may be made under this section.

“(N) ELIGIBILITY.—

“(A) IN GENERAL.—Except as provided in this subsection, for a project to be eligible for funding under this section the project shall—

“(i) contribute to the efficient movement of freight on the national highway freight network; and

“(ii) be consistent with a freight investment plan included in a freight plan of the State that is in effect.

“(B) HIGHWAY PROJECTS.—A State may obligate not more than 10 percent of the total apportionment of the State under section 104(b)(5) for projects—

“(i) within the boundaries of public and private freight rail, water facilities (including ports), and intermodal facilities; and

“(ii) that provide surface transportation investment that is necessary to facilitate direct intermodal interchange, transfer, and access into and out of the facility.
(C) ELIGIBLE PROJECTS.—Funds apportioned to the State under section 104(b)(5) for the national highway freight program may be obligated to carry out 1 or more of the following:

(1) Development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering, and other preconstruction activities.

(2) Construction, reconstruction, rehabilitation, acquisition of real property (including land relating to the project and improvements to land), construction contingencies, acquisition of equipment, and operations directly relating to improving system performance.

(iii) Intelligent transportation systems and other technology to improve the flow of freight, including intelligent freight transportation systems.

(iv) Efforts to reduce the environmental impacts of freight movement.

(v) Environmental and community mitigation of freight movement.

(vi) Railway-highway grade separation.

(vii) Geometric improvements to interchanges and ramps.

(viii) Truck-only lanes.

(ix) Climbing and runoff truck lanes.

(x) Adding or widening of shoulders.

(xi) Truck parking facilities eligible for funding under section 1401 of MAP–21 (23 U.S.C. 137 note; Public Law 112–141).

(xii) Real-time traffic truck parking, roadway condition, and multimodal transportation information systems.

(xiii) Electronic screening and credentialing systems for vehicles, including weigh-in-motion truck inspection technologies.

(xiv) Traffic signal optimization, including synchronization of signals.

(xv) Work zone management and information systems.

(xvi) Highway ramp metering.

(xvii) Electronic cargo and border security technologies that improve truck freight movement.

(xviii) Intelligent transportation systems.

(xix) Additional road capacity to address highway and freight bottlenecks.

(xx) A highway project, other than a project described in clauses (i) through (xix), to improve the flow of freight on the national highway system.

(xxii) Any other surface transportation project to improve the flow of freight into and out of a facility described in subparagraph (B).

(B) RURAL AREA.—The term ‘‘rural area’’ means an area that is outside of an urbanized area designated by the Secretary of the Census.

(C) ELIGIBLE APPLICANT.—The term ‘‘eligible applicant’’ means—

(A) a State (or a group of States);

(B) a local government (or a group of local governments);

(C) a tribal government (or a consortium of tribal governments);

(D) a transit agency (or a group of transit agencies);

(E) a special purpose district or a public authority with a transportation function;

(F) a port authority (or a group of port authorities);

(G) a political subdivision of a State or local government;

(H) a Federal land management agency, jointly with the applicable State; or

(i) a multistate or multijurisdictional group of entities described in subparagraphs (A) through (H).

(D) ELIGIBLE COSTS.—In addition to the eligible projects identified in paragraph (5), a State may use funds apportioned under section 104(b)(6) for—

(A) carrying out diesel retrofit or alternative fuel projects under section 149 for class vehicles; and

(B) the necessary costs of—

(1) conducting analyses and data collection related to the national highway freight program;

(2) developing and updating performance targets to carry out this section; and

(3) reporting to the Administrator to compile the information.

(7) APPLICABILITY OF PLANNING REQUIREMENTS.—Programming and expenditure of funds for projects under this section shall be consistent with the requirements of sections 149 and 150.

(8) STATE PERFORMANCE TARGETS.—If the Administrator determines that a State has not made significant progress toward meeting the performance targets related to freight movement of the State established under section 150(d) by the date that is 2 years after the date of the establishment of the performance targets, until the date on which the Administrator determines that the State has made significant progress towards meeting the performance targets, the State shall submit to the Administrator, on a biennial basis, a freight transportation investment management plan that includes—

(1) an identification of significant freight system trends, needs, and issues within the State;

(2) a description of the freight policies and strategies that will guide the freight-related transportation investments of the State;

(3) an inventory of freight bottlenecks within the State and a description of the ways in which the State is allocating the necessary funds to address those bottlenecks; and

(4) a description of the actions the State will undertake to meet the performance targets of the State.

(9) STUDY OF MULTIMODAL PROJECTS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to Congress a report that contains—

(A) a study of freight projects identified in State freight plans under section 5406 of title 49; and

(B) an evaluation of multimodal freight projects included in the State freight plans, or other freight plans of States, that are subject to the limitation of funding for such projects under this section.

(10) STATE FREIGHT ADVISORY COMMITTEES.—A State freight advisory committee shall be created by each State whose freight plan is submitted under this section.

(11) INTELLIGENT FREIGHT TRANSPORTATION SYSTEMS.—Notwithstanding any other provision of law, a freight project carried out under this section shall be treated as if the project were on a Federal-aid highway system or that operate to convey freight or improve existing freight movement.

(12) INVESTMENTS.—The term ‘‘investment’’ means—

(A) an innovative or intelligent technological transportation system, infrastructure, or facilities, including electronic roads, driverless trucks, elevated freight transportation facilities, and other intelligent freight transportation systems; and

(B) a communication or information processing system, whether singly or in combination for dedicated intelligent freight lanes and conveyances that improve the efficiency, security, or safety of freight on the Federal-aid highway system or that operate to convey freight or improve existing freight movements.

(13) LOCATION.—An intelligent freight transportation system shall be located—

(A) along existing Federal-aid highways;

(B) in proximity to, or within, an existing right-of-way on a Federal-aid highway.

(14) OPERATING STANDARDS.—The Administrator of the Federal Highway Administration shall establish the operating standards for intelligent freight transportation systems.

(15) TREATMENT OF FREIGHT PROJECTS.—Notwithstanding any other provision of law, a freight project carried out under this section shall be treated as if the project were on a Federal-aid highway.

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

‘‘167. National highway freight program.’’
(d) ACCOUNTABILITY MEASURES.—The Secretary and the Administrator shall establish accountability measures for the management of the grants described in this section—

(1) to establish clear procedures for addressing late-arriving applications;
(2) to publicly communicate decisions to affected parties; and
(3) to document major decisions in the application evaluation and project selection processes through a decision memorandum or similar mechanism that provides a clear rationale for decisions.

(e) GEOGRAPHIC DISTRIBUTION.—In awarding grants, the Administrator, as appropriate, shall take measures to ensure, to the maximum extent practicable—

(1) an equitable geographic distribution of amounts; and
(2) an appropriate balance in addressing the needs of rural and urban communities.

(f) REPORTS.—

(1) IN GENERAL.—The Secretary or the Administrator, as appropriate, shall make available on the website of the Department at the end of each fiscal year an annual report that lists each project for which a grant has been provided under this section during that fiscal year.

(2) COTRIBUTOR GENERAL.—

(A) ASSESSMENT.—The Comptroller General of the United States shall conduct an assessment of the administrative establishment, management, and fiscal accountability process with respect to the funding of grants described in this title.

(B) REPORT.—Not later than 1 year after the initial awarding of grants described in this section, the Comptroller General of the United States shall submit to the Committee on Energy and Public Works of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

(i) the adequacy and fairness of the process by which each project was selected, if applicable;
(ii) the justification and criteria used for the selection of each project, if applicable.

SEC. 44002. GRANTS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"§ 171. Assistance for major projects program

"(a) PURPOSE OF PROGRAM.—The purpose of the appropriation of funds under this project shall be the purpose described in section 44001 of the DRIVE Act.

(b) DEFINITIONS.—In this section—

"(1) the terms defined in section 44001 of the DRIVE Act shall apply; and

"(2) the following definitions shall apply:

(A) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Federal Highway Administration.

(B) ELIGIBLE PROJECT.—

"(i) The term ‘eligible project’ means a surface transportation project, or a program of integrated surface transportation projects closely related in the function that the projects perform, that—

(1) is a capital project that is eligible for Federal financial assistance under—

(aa) this title; or

(bb) title 49; and

(2) except as provided in clause (i), has eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

(aa) $350,000,000; and

(bb) chapter 53 of title 49; and

(BB) a project located in a single State with a population density of 80 or fewer persons per square mile based on the most recent decennial census, 10 percent of the amount of Federal-aid highway funds apportioned to the State for the most recently completed fiscal year;

(C) for a project located in more than 1 State, 75 percent of the amount of Federal-aid highway funds apportioned to the participating State that has the largest apportionment for the most recently completed fiscal year;

(D) the term ‘Federal land transportation facility’ means—

(i) a Federal land transportation facility, the term ‘eligible project’ means a Federal land transportation facility that has eligible project costs that are reasonably anticipated to equal or exceed $150,000,000.

(E) ELIGIBLE PROJECT COSTS.—The term ‘eligible project costs’ means the costs of—

(i) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

(ii) construction, reconstruction, rehabilitation, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, construction contingencies, acquisition of equipment directly related to improving system performance, and operational improvements.

(F) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program in accordance with this section to provide grants for projects that will have a significant impact on a region or the Nation.

(G) CRITERIA FOR PROJECT EVALUATION AND SELECTION.—

"(1) IN GENERAL.—The Administrator may select a project for funding under this section only if the Administrator determines that the project—

(A) is consistent with the national goals described in section 150(b); (B) will improve the performance of the national surface transportation network, nationally or regionally;

(C) is based on the results of preliminary engineering studies;

(D) is consistent with the long-range statewide transportation plan;

(E) cannot be readily and efficiently completed without Federal assistance;

(F) is justified based on the ability of the project to achieve 1 or more of—

(i) generation of national economic benefits that reasonably exceed the costs of the project;

(ii) reduction of long-term congestion, including impacts on a national, regional, and statewide basis;

(iii) an increase in the speed, reliability, and accessibility of the movement of people or freight; or

(iv) improvement of transportation safety, including reducing transportation accident and serious injuries and fatalities; and

(G) is supported by a sufficient amount of non-Federal funding, including evidence of stable and dependable financing to construct, maintain, and operate the infrastructure.

"(2) ADDITIONAL CONSIDERATIONS.—In evaluating a project under this section, in addition to the criteria described in paragraph (1), the Administrator shall consider the extent to which the project—

(A) leverages Federal investment by encouraging non-Federal contributions to the Federal share of project costs, including contributions from public-private partnerships;

(B) is able to begin construction by the date that is not later than 18 months after the date on which the project is selected;

(C) incorporates innovative project delivery and financing to the maximum extent practicable;

(D) helps maintain or protect the environment;

(E) improves roadways vital to national energy security;

(F) improves or upgrades designated future Interstate State Highway System; and

(G) uses innovative technologies, including intelligent transportation systems, that enhance the efficiency of the project.

(H) helps to improve mobility and accessibility; and

(I) address the impact of population growth on the movement of people and freight.

"(H) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this section, the Administrator shall take into account the similar mechanism that provides a clear rationale for decisions.

(I) FUNDING REQUIREMENTS.—

(1) IN GENERAL.—Except in the case of projects described in paragraph (2), the amount of a grant under this section shall be at least $50,000,000.

(2) RURAL PROJECTS.—The amounts made available under this section for eligible projects located in rural areas or in rural States shall not be—

(A) less than 20 percent of the amount made available for the fiscal year under this section; and

(B) subject to paragraph (1).

(3) LIMITATION OF FUNDS.—Not more than 20 percent of the funds made available for a fiscal year to carry out this section shall be allocated for projects eligible under section 1611(x)(5)(B) or chapter 53 of title 49.

(4) STATE CAP.—

(A) IN GENERAL.—Not more than 20 percent of the funds made available for a fiscal year to carry out this section may be awarded projects in a single State.

(B) EXCEPTION FOR MULTISTATE PROJECTS.—For purposes of the limitation described in subparagraph (A), funds awarded for a multistate project shall be considered to be distributed evenly to each State.

(5) TIFIA PROGRAM.—On the request of an eligible applicant under this section, the Administrator may use such sums as are necessary to authorize the entity to pay subsidy and administrative costs necessary to provide the entity Federal credit assistance under chapter 6 with respect to the project for which the grant was awarded.

(6) GRANT REQUIREMENTS.—

(A) APPLICABILITY OF PLANNING REQUIREMENTS.—The program and expenditure of funds for projects under this section shall be consistent with the requirements of sections 134 and 135.

(B) DETERMINATION OF APPLICABLE MODAL REQUIREMENTS.—If an eligible project that receives a grant under this section has a cross-modal component, the Administrator shall determine the predominant modal component of the project; and

(C) may apply the applicable requirements of that predominant modal component to the project.

(7) REPORT TO THE ADMINISTRATOR.—For each project funded under this section, the project sponsor shall evaluate system performance and submit to the Administrator a report not later than 5, 10, and 20 years after completion of the project to assess whether

"(8) roses the federal aid highway fund

July 24, 2016
the project outcomes have met preconstruction projections.

"(i) ADMINISTRATIVE SELECTION.—The Administrator shall award grants to eligible projects in a fiscal year as described in section 4001 of the DRIVE Act."

"(ii) COSTS.—The Administrator shall provide an annual report as described in section 4001 of the DRIVE Act."

(b) ASSISTANCE FOR FREIGHT PROJECTS.—Chapters 1 through 5 of title 49, United States Code, as amended by section 42005, is amended by adding after section 5408 the following:

"§ 5409. Assistance for freight projects

(a) ESTABLISHMENT.—The Secretary shall establish and implement an assistance for freight projects grant program for capital investments in major freight transportation infrastructure projects to improve the movement of goods through the transportation network of the United States.

"(b) CRITERIA FOR PROJECT EVALUATION AND SELECTION.—

"(1) IN GENERAL.—The Secretary may select a project for funding under this section only if the Secretary determines that the project—

"(A) is consistent with the goals described in section 5420(b);

"(B) will significantly improve the national or regional performance of the freight transportation network;

"(C) is based on the results of preliminary engineering;

"(D) is consistent with the long-range statewide transportation plan;

"(E) cannot be readily and efficiently completed without Federal financial assistance;

"(F) is justified based on the ability of the project—

"(i) to generate national economic benefits that reasonably exceed the costs of the project;

"(ii) to reduce long-term congestion, including impacts on a regional and statewide basis; or

"(iii) to increase the speed, reliability, and accessibility of the movement of freight; and

"(G) is supported by a sufficient amount of non-Federal funding, including evidence of stable and dependable financing to construct, maintain, and operate the infrastructure facility.

"(2) ADDITIONAL CONSIDERATIONS.—In evaluating a project under this section, in addition to the criteria described in paragraph (1), the Secretary shall consider the extent to which the project—

"(A) leverages Federal investment by encouraging non-Federal contributions to the project, including contributions from public-private partnerships;

"(B) is in a phase of construction by the date that is not later than 1 year after the date on which the project is selected;

"(C) incorporates innovative project delivery and financing to the maximum extent practicable;

"(D) improves freight facilities vital to agricultural or national energy security;

"(E) incorporates an annual report as current or designated future Interstate System routes;

"(F) uses innovative technologies, including intelligent transportation systems, that enhance transportation efficiency of the project;

"(G) helps to improve mobility and accessibility; and

"(H) improves transportation safety, including reducing transportation accident and serious injuries and fatalities.

"(c) ELIGIBLE PROJECTS.—

"(1) IN GENERAL.—A project is eligible for a grant under this section if the project—

"(A) is difficult to complete with existing Federal, State, local, and private funds;

"(B) enhances the economic competitiveness of the United States; or

"(C) will advance 1 or more of the following objectives:

"(i) Generate regional or national economic benefits and an increase in the global economic competitiveness of the United States;

"(ii) Improve transportation resources vital to agriculture or national energy security;

"(iii) Improve the efficiency, reliability, and affordability of the movement of freight.

"(iv) Improve existing freight infrastructure projects.

"(2) MULTIMODAL DISTRIBUTION OF FUNDS.—The Secretary shall distribute funding for grants under this section—

"(A) to advance for senior review applications—

"(i) that reasonably exceed the costs of the project;

"(ii) to generate national economic benefits that reasonably exceed the costs of the project; and

"(iii) to receive grant funding under this section, the Secretary shall take such measures as the Secretary determines necessary to ensure the investment in a variety of transportation modes.

"(b) REQUIREMENTS.—

"(1) CONSIDERATIONS.—In selecting projects to receive grant funding under this section, the Secretary shall—

"(A) consider—

"(i) the amount of freight volumes; and

"(ii) how projects will enhance economic efficiency, productivity, and competitiveness;

"(iii) population growth and the impact on freight demand; and

"(B) give priority to projects dedicated to—

"(i) improving freight infrastructure facilities;

"(ii) reducing travel time for freight projects;

"(iii) reducing freight transportation costs; and

"(iv) reducing congestion caused by rapid population growth on freight corridors.

"(2) MULTIPLE PROJECTS.—In distributing funding for grants under this section, the Secretary shall take such measures as the Secretary determines necessary to ensure the investment in a variety of transportation modes.

"(b) AMOUNT.—

"(1) IN GENERAL.—Except as provided in subparagraph (b)(2), the amount of the grant shall be in an amount that is not less than $1,000,000 and not greater than $200,000,000.

"(2) PROJECTS IN RURAL AREAS.—If a grant awarded under this section is for a project located in a rural area—

"(i) the amount of the grant shall be at least $100,000,000; and

"(ii) the Secretary may increase the Federal share of costs to greater than 80 percent.

"(c) ELIGIBLE PROJECTS.—

"(1) IN GENERAL.—There is authorized to be appropriated from the general fund of the Treasury, $200,000,000 for each of fiscal years 2016 through 2021 to carry out this section.

"(2) ADMINISTRATIVE AND OVERSIGHT COSTS.—The Secretary may retain up to 0.5 percent of the amounts appropriated pursuant to paragraph (1) to oversee eligible projects funded under this section.

"(3) ADMINISTRATION OF FUNDS.—Amounts appropriated pursuant to this subsection shall be available for obligation until expended.

"(g) CONGRESSIONAL NOTIFICATION.—Not later than 72 hours before public notification of a grant awarded under this section, the Secretary shall notify the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives of such award.

"(h) ACCOUNTABILITY MEASURES.—The Secretary shall provide to Congress documentation of major decisions in the application evaluation and project selection process, which shall include a clear rationale for decisions—

"(1) to advance for senior review applications other than those rated as highly recommended;

"(2) to advance applications rated as highly recommended; and

"(3) to change the technical evaluation rating of an application.

"(c) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"171. Assistance for major projects program."

DIVISION E—FINANCE

SEC. 50001. SHORT TITLE.

This division may be cited as the “Transportation Funding Act of 2015.”

TITLE I—HIGHWAY TRUST FUND AND RELATED TAXES

Subtitle A—Extension of Trust Fund Expenditure Authority and Related Taxes

SEC. 51101. EXTENSION OF TRUST FUND EXPENDITURE AUTHORITY AND RELATED TAXES

(a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986, as amended by division G, is amended by striking “October 1, 2013” in subsections (b)(6)(B), (c)(1), and (e)(3) and inserting “October 1, 2015”, and
(2) by striking “Surface Transportation Extension Act of 2015” in subsections (c)(1) and (e)(3) and inserting “DRIVE Act”.

(b) Sport Fish Restoration and Boating Trust Fund.—Section 5027(b) of the Internal Revenue Code of 1986, as amended by division G is amended—

(1) by striking “Surface Transportation Extension Act of 2015” each place it appears in subsection (b)(2) and inserting “DRIVE Act”, and

(2) by striking “October 1, 2015” in subsection (d) and inserting “October 1, 2021.”

(c) Leaking Underground Storage Tank Trust Fund.—Paragraph (2) of section 9508(e) of the Internal Revenue Code of 1986, as amended by division G, is amended by striking “October 1, 2015” and inserting “October 1, 2021.”

(d) Effective Date.—The amendments made by this section shall take effect on August 1, 2015.

SEC. 51102. EXTENSION OF HIGHWAY-RELATED TAXES.

(a) In General.—(1) Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking “September 30, 2016” and inserting “September 30, 2023”:

(A) Section 4041(a)(1)(C)(i)(1).

(B) Section 4041(m)(1)(B).

(C) Section 4081(d)(1).

(2) Each of the following provisions of title 54, United States Code, is amended—

(A) in subsection (a)(1) and inserting “October 1, 2016” each place it appears

and (e)(3) and inserting “October 1, 2024”, and

and (f)(3) and inserting “October 1, 2023”.

(b) Extension of Transfers to Highway Trust Fund.

SEC. 51201. FURTHER ADDITIONAL TRANSFERS TO TRUST FUND.

Subsection (i) of section 9503 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (7) as paragraph (9) and by adding after paragraph (6) the following new paragraph:

“(7) FURTHER TRANSFERS TO TRUST FUND.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated—

(A) $354,600,000,000 to the Highway Account (as defined in subsection (e)(5)(B)) in the Highway Trust Fund; and

(B) $11,015,000,000 to the Mass Transit Account in the Highway Trust Fund.

(8) Amendment to Increase in Fund Balance.—There is hereby transferred to the Highway Account (as defined in subsection (e)(5)(B)) in the Highway Trust Fund from the Leaking Underground Storage Tank Trust Fund under section 9508(c)(4).

SEC. 51202. TRANSFER TO HIGHWAY TRUST FUND OF CERTAIN MOTOR VEHICLE SAFETY PENALTIES.

(a) In General.—(1) Paragraph (5) of section 9508(b) of the Internal Revenue Code of 1986 is amended—

(i) by striking “There are hereby” and inserting the following:

“(A) There are hereby”, and

(ii) by adding at the end the following new paragraph:

“(B) PENALTIES RELATED TO MOTOR VEHICLE SAFETY.”

(2) In general.—(i) There are hereby appropriated to the Highway Trust Fund amounts equivalent to covered motor vehicle safety penalty collections.

(ii) COVERED MOTOR VEHICLE SAFETY PENALTIES.—For purposes of this subsection, the term ‘covered motor vehicle safety penalty’ means any amount collected in connection with a civil penalty under section 30165 of title 49, United States Code, reduced by any award authorized by the Secretary to be paid to any person in connection with information provided by such person related to a violation of chapter 301 of such title which is a predicate to such civil penalty.

(b) Effective Date.—The amendments made by this section shall apply to transfers of certain motor vehicle safety penalties to the Highway Trust Fund.

 SEC. 51203. CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.

(a) Conforming amendment.—Section 200310 of title 54, United States Code, is amended—

(1) by striking “October 1, 2017” each place it appears and inserting “October 1, 2024”, and

(2) by striking “October 1, 2016” and inserting “October 1, 2023”. The amendments made by this section shall take effect on October 1, 2016.

Title II—Offsets


SEC. 52101. CONSISTENT BASIS REPORTING BETWEEN ESTATE AND PERSON ACQUERING PROPERTY FROM DECEDE.

(a) Property Acquired From a Decedent.—

(1) Basis Must Be Consistent With Estate Tax Value.—

(2) In general.—The basis under subsection (a) of any property shall not exceed—

(A) in the case of property the value of which has been finally determined for purposes of the tax imposed by chapter 11 on the estate of such decedent, such value, and

(B) in the case of property not described in subparagraph (A) and with respect to which a statement has been furnished under section 6035(a) identifying the value of such property, such value.

(b) Determination.—For purposes of paragraph (1), the value of property has been finally determined for purposes of the tax imposed by chapter 11 if—

(A) the value of such property is shown on a return under section 6018 and such value is not contested by the Secretary before the expiration of the time for assessing a tax under chapter 11.

(B) in a case not described in subparagraph (A), the value is specified by the Secretary and such value is not timely contested by the executor of the estate, or

(C) the value is determined by a court or pursuant to a settlement agreement with the Secretary.

(c) Regulations.—The Secretary may by regulations provide exceptions to the application of this subsection.

(d) Effective Date.—The amendments made by this subsection shall apply to transfers of property from decedents to persons acquiring property from decedents.

SEC. 52102. APPROPRIATION FROM LEAKING UNDERGROUND STORAGE TANK TRUST FUND.

(a) In General.—(1) Paragraph (c) of section 9508(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(4) ADDITIONAL TRANSFER TO HIGHWAY TRUST FUND.—Out of amounts in the Leaking Underground Storage Tank Trust Fund there is hereby appropriated—

(A) on October 1, 2017, $100,000,000, and

(B) on October 1, 2018, $100,000,000, to be transferred under section 9503(b)(8) to the Highway Account (as defined in section 9508(c)(5)) in the Highway Trust Fund.

(b) Conforming Amendment.—Section 9508(c)(1) of the Internal Revenue Code of 1986 is amended by striking “paragraphs (2) and (3)” and inserting “paragraphs (2), (3), and (4)”. TITLE LII—OFFSETS


SEC. 53101. CONSISTENT BASIS REPORTING BETWEEN ESTATE AND PERSON ACQUERING PROPERTY FROM DECE.

(a) Property Acquired From a Decedent.—

(1) In general.—Section 1041 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“(A) BASIS MUST BE CONSISTENT WITH ESTATE TAX VALUE.—

(1) In general.—The basis under subsection (a) of any property shall not exceed—

(A) in the case of property the value of which has been finally determined for purposes of the tax imposed by chapter 11 on the estate of such decedent, such value, and

(B) in the case of property not described in subparagraph (A) and with respect to which a statement has been furnished under section 6035(a) identifying the value of such property, such value.

(2) Determination.—For purposes of paragraph (1), the value of property has been finally determined for purposes of the tax imposed by chapter 11 if—

(A) the value of such property is shown on a return under section 6018 and such value is not contested by the Secretary before the expiration of the time for assessing a tax under chapter 11.

(B) in a case not described in subparagraph (A), the value is specified by the Secretary and such value is not timely contested by the executor of the estate, or

(C) the value is determined by a court or pursuant to a settlement agreement with the Secretary.

(3) Regulations.—The Secretary may by regulations provide exceptions to the application of this subsection.

(4) Effective Date.—The amendments made by this subsection shall apply to transfers of property from decedents to persons acquiring property from decedents.

(b) Information Reporting.—(1) In general.—Section 6014 of part III of chapter 61 of the Internal Revenue Code of 1986 is amended by inserting after section 6014A the following new section:

“SEC. 6035. BASIS INFORMATION TO PERSONS ACQUERING PROPERTY FROM DECE.

(a) Information With Respect to Property Acquired From Decedents.—

(1) In general.—The executor of any estate required to file a return under section 6018(a) shall furnish to the Secretary and to each person acquiring any interest in property included in the decedent’s gross estate for Federal estate tax purposes a statement identifying the value of each interest in such property as reported on such return and such other information with respect to such interest as the Secretary may prescribe.

(2) Statements by Decedents.—Each person required to file a return under section 6018(b) shall furnish to the Secretary and to each other person who holds a legal or beneficial interest in the property to which such return relates a statement identifying the information described in paragraph (1).

(3) Time for Furnishing Statement.—

(A) In general.—The statement required by paragraph (1) shall be furnished to the Secretary and to each person holding a legal or beneficial interest in the property to which such return relates not later than the earlier of—

(i) the date which is 30 days after the date on which the return under section 6018 was filed

(ii) the time prescribed under section 6014 for filing such return

(iii) the time prescribed under section 6018(b) for filing such return

(iv) the time prescribed by law for the filing of the return under section 6018

(b) Filing of Statement.—The statement furnished under subsection (a) shall be filed not later than the later of—

(1) the date prescribed under section 6014 for the filing of the return under section 6018

(2) the date prescribed under section 6018(b) for the filing of the return under section 6018

(3) the date prescribed by law for the filing of the return under section 6018

(4) the date prescribed by law for the filing of the return under section 6018(b).
required to be filed (including extensions, if any), or
(ii) the date which is 30 days after the date such return is filed.

(B) ADJUSTMENTS.—In any case in which there is an adjustment to the information re-
quired to be included on a statement filed under paragraph (1) or (2) after such state-
ment has been submitted, the Secretary shall make a supplement-
ary report under such paragraph shall be filed not later than the date which is 30 days after
such adjustment is made.

(C) PENALTY FOR FAILURE TO FILE.—
(A) RETURN.—Section 6724(d)(1) of such Code is amended by striking "and" at the end of subparagraph (B), by striking the pe-
riod at the end of subparagraph (C) and inserting "and", and by adding at the end the following new subparagraph:

"(D) any statement required to be filed with the information return under section 6065.

(B) STATEMENT.—Section 6724(d)(2) of such Code is amended by striking "or" at the end of subparagraph (GG), by striking the period at the end of subparagraph (HH) and inserting "." and by adding at the end the following new subparagraph:

"(k) section 6035 (other than a statement relating to—

(1) the extension of this section to prop-
erty of estates not required to file an estate 
tax return, and

(2) situations in which the surviving joint 
tenant or other recipient may have better in-
formation than the executor regarding the 
basis or fair market value of the property.
"

(2) PENALTY FOR FAILURE TO FILE.—
(A) RETURN.—Section 6724(d)(4) of such Code is amended by striking "and" at the end of subparagraph (B), by striking the pe-
riod at the end of subparagraph (C) and inserting "and", and by adding at the end the following new subparagraph:

"(D) any statement required to be filed with the information return under section 6065.

(B) STATEMENT.—Section 6724(d)(2) of such Code is amended by striking "or" at the end of subparagraph (GG), by striking the period at the end of subparagraph (HH) and inserting "." and by adding at the end the following new subparagraph:

"(k) section 6035 (other than a statement described in paragraph (1))."

(C) C LERICAL AMENDMENT.—The table of 
sections for subpart A of part III of sub-
chapter A of chapter 61 of such Code is amended by striking the reference to section 6034A the following new item:

"SEC. 6035. BASIS INFORMATION TO PERSONS AC-
QUIRING PROPERTY FROM DECE-
DENT.".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on
the date of the enactment of this Act.

(c) PENALTY FOR INCONSISTENT REPORT-
ING.—

(1) IN GENERAL.—Subsection (b) of section 6862 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 6034A the following new item:

"SEC. 6035. BASIS INFORMATION TO PERSONS AC-
QUIRING PROPERTY FROM DECE-
DENT.".

(2) INCONSISTENT BASIS REPORT-
ING.—For purposes of this section, there is an 'inconsist-
ent estate basis' if the basis of property (determined without regard to ad-
justments to basis during the period the property was held by the taxpayer) claimed on a return exceeds the basis as determined under section 1014(f)."

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to returns filed after the date of the enactment of this Act.

SEC. 52102. REVOCA TION OR DENIAL OF PASS-
PORT IN CASE OF CERTAIN UNPAID TAXES.

(a) IN GENERAL.—Subchapter D of chapter 75 of the Internal Revenue Code of 1986 is amended by adding the following new section:

"SEC. 7345. REVOCATION OR DENIAL OF PASS-
PORT IN CASE OF CERTAIN TAX DE-
LINQUENCIES.

"(a) IN GENERAL.—If the Secretary receives 
certification by the Commissioner of Inter-
nal Revenue under section 6103(e)(1) of the Internal Revenue Code of 1986 from the Secretary of the Treasury, the Secretary of State shall not issue a passport to any individual who has a seriously delinquent tax debt described in such subparagraph.

(B) EMERGENCY AND HUMANITARIAN SITUA-
TIONS.—Notwithstanding subparagraph (A), the Secretary of State may issue a passport, in emergency circumstances or for humani-
tarian reasons, to an individual described in such subparagraph.

(2) REVOCATION.—

(A) IN GENERAL.—The Secretary may revoke a passport previously issued to
any individual described in paragraph (1)(A) of the Internal Revenue Code of 1986.

(B) LIMITATION OF RETURN TO UNITED STATES.—If the Secretary of State decides to
revoke a passport under subparagraph (A), the Secretary of State, before revocation, may

(i) limit a previously issued passport only for return travel to the United States; or

(ii) issue a limited passport that only per-
mits return travel to the United States.

(C) HOLD HARMLESS.—The Secretary of the Treasury and the Secretary of State shall
not be liable to an individual for any action with respect to a certification by the Com-
misioneer of Internal Revenue under section 7345 of the Internal Revenue Code of 1986.

(D) REVOCATION OR DENIAL OF PASSPORT IN CASE OF INDIVIDUAL WITHOUT SOCIAL SECUR-
ITY ACCOUNT NUMBER.—

(1) DENIAL.—

(A) IN GENERAL.—Except as provided under subparagraph (B), upon receiving an applica-
tion for a passport from an individual that either

(i) does not include the social security ac-
count number issued to that individual, or

(ii) includes an incorrect or invalid social security number willfully, intentionally, negligently, or recklessly provided by such individual,

the Secretary of State is authorized to deny such application and is authorized to not issue a passport to the individual.

(B) EMERGENCY AND HUMANITARIAN SITUA-
TIONS.—Notwithstanding subparagraph (A), the Secretary of State may issue a passport,
for emergency circumstances or for humani-
tarian reasons, to an individual described in subparagraph (A).

(2) REVOCATION.—

(A) IN GENERAL.—The Secretary of State may revoke a passport previously issued to
any individual described in paragraph (1)(A).

(B) LIMITATION OF RETURN TO UNITED STATES.—If the Secretary of State decides to
revoke a passport under subparagraph (A), the Secretary of State, before revocation, may

(i) limit a previously issued passport only for return travel to the United States; or

(ii) issue a limited passport that only per-
mits return travel to the United States.

(C) HOLD HARMLESS.—The Secretary of the Treasury and the Secretary of State shall
not be liable to an individual for any action with respect to a certification by the Com-
misioneer of Internal Revenue under section 7345 of the Internal Revenue Code of 1986.

(D) REVOCATION OR DENIAL OF PASSPORT IN CASE OF INDIVIDUAL WITHOUT SOCIAL SECUR-
ITY ACCOUNT NUMBER.—

(1) DENIAL.—

(A) IN GENERAL.—Except as provided under subparagraph (B), upon receiving an applica-
tion for a passport from an individual that either

(i) does not include the social security ac-
count number issued to that individual, or

(ii) includes an incorrect or invalid social security number willfully, intentionally, negligently, or recklessly provided by such individual,

the Secretary of State is authorized to deny such application and is authorized to not issue a passport to the individual.

(B) EMERGENCY AND HUMANITARIAN SITUA-
TIONS.—Notwithstanding subparagraph (A), the Secretary of State may issue a passport,
for emergency circumstances or for humani-
tarian reasons, to an individual described in subparagraph (A).

(2) REVOCATION.—

(A) IN GENERAL.—The Secretary of State may revoke a passport previously issued to
any individual described in paragraph (1)(A).

(B) LIMITATION OF RETURN TO UNITED STATES.—If the Secretary of State decides to
revoke a passport under subparagraph (A), the Secretary of State, before revocation, may

(i) limit a previously issued passport only for return travel to the United States; or

(ii) issue a limited passport that only per-
mits return travel to the United States.

(C) HOLD HARMLESS.—The Secretary of the Treasury and the Secretary of State shall
not be liable to an individual for any action with respect to a certification by the Com-
misioneer of Internal Revenue under section 7345 of the Internal Revenue Code of 1986.

(D) REVOCATION OR DENIAL OF PASSPORT IN CASE OF INDIVIDUAL WITHOUT SOCIAL SECUR-
ITY ACCOUNT NUMBER.—

(1) DENIAL.—

(A) IN GENERAL.—Except as provided under subparagraph (B), upon receiving an applica-
tion for a passport from an individual that either

(i) does not include the social security ac-
count number issued to that individual, or

(ii) includes an incorrect or invalid social security number willfully, intentionally, negligently, or recklessly provided by such individual,

the Secretary of State is authorized to deny such application and is authorized to not issue a passport to the individual.

(B) EMERGENCY AND HUMANITARIAN SITUA-
TIONS.—Notwithstanding subparagraph (A), the Secretary of State may issue a passport,
for emergency circumstances or for humani-
tarian reasons, to an individual described in subparagraph (A).

(2) REVOCATION.—

(A) IN GENERAL.—The Secretary of State may revoke a passport previously issued to
any individual described in paragraph (1)(A).

(B) LIMITATION OF RETURN TO UNITED STATES.—If the Secretary of State decides to
revoke a passport under subparagraph (A), the Secretary of State, before revocation, may

(i) limit a previously issued passport only for return travel to the United States; or

(ii) issue a limited passport that only per-
mits return travel to the United States.

(C) HOLD HARMLESS.—The Secretary of the Treasury and the Secretary of State shall
not be liable to an individual for any action with respect to a certification by the Com-
misioneer of Internal Revenue under section 7345 of the Internal Revenue Code of 1986.

(D) REVOCATION OR DENIAL OF PASSPORT IN CASE OF INDIVIDUAL WITHOUT SOCIAL SECUR-
ITY ACCOUNT NUMBER.—

(1) DENIAL.—

(A) IN GENERAL.—Except as provided under subparagraph (B), upon receiving an applica-
tion for a passport from an individual that either

(i) does not include the social security ac-
count number issued to that individual, or

(ii) includes an incorrect or invalid social security number willfully, intentionally, negligently, or recklessly provided by such individual,

the Secretary of State is authorized to deny such application and is authorized to not issue a passport to the individual.

(B) EMERGENCY AND HUMANITARIAN SITUA-
TIONS.—Notwithstanding subparagraph (A), the Secretary of State may issue a passport,
for emergency circumstances or for humani-
tarian reasons, to an individual described in subparagraph (A).

(2) REVOCATION.—

(A) IN GENERAL.—The Secretary of State may revoke a passport previously issued to
any individual described in paragraph (1)(A).

(B) LIMITATION OF RETURN TO UNITED STATES.—If the Secretary of State decides to
revoke a passport under subparagraph (A), the Secretary of State, before revocation, may

(i) limit a previously issued passport only for return travel to the United States; or

(ii) issue a limited passport that only per-
mits return travel to the United States.

(C) HOLD HARMLESS.—The Secretary of the Treasury and the Secretary of State shall
not be liable to an individual for any action with respect to a certification by the Com-
misioneer of Internal Revenue under section 7345 of the Internal Revenue Code of 1986.
(2) returns filed on or before such date if the period specified in section 6091 of the Internal Revenue Code of 1986 (determined without regard to such amendments) for the assessment of such returns relates, with respect to which such return relates, has not expired as of such date.

SEC. 52106. REFORM OF RULES RELATING TO QUALIFIED TAX COLLECTION CONTRACTS.

(a) REQUIREMENT TO COLLECT CERTAIN INACTIVE TAX RECEIVABLES UNDER QUALIFIED TAX COLLECTION CONTRACTS.—Section 6066 of the Internal Revenue Code of 1986 is amended by striking ‘‘3 months’’ and inserting ‘‘6 months’’.

(2) INACTIVE TAX RECEIVABLES.—For purposes of subsection (a), (1) a return (or any extension thereof) is ‘‘inactive’’ if—

(A) the due date for filing the return (without regard to any extensions) has not been extended under section 6072(a) of the Internal Revenue Code of 1986, and

(B) the Secretary of the Treasury may waive any penalty for failure to timely request or file an extension.

(3) Taxpayers filing Form 3520, Annual Return to Report Transactions with Foreign Trusts and Receipt of Certain Foreign Gifts, shall be allowed to extend the time for filing such form for 6 months from the due date for filing the return (without regard to any extensions).

(4) Taxpayers filing Form 4720 returns of excise taxes shall be an automatic 6-month period beginning on the due date for filing the return (without regard to any extensions).

(5) The maximum extension for a taxpayer required to file Form 8834 shall be an automatic 6-month period beginning on the due date for filing the return (without regard to any extensions).

(6) The maximum extension for a taxpayer required to file Form 8870 shall be an automatic 6-month period beginning on the due date for filing the return (without regard to any extensions).

(7) Taxpayers filing Form 8959, Return of Excise Tax on Excess Contributions and Exoneration of Plans Under Section 4953 and Computation of Section 192 Deduction, shall be an automatic 6-month period beginning on the due date for filing the return (without regard to any extensions).

(8) Taxpayers filing Form 982 may file an extension for no more than 6 months from the due date for filing the return (without regard to any extensions).

(9) The due date of Form 5330—Annual Information Return of a U.S. Trust to the U.S. Treasury, shall be the 15th day of the 3rd month after the close of the trust’s taxable year, and the maximum extension shall be a 6-month period beginning on such day.

(10) The due date of Form 114 (relating to Report of Foreign Bank and Financial Accounts) shall be April 15 with a maximum extension for a 6-month period ending on October 15, and with provision for an extension under rules similar to the rules of 26 C.F.R. §1.6081–5. For purposes of filing such form for the first time, the Secretary of the Treasury may waive any penalty for failure to timely request or file an extension.

(11) Taxpayers filing Form 3520, Annual Return to Report Transactions with Foreign Trusts and Receipt of Certain Foreign Gifts, shall be allowed to extend the time for filing such form separately from the income tax return of the taxpayer, for an automatic 6-month period beginning on the due date for filing the return (without regard to any extensions).

(c) CORPORATIONS PERMITTED STATUTORY 6-MONTH EXTENSION OF INCOME TAX RETURNS.—

(1) IN GENERAL.—Section 6081(b) of the Internal Revenue Code of 1986 is amended by striking ‘‘3 months’’ and inserting ‘‘6 months’’.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to returns for taxable years beginning after December 31, 2015.
"(ii) more than 1/4 of the period of the applicable statute of limitation has lapsed and such receivable has not been assigned for collection to any employee of the Internal Revenue Service; or

"(iii) in the case of a receivable which has been assigned for collection, more than 365 days have passed without interaction with the taxpayer or a third party for purposes of furthering the collection of such receivable.

"(B) TAX RECEIVABLE.—The term "tax receivable" means any outstanding assessment which the Internal Revenue Service includes in potentially collectible inventory.''.

(b) Certainty Tax Receivables Not Eligible for Collection Under Qualified Tax Collection Contracts.—Section 6306 of the Internal Revenue Code of 1986, as amended by subsection (a), is amended by redesignating subsections (d) through (g) as subsections (e) through (h), respectively, and by inserting after subsection (c) the following new subsection:

"(d) Certain Tax Receivables Not Eligible for Collection Under Qualified Tax Collection Contracts.—A tax receivable shall not be eligible for collection to a qualified tax collection contract if such receivable—

"(1) is subject to a pending or active offer-in-compromise or installment agreement;

"(2) is classified as an innocent spouse case,

"(3) involves a taxpayer identified by the Secretary as being—

"(A) deceased,

"(B) under the age of 18,

"(C) in a designated combat zone, or

"(D) a victim of tax-related identity theft,

"(4) is currently under examination, litigation, criminal investigation, or levy, or

"(5) is currently subject to a proper exercise of the power of distraint under this section;

(c) Contracting Priority.—Section 6306 of the Internal Revenue Code of 1986, as amended by the preceding provisions of this section, is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (h) the following new subsection:

"(i) Report to Congress.—Not later than 90 days after the last day of each fiscal year (beginning with the first such fiscal year ending after the date of the enactment of this subsection), the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report with respect to qualified tax collection contracts under this section which shall include—

"(1) annually, with respect to such fiscal year—

"(A) the total number and amount of tax receivables purchased by a contractor for collection under this section,

"(B) the total amounts (and amounts of installment agreements entered into under such agreements) with respect to each contractor and the collection costs incurred (directly and indirectly) by the Internal Revenue Service with respect to such amounts,

"(C) the impact of such contracts on the total number and amount of unpaid assessments, and on the number and amount of assessments computed by the Internal Revenue Service personnel after initial contact by a contractor;

"(D) the amount of fees retained by the Secretary under subsection (e) and a description of the use of such funds, and

"(E) a disclosure safeguard report in a form similar to that required under section 6109(p)(5), and

"(2) biannually (beginning with the second report submitted under this subsection)—

"(A) an independent evaluation of contractor performance,

"(B) a measurement plan that includes a comparison of the best practices used by the private contractors to the collection techniques used by the Department for carrying out a program for the collection of receivables of the Internal Revenue Service.

(d) Disclosure of Return Information.—Section 6103(k) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(11) Qualified Tax Collection Contractors.—Persons providing services pursuant to a qualified tax collection contract under section 6306 may, if speaking to a person who has identified himself or herself as having the name of the taxpayer to whom a tax receivable relates, identify themselves as contractors of the Internal Revenue Service and disclose the business name of the contractor, and the address and telephone number for the contact. Disclosures under this paragraph shall be made only in such situations and under such conditions as have been approved by the Secretary.

(e) Taxpayers Affected by Federally Declared Disasters.—Section 6306 of the Internal Revenue Code of 1986, as amended by the preceding provisions of this section, is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (i) the following new subsection:

"(1) taxpayers in presidentially declared disaster areas. The Secretary may prescribe procedures under which a taxpayer determined to be affected by a Federally declared disaster (as defined by section 165(i)(5)) may request—

"(1) relief from the immediate collection measures by contractors under this section, and

"(2) a return of the inactive tax receivable to the inventory of the Internal Revenue Service to be collected by an employee thereof.''.

"SEC. 52107. SPECIAL COMPLIANCE PERSONNEL PROGRAM.

(a) In General.—Subsection (e) of section 6013 of the Internal Revenue Code of 1986, as redesignated by section 52106, is amended by striking "for collection enforcement activities of the Internal Revenue Service" in paragraphs (2) and inserting "special compliance personnel program account under section 6007".

(b) Special Compliance Personnel Program Account.—Subtitle E of chapter 165 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SUBSEC. 6007. SPECIAL COMPLIANCE PERSONNEL PROGRAM ACCOUNT.

"(a) Establishment of a Special Compliance Personnel Program Account.—The Secretary shall establish within the Department for carrying out a program consisting of the hiring, training, and employment of special compliance personnel, and shall transfer to such account from time to time amounts retained by the Secretary under section 6006(e)(2).

"(b) Restrictions.—The program described in subsection (a) shall be subject to the following restrictions:

"(1) No funds shall be transferred to such account except as described in subsection (a).

"(2) No other funds from any other source shall be expended for special compliance personnel hired and employed under such program, and no funds from such account shall be expended for the hiring of any personnel other than special compliance personnel.

"(c) Notwithstanding any other authority, the Secretary is prohibited from spending funds out of such account for any purpose other than for costs under such program as associated with the employment of special compliance personnel and the retraining and reassignment of current noncollections personnel as special compliance personnel, and to reimburse the Internal Revenue Service or other government agencies for the cost of administering qualified tax collection contracts under section 6006.

"(d) Reporting.—Not later than March of each year, the Commissioner of Internal Revenue shall submit a report to the Committees on Finance and Appropriations of the House of Representatives and the Senate and the Committees on Ways and Means and Appropriations of the House of Representatives consisting of the following:

"(1) For the preceding fiscal year, all funds retained by the Secretary under subsection (a), administrative and program costs for the program described in such subsection, the number of special compliance personnel hired and employed under the program, and the amount of revenue actually collected by such personnel.

"(2) For the current fiscal year, all actual and estimated funds received or to be received in the account, all actual and estimated administrative and program costs, the number of all actual and estimated special compliance personnel hired and employed under the program, and the actual and estimated revenue actually collected or to be collected by such personnel.

"(3) For the following fiscal year, an estimate of all funds to be received in the account, all estimated administrative and program costs, the estimated number of special compliance personnel hired and employed under the program, and the estimated revenue to be collected by such personnel.

"(e) Definitions.—For purposes of this section—

"(1) Special Compliance Personnel.—The term "special compliance personnel" means an employee of the Internal Revenue Service as field function collection officers or in a similar position, or employed to
Section 52108. Transfers of Excess Pension Assets to Retiree Health Accounts.

(a) In General.—Section 420(b)(4) of the Internal Revenue Code of 1986 is amended by striking “(determined as of September 30 2018)” and inserting “(subject to adjustment under subsection (l))”.

(b) Deposit of Amounts Received from Sale.—Amounts received from a sale under paragraph (1) shall be deposited in the general fund of the Treasury for the fiscal year in which the sale occurs.

(b) Emergency Protection.—In any fiscal year described in subsection (a)(1), the Secretary of Energy shall not drawdown and sell crude oil under this section in quantities that would result in a Strategic Petroleum Reserve that contains an inventory of petroleum products representing fewer than 90 days of emergency reserves, based on the average daily level of net imports of crude oil and petroleum products in the calendar year preceding that fiscal year.

Section 52205. Extension of Enterprise Guarantee Fee.

Section 1237(f) of the Housing and Community Development Act of 1992 (12 U.S.C. 4547(f)) is amended by striking “October 1, 2021” and inserting “October 1, 2022”.

Subtitle C—Outlays

Section 52301. Interest on Overpayment.

Section 111 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1721) is amended—

(1) by striking subsections (b) and (l); and

(2) by designating subsection (j) through (l) as subsections (h) through (j), respectively; and

(3) by redesignating subsection (b) (as so redesignated), by striking the fourth sentence.

Division F—Miscellaneous

Title Lxi—Federal Permitting Improvement

Section 61001. Definitions.

In this title:

(A) Agency.—The term ‘agency’ has the meaning given the term in section 551 of title 5, United States Code.

(B) Agency Chief.—The term ‘agency Chief’ means the chief environmental review and permitting officer of an agency, as designated by the head of the agency under section 61002(b)(2)(A)(i)(ii)(I).

The term ‘authorization’ means any license, permit, approval, finding, determination, or other administrative decision issued by an agency that is required or authorized under Federal law in order to site, construct, reconstruct, or commence operations of a covered project, whether administered by a Federal or State agency.

(4) Cooperating Agency.—The term ‘cooperating agency’ means any agency with—

(A) jurisdiction under Federal law; or

(B) special expertise as described in section 551.10 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(C) Council.—The term ‘Council’ means the Federal Infrastructure Permitting Improvement Steering Council established under section 61002(a).

(D) Covered Project.—The term ‘covered project’ means any activity in the United States that is required or authorized under Federal law in order to site, construct, reconstruct, or commence operations of a covered project, whether administered by a Federal or State agency.
States that requires authorization or environmental review by a Federal agency involving construction of infrastructure for renewable or conventional energy production, electric transmission, water, air pollution control, surface-transportation, aviation, ports and waterways, water resource projects, broadband, pipelines, manufacturing, or any other sector as determined by a majority vote of the Council that—

(1) is subject to NEPA;
(2) is likely to require a total investment of more than $200,000; and
(3) does not qualify for abbreviated authorization or environmental review procedures under any applicable law or regulation.

(17) PARTICIPATING AGENCY.—The term "participating agency" means an agency participating in an environmental review or authorization for a covered project in accordance with section 61003.

(18) PROJECT SPONSOR.—The term "project sponsor" means an entity, including any private, public, or public-private entity, seeking an agency's approval for a covered project.

SEC. 61002. FEDERAL PERMITTING IMPROVEMENT COUNCIL.

(a) ESTABLISHMENT.—There is established the Federal Permitting Improvement Steering Council.

(b) COMPOSITION.—

(1) CHAIR.—The Executive Director shall—

(A) be appointed by the President; and

(B) serve as Chair of the Council.

(2) COUNCIL MEMBERS.—

(A) IN GENERAL.—Each individual designated by the President serves as a councilmember.

(B) HEADS OF AGENCIES.—The individuals that shall each designate a councilmember under this subparagraph are as follows:

(i) the Secretary of State;

(ii) the Secretary of the Treasury;

(iii) the Secretary of Commerce;

(iv) the Attorney General;

(v) the Attorney for the Federal Energy Regulatory Commission;

(vi) the Administrator of the Environmental Protection Agency;

(vii) the Chairman of the Nuclear Regulatory Commission;

(viii) the Chairman of the Homeland Security Council;

(ix) the Chairman of the Advisory Council on Historic Preservation;

(x) any other head of a Federal agency that the Executive Director may invite to participate as a member of the Council.

(3) ADDITIONAL MEMBERS.—In addition to the members listed in paragraphs (1) and (2), the Chairman of the Council of Environmental Quality and the Director of the Office of Management and Budget shall also be members of the Council.

(c) DUTIES.—

(1) EXECUTIVE DIRECTOR.—

(A) INVENTORY DEVELOPMENT.—The Executive Director, in consultation with the Council, is responsible for designating covered projects for inclusion in the Permitting Dashboard required under section 61003(b).

(B) HEADS OF AGENCIES.—The individuals that shall each designate a councilmember under this subparagraph are as follows:

(i) the Secretary of State;

(ii) the Secretary of the Treasury;

(iii) the Secretary of Commerce;

(iv) the Attorney General;

(v) the Attorney for the Federal Energy Regulatory Commission;

(vi) the Administrator of the Environmental Protection Agency;

(vii) the Chairman of the Nuclear Regulatory Commission;

(viii) the Chairman of the Homeland Security Council;

(ix) the Chairman of the Advisory Council on Historic Preservation;

(x) any other head of a Federal agency that the Executive Director may invite to participate as a member of the Council.

(x) any other head of a Federal agency that the Executive Director may invite to participate as a member of the Council.

(2) COUNCIL MEMBERS.—

(A) IN GENERAL.—Each individual designated by the President serves as a councilmember.

(B) HEADS OF AGENCIES.—The individuals that shall each designate a councilmember under this subparagraph are as follows:

(i) the Secretary of State;

(ii) the Secretary of the Treasury;

(iii) the Secretary of Commerce;

(iv) the Attorney General;

(v) the Attorney for the Federal Energy Regulatory Commission;

(vi) the Administrator of the Environmental Protection Agency;

(vii) the Chairman of the Nuclear Regulatory Commission;

(viii) the Chairman of the Homeland Security Council;

(ix) the Chairman of the Advisory Council on Historic Preservation;

(x) any other head of a Federal agency that the Executive Director may invite to participate as a member of the Council.

(D) GUIDANCE.—The Executive Director, in consultation with the Council, may recommend to the Director of the Office of Management and Budget or to the Council on Environmental Quality, as appropriate, that guidance be issued as necessary for agencies.

(19) BUREAU CHIEF.—The term "bureau chief" means the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(20) LEAD AGENCY.—The term "lead agency" means the agency with principal responsibility for an environmental review by a Federal agency involving construction of infrastructure for renewable or conventional energy production, electric transmission, water, air pollution control, surface-transportation, aviation, ports and waterways, water resource projects, broadband, pipelines, manufacturing, or any other sector as determined by a majority vote of the Council that—

(1) is subject to NEPA;

(2) is likely to require a total investment of more than $200,000; and

(3) does not qualify for abbreviated authorization or environmental review procedures under any applicable law or regulation.

(21) ENVIRONMENTAL DOCUMENT.—The term "environmental document" means an environmental assessment, an environmental impact statement, or other document required under NEPA.

(22) ENVIRONMENTAL IMPACT STATEMENT.—The term "environmental impact statement" means an environmental assessment, a categorical exclusion or for preparing an environmental impact statement under NEPA.

(23) LEAD AGENCY.—The term "lead agency" means the Environmental Protection Agency.

(24) ENVIRONMENTAL IMPACT STATEMENT.—The term "environmental impact statement" means the detailed written statement required under section 102(2)(C) of NEPA.

(25) ENVIRONMENTAL ASSESSMENT.—The term "environmental assessment" means a con- cise public document for which a Federal agency is responsible under section 102(2)(C) of NEPA (42 U.S.C. 4321 et seq.).

(26) ENVIRONMENTAL ASSESSMENT.—The term "environmental assessment" means an environmental assessment, a categorical exclusion or for preparing an environmental impact statement under NEPA.

(27) REPORTING.—In carrying out the duties of the agency CERPO under this title, an agency CERPO shall report to the President every 2 years thereafter, the Executive Director must make a specific entry for the project on the Dashboard under section 61003(b)(2) (except that, for projects initiated before that duty takes effect, the period beginning on the date of filing of a completed application, and ending on the date of the issuance of a record of decision or other final agency action on the review or authorization.

(cc) COMPLETION DATE.—Each performance schedule shall specify that any decision by an agency on an environmental review or authorization must be made on or before the date of the issuance of a record of decision or other final agency action on the review or authorization.

(ii) REQUIREMENTS.—

(A) IN GENERAL.—The performance schedules shall reflect employment of the use of the most efficient applicable processes.

(B) LIMIT.—

(A) General.—Not later than 1 year after the date of enactment of this Act, the Executive Director, in consultation with the Council, shall—

(i) designate a facilitating agency for each category of covered projects described in subparagraph (A)(ii); and

(ii) publish the list of designated facilitating agencies for each category of projects in the inventory on the Dashboard in an easily accessible manner.

(C) PERFORMANCE SCHEDULE.—

(i) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Executive Director, in consultation with the Council, shall—

(ii) REQUIREMENTS.—

(A) IN GENERAL.—The performance schedules shall reflect employment of the use of the most efficient applicable processes.

(B) LIMIT.—

(1) CHAIR.—The Executive Director shall—

(A) be appointed by the President; and

(B) serve as Chair of the Council.

(2) COUNCIL MEMBERS.—

(A) IN GENERAL.—Each individual designated by the President serves as a councilmember.

(B) HEADS OF AGENCIES.—The individuals that shall each designate a councilmember under this subparagraph are as follows:

(i) the Secretary of State;

(ii) the Secretary of the Treasury;

(iii) the Secretary of Commerce;

(iv) the Attorney General;

(v) the Attorney for the Federal Energy Regulatory Commission;

(vi) the Administrator of the Environmental Protection Agency;

(vii) the Chairman of the Nuclear Regulatory Commission;

(viii) the Chairman of the Homeland Security Council;

(ix) the Chairman of the Advisory Council on Historic Preservation;

(x) any other head of a Federal agency that the Executive Director may invite to participate as a member of the Council.

(3) ADDITIONAL MEMBERS.—In addition to the members listed in paragraphs (1) and (2), the Chairman of the Council of Environmental Quality and the Director of the Office of Management and Budget shall also be members of the Council.

(c) DUTIES.—

(1) EXECUTIVE DIRECTOR.—

(A) INVENTORY DEVELOPMENT.—The Executive Director, in consultation with the Council, shall—

(i) identify the types of environmental reviews and authorizations most commonly involved; and

(ii) to effectuate the adoption by agencies of the best practices and recommendations of the Council described in clause (i).
(B) PROJECT INITIATION AND DESIGNATION OF PARTICIPATING AGENCIES.—

(1) NOTICE.—

(A) IN GENERAL.—A project sponsor of a covered project shall submit to the Executive Director written notice of the initiation of a proposed covered project.

(B) DEFAULT DESIGNATION.—If, at the time of submission of the notice under subparagraph (A), the Executive Director has not designated a facilitating agency under section 61002(c)(1)(B) for the categories of projects noticed, the agency that receives the notice under subparagraph (A) shall be designated as the facilitating agency.

(C) CONTENTS.—Each notice described in subparagraph (A) shall include—

(i) a statement of the purposes and objectives of the proposed project;

(ii) a concise description including the general location of the proposed project and a summary of geospatial information, if available, illustrating the project area and the locations of, or other relationships to, environmental, cultural, and historic resources;

(iii) a statement regarding the technical and financial ability of the project sponsor to construct the proposed project;

(iv) a statement of any Federal financing, environmental reviews, and authorizations anticipated to be required to complete the proposed project; and

(v) an assessment that the proposed project meets the definition of a covered project under section 61001 and a statement of reasons supporting the assessment.

(2) INVITATION.—

(A) IN GENERAL.—Not later than 45 days after the date on which the Executive Director has made a specific entry on the Dashboard for the covered project, the facilitating agency or lead agency, as applicable, shall—

(i) invite all Federal agencies identified under clause (i) to become a participating agency or a cooperating agency, as appropriate, in the environmental review and authorization management process described in section 61005; and

(ii) invite all non-Federal agencies and government entities likely to have financing, environmental review, authorization, or other responsibilities with respect to the proposed project and

involve all Federal and non-Federal agencies and governmental entities, to the extent consistent with existing law and

(D) review and develop training programs for agency staff that support and conduct environmental reviews or authorizations.

(3) ADMINISTRATIVE SUPPORT.—The Director of the Office of Management and Budget shall designate a Federal agency, other than an agency that carries out or provides support for projects that are not covered projects, to provide administrative support for the Executive Director, and the designated agency, as reasonable and necessary, provide support and staff to enable the Executive Director to fulfill the duties of the Executive Director under this title.

SEC. 61003. PERMITTING PROCESS IMPROVEMENT.

(a) PROJECT INITIATION AND DESIGNATION OF PARTICIPATING AGENCIES.—

(1) NOTICE.—

(A) IN GENERAL.—A project sponsor of a covered project shall submit to the Executive Director written notice of the initiation of a proposed covered project.

(B) DEFAULT DESIGNATION.—If, at the time of submission of the notice under subparagraph (A), the Executive Director has not designated a facilitating agency under section 61002(c)(1)(B) for the categories of projects noticed, the agency that receives the notice under subparagraph (A) shall be designated as the facilitating agency.

(C) CONTENTS.—Each notice described in subparagraph (A) shall include—

(i) a statement of the purposes and objectives of the proposed project;

(ii) a concise description including the general location of the proposed project and a summary of geospatial information, if available, illustrating the project area and the locations of, or other relationships to, environmental, cultural, and historic resources;

(iii) a statement regarding the technical and financial ability of the project sponsor to construct the proposed project;

(iv) a statement of any Federal financing, environmental reviews, and authorizations anticipated to be required to complete the proposed project; and

(v) an assessment that the proposed project meets the definition of a covered project under section 61001 and a statement of reasons supporting the assessment.

(2) INVITATION.—

(A) IN GENERAL.—Not later than 45 days after the date on which the Executive Director has made a specific entry on the Dashboard for the covered project, the facilitating agency or lead agency, as applicable, shall—

(i) invite all Federal agencies identified under clause (i) to become a participating agency or a cooperating agency, as appropriate, in the environmental review and authorization management process described in section 61005; and

(ii) invite all non-Federal agencies and government entities likely to have financing, environmental review, authorization, or other responsibilities with respect to the proposed project and

involve all Federal and non-Federal agencies and governmental entities, to the extent consistent with existing law and

(D) review and develop training programs for agency staff that support and conduct environmental reviews or authorizations.

(3) ADMINISTRATIVE SUPPORT.—The Director of the Office of Management and Budget shall designate a Federal agency, other than an agency that carries out or provides support for projects that are not covered projects, to provide administrative support for the Executive Director, and the designated agency, as reasonable and necessary, provide support and staff to enable the Executive Director to fulfill the duties of the Executive Director under this title.
(V) a description of the status of any litigation to which the agency is a party that is directly related to the project, including, if practicable, any judicial document made available on an electronic docket maintained by a Federal, State, or local court; and
(ii) any document described in clause (i) that is not available by hyperlink on another website.

(B) DEADLINE.—The information described in subparagraph (A) shall be posted to the website made available by hyperlink on the Dashboard not later than 5 business days after the date on which the Federal agency receives the information.

(4) SUBMISSION TO EXECUTIVE DIRECTOR.—The Executive Director shall publish to the Dashboard—

(A) the permitting timetable established under subparagraph (A) or (C) of subsection (c)(2);
(B) the status of the compliance of each agency with the permitting timetable;
(C) any modifications of the permitting timetable;
(D) an explanation of each modification described in subparagraph (C); and
(E) any memorandum of understanding established under subsection (c)(3)(B).

(c) COORDINATION AND TIMETABLES.—

(1) COORDINATED PROJECT PLAN.—

(A) IN GENERAL.—Not later than 60 days after the date on which the Executive Director must make a specific entry for the project on the Dashboard under subsection (b)(2)(A), the facilitating or lead agency, as applicable, in consultation with each coordinating and participating agency, shall establish a comprehensive plan for coordinating public and agency participation in, and completion of, any required Federal environmental review and authorization for the project.

(B) INFORMATION.—The Coordinated Project Plan shall include the following information and be updated by the facilitating or lead agency, as applicable, at least once per quarter:

(i) A list of, and roles and responsibilities for, all entities with environmental review or authorization responsibility for the project.
(ii) A permitting timetable, as described in paragraph (2), setting forth a comprehensive schedule by which all environmental reviews and authorizations, and to the maximum extent practicable, State permits, reviews and approvals must be made.
(iii) A potential avoidance, minimization, and mitigation strategies, if required by applicable law and known.
(iv) Plans and a schedule for public and tribal outreach and coordination, to the extent required by applicable law.

(C) MEMORANDUM OF UNDERSTANDING.—The coordinated project plan described in subparagraph (A) may be incorporated into a memorandum of understanding.

(2) PERMITTING TIMETABLE.—

(A) ESTABLISHMENT.—

(i) IN GENERAL.—Part of the coordination project plan under paragraph (1), the facilitating or lead agency, as applicable, in consultation with each cooperating and participating agency, the project sponsor, and any State in which the project is located, shall establish a permitting timetable that includes intermediate and final completion dates for actions by each participating agency on any Federal environmental review or authorization required for the project.

(ii) CONSENSUS.—In establishing a permitting timetable under clause (i), each agency shall, to the maximum extent practicable, make efforts to reach a consensus.

(B) FACTORS FOR CONSIDERATION.—In establishing a permitting timetable under clause (i), each agency shall follow the performance schedules established under section 61022(c)(1)(C), but may vary the timetable based on relevant factors, including—

(i) the size and complexity of the covered project;
(ii) the resources available to each participating agency;
(iii) the regional or national economic significance of the project;
(iv) the sensitivity of the natural or historic resources that may be affected by the project;
(v) the financing plan for the project; and
(vi) the extent to which similar projects in geographic proximity to the project were previously subject to environmental review or similar process under State law.

(C) DISPUTE RESOLUTION.—

(i) IN GENERAL.—The Executive Director, in consultation with appropriate agency CERPOs and the project sponsor, shall, as necessary, mediate any disputes regarding the permitting timetable established under subparagraph (A).

(ii) DISPUTES.—If a dispute remains unresolved 30 days after the date on which the dispute was submitted to the Executive Director, the Director of the Office of Management and Budget in consultation with the Chair of the Council on Environmental Quality, shall facilitate a resolution of the dispute and direct the agencies party to the dispute to resolve the dispute by the end of the 60-day period beginning on the date of submission of the dispute to the Executive Director.

(iii) FINAL RESOLUTION.—Any action taken by the Director of the Office of Management and Budget in the resolution of a dispute under clause (ii) shall—

(I) be final and conclusive; and
(II) not be subject to judicial review.

(D) MODIFICATION AFTER APPROVAL.—

(i) IN GENERAL.—The facilitating or lead agency, as applicable, may modify a permitting timetable established under subparagraph (A) only if—

(I) the facilitating or lead agency, as applicable, and the affected cooperating agencies, after consultation with the participating agencies, agree to a different completion date; and
(II) the facilitating agency or lead agency, as applicable, or the affected cooperating agency provides a written justification for the modification.

(ii) COMPLETION DATE.—A completion date in the permitting timetable may not be modified within 30 days of the completion date.

(E) CONSISTENCY WITH OTHER TIME PERI ODS.—A permitting timetable established under subparagraph (A) shall be consistent with any other relevant time periods established under this section.

(F) CONFORMING TO PERMITTING TIME TABLES.—

(i) IN GENERAL.—Each Federal agency shall conform to the completion dates set forth in the permitting timetable established under subparagraph (A) of subsection (c) or with any completion date modified under subparagraph (D).

(ii) FAILURE TO CONFORM.—If a Federal agency fails to conform with a completion date for agency action on a covered project or is at significant risk of failing to conform with such a completion date, the agency shall—

(I) promptly submit to the Executive Director for publication on the Dashboard an explanation of the specific reasons for failing to conform with the completion date and a proposal for an alternative completion date;

(ii) in consultation with the facilitating or lead agency, as applicable, establish an alternative completion date; and
(iii) each month thereafter until the agency takes final action on the delayed authorization or review, submit to the Executive Director for posting on the Dashboard a status report describing any agency activity related to the project.

(G) ABANDONMENT OF COVERED PROJECT.—

(i) IN GENERAL.—If the facilitating or lead agency, as applicable, has a reasonable basis to doubt the continuing technical or financial ability of the project sponsor to construct the covered project, the facilitating or lead agency may request the project sponsor provide additional information regarding the ability of the project sponsor to complete the project.

(ii) FAILURE TO RESPOND.—If the project sponsor fails to respond to a request described in clause (i) by the date that is 30 days after receiving the request, the lead or facilitating agency, as applicable, shall notify the Executive Director, who shall publish an appropriate notice on the Dashboard.

(iii) PUBLICATION TO DASHBOARD.—On publication of a notice under clause (ii), the completion dates in the permitting timetable shall be tolled and agencies shall be relieved of the obligation to comply with subparagraph (F) until such time as the project sponsor submits to the lead or facilitating agency, as applicable, an updated statement regarding the technical and financial ability of the project sponsor to construct the project.

(3) COOPERATING STATE, LOCAL, OR TRIBAL GOVERNMENTS.—

(A) STATE AUTHORITY.—If the Federal environmental review is being implemented within the boundaries of a State, the State, consistent with State law, may choose to participate in the environmental review and authorization process under this subsection with any State, local, or tribal agency responsible for conducting any separate review or authorization of the covered project to ensure timely and efficient completion of environmental reviews and authorizations.

(B) MEMORANDUM OF UNDERSTANDING.—

(i) IN GENERAL.—Any coordination plan between the facilitating or lead agency, as applicable, and any State, local, or tribal agency shall, to the maximum extent practicable, be included in a memorandum of understanding.

(ii) SUBMISSION TO EXECUTIVE DIRECTOR.—The facilitating or lead agency, as applicable, shall submit to the Executive Director each memorandum of understanding described in clause (i).

(d) EARLY CONSULTATION.—The facilitating or lead agency, as applicable, shall provide an expeditious process for project sponsors to confer with each cooperating and participating agency involved and, not later than 60 days after the date on which the project sponsor submits a request under this subsection, to have each such agency provide to the project sponsor information concerning—
(1) the availability of information and tools, including pre-application toolkits, to facilitate early planning efforts;

(2) key issues of concern to each agency and to the public;

(3) issues that must be addressed before an environmental review or authorization can be completed.

(e) COOPERATING AGENCY.—

(1) IN GENERAL.—A lead agency may designate a participating agency as a cooperating agency in accordance with part 1561 of title 40, Code of Federal Regulations (or successor regulations).

(2) EFFECT ON OTHER DESIGNATION.—The designation described in paragraph (1) shall not affect any designation under subsection (a)(3).

(3) LIMITATION ON DESIGNATION.—Any agency not designated as a participating agency under subsection (a)(3) shall not be designated as a cooperating agency under paragraph (1).

(f) REPORTING STATUS OF OTHER PROJECTS ON DASHBOARD.—

(1) IN GENERAL.—On request of the Executive Director, the Secretary and the Secretary of Energy shall use best efforts to provide information for inclusion on the Dashboard on projects subject to section 139 of title 33 and section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348) likely to require—

(A) a total investment of more than $200,000,000; and

(B) an environmental impact statement under NEPA.

(2) EFFECT OF INCLUSION ON DASHBOARD.—

(a) STATE ENVIRONMENTAL DOCUMENTS; SUPPLEMENTAL DOCUMENTS.

(b) REGIONAL INFRASTRUCTURE.—For the purpose of this title, a regional infrastructure development project referred to in subsection (a) shall have the same authorities and responsibilities of a State agency.

SEC. 61005. COORDINATION OF REQUIRED REVIEW.

(a) CONCURRENT REVIEWS.—To integrate environmental reviews and authorizations, each agency shall, to the maximum extent practicable—

(1) carry out the obligations of the agency with respect to a covered project under any other concurrent reviews, in conjunction with, other environmental reviews and authorizations being conducted by other cooperating or participating agencies, including environmental reviews and authorizations required under NEPA, unless the agency determines that doing so would impair the ability of the agency to carry out the scope, objectives, and requirements of the agency; and

(2) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.

(b) ADOPTION, INCORPORATION BY REFERENCE, DOCUMENTS.

(1) STATE ENVIRONMENTAL DOCUMENTS; SUPPLEMENTAL DOCUMENTS.

(2) USE OF EXISTING DOCUMENTS.—

(A) IN GENERAL.—On the request of a project sponsor, a lead agency shall consider and, as appropriate, adopt or incorporate by reference a environmental review that has been prepared for a covered project under State laws and procedures as the documentation, or part of the documentation, required to complete an environmental review for the covered project, if the analysis and documentation were, as determined by the lead agency in consultation with the Council on Environmental Quality, prepared under circumstances that allow for opportunities for public participation and consideration of alternatives and environmental consequences that are substantially equivalent to what would have been available had the documents and analysis been prepared by a Federal agency pursuant to NEPA.

(B) NEPA OBLIGATIONS.—An environmental document adopted under subparagraph (A) or a document that includes documentation incorporated under subparagraph (A) may serve as the documentation required for an environmental review or a supplemental environmental review required to be prepared by a lead agency under NEPA.

(C) STATE DOCUMENTS.—If the lead agency adopts or incorporates analysis and documentation described in subparagraph (A), the lead agency shall prepare and publish a supplemental document that includes documentation referred to in subparagraph (A) when considered necessary for purposes of environmental review of the project.

(3) LIMITATION ON DESIGNATION.—Any agency designated as a participating agency under subsection (a)(3) shall not be designated as a participating agency for good cause.

(4) OTHER REVIEW AND COMMENT PERIODS.—

(A) USE OF EXISTING DOCUMENTS.—

In general.—The lead agency shall—

(i) prohibit the public from commenting on the preferred and other alternatives.

(B) ENVIRONMENTAL REVIEW.—The lead agency may issue guidance to the council on Environmental Quality may issue guidance to the lead agency to facilitate early planning efforts;

(C) STATEMENT OF REMARKS.—For comments by an agency or the public on a draft environmental impact statement, the lead agency shall establish a comment period of not less than 60 days and not more than 80 days after the date on which a notice announcing availability of the environmental impact statement is published in the Federal Register, unless—

(1) the lead agency, the project sponsor, and any cooperating agency agree to a longer deadline; or

(2) the lead agency, in consultation with each cooperating agency, extends the deadline for good cause.

(2) OTHER REVIEW AND COMMENT PERIODS. For other reviews or comment periods in the environmental review process described in paragraphs (a) and (b), the lead agency shall establish a comment period of not more than 45 days after the date on which a notice announcing availability of the environmental impact statement is published in the Federal Register, unless—

(A) the lead agency, the project sponsor, and any cooperating agency agree to a longer deadline; or

(B) the lead agency extends the deadline for good cause.

(C) ALTERNATIVES ANALYSIS.—

(1) PURPOSE.—The lead agency shall make information available to each cooperating and participating agency and to the public as early as practicable in the environmental review regarding the environmental, historic, and socioeconomic resources located within the project area and the general locations of the alternatives under consideration.
Sec. 61006. Delegated State Permitting Programs.

(a) In general.—If a Federal statute permits a Federal agency to delegate to or otherwise authorize a State to issue or otherwise administer a permit program in lieu of the Federal agency, the Federal agency with authority to carry out the statute shall—

(1) notify the Council of best practices under section 61002(c)(2)(B), initiate a national process, with public participation, to determine whether and to what extent to which best practices are generally applicable on a delegation- or authorization-wide basis permitting under the statute; and

(2) not later than 2 years after the date of enactment of this Act, make model recommendations for State modifications of the applicable permit program to reflect the best practices described in section 61002(c)(2)(B), as appropriate.

(b) Best Practices.—Lead and cooperating agencies may share with State, tribal, and local authorities best practices involved in review of covered projects and invite input from State, tribal, and local authorities regarding best practices.

Sec. 61007. Litigation, Judicial Review, and Savings Provision.

(a) Limitations on Claims.—

(i) In general.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of any authorization issued by a Federal agency for a covered project shall be barred unless—

(A) any activity for which approval or authorization is specified in the Federal law under which judicial review is allowed; and

(B) in the case of an action pertaining to an environmental review conducted under NEPA—

(1) the action is filed by a party that submitted a comment during the environmental review or a party that lacked a reasonable opportunity to comment on the affected project proponents, industries, and other stakeholders; and

(ii) the agency action is filed not later than 2 years after the date of publication in the Federal Register of the final record of decision or approval or denial of a permit, unless a shorter time is specified in the Federal law under which judicial review is allowed.

Sec. 61008. Report to Congress.

(a) In general.—Not later than April 15 of each year for 10 years beginning on the date of enactment of this Act, the Executive Director shall submit to Congress a report describing the best practices described in section 61002(c)(2)(B).

(b) Opportunity to Include Comments.—Each councilmember, with input from the respective agency CERP, shall have the opportunity to include comments concerning the performance of the agency in the report described in subsection (a).

Sec. 61009. Funding for Governance, Oversight, and Processing of Environmental Reviews and Permits.

(a) In general.—The heads of agencies listed in section 61002(b)(2)(B), with the guidance of the Office of Management and Budget and in consultation with the Executive Director, may, after public notice and opportunity for comment, issue regulations establishing a fee structure for project proponents to reimburse the United States for reasonable costs incurred in conducting environmental reviews and authorizations.

(b) Reasonable Costs.—As used in this section, the term ‘‘reasonable costs’’ shall include costs to implement the requirements of title, including the expenses of the Council.

Sec. 61011. GAO Report.

Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that includes an analysis of whether the provisions of this title could be adapted to streamline the Federal permitting process for smaller projects that are not covered projects.

Title LXII—Additional Provisions

Sec. 62001. Hire More Heroes.

(a) Short title.—This section may be cited as the ‘‘Hire More Heroes Act of 2015’’.

(b) Employees with Health Coverage Under TRICARE or the Veterans Administration Not Taken Into Account in Determining Employer Mandate Applies Under Patient Protection and Affordable Care Act.—Section
(F) EXEMPTION FOR HEALTH COVERAGE UNDER TITLE XIX OF THE VETERANS ADMINISTRATION.— Solely for purposes of determining whether an employer is an applicable large employer under this paragraph for any month, an individual shall not be taken into account as an employee for such month if such individual has medical coverage for such month under—
"(i) chapter 55 of title 10, United States Code, including coverage under the TRICARE program, or
"(ii) under a health care program under chapter 17 or 18 of title 38, United States Code, as determined by the Secretary of Veterans Affairs, in coordination with the Secretary of Health and Human Services and the Secretary.
"(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall apply to months beginning after December 31, 2015.
DIVISION G—SURFACE TRANSPORTATION EXTENSION SEC. 70001. SHORT TITLE. This division may be cited as the “Surface Transportation Extension Act of 2015”.

TITLE LXXI—EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS SEC. 71001. EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS
(a) IN GENERAL.—Section 1001 of the Highway and Transportation Program Act of 2014 (Public Law 113–159; 128 Stat. 1564; 128 Stat. 219) is amended—
"(1) in subsection (a), by striking “July 31, 2015” and inserting “September 30, 2015”; and
"(2) in subsection (b), by striking “$33,528,284,932” and inserting “$34,000,000,000”;
(b) IN SUBDIVISION.—Section 533(h)(1) of title 49, United States Code, is amended—
"(1) in paragraph (1), by striking “for fiscal year 2014” and all that follows through “October 1, 2015,”; and
"(2) in paragraph (2), by striking “$30,000,000” and inserting “$44,000,000,000”;
(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall apply to periods beginning after July 1, 2015.

TITLES LXXI—EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS SEC. 72001. FORMULA GRANTS FOR RURAL AREAS
Section 112101(a)(1) of title 49, United States Code, is amended—
"(1) in subparagraph (A), by striking “ending before” and all that follows through “July 31, 2015,”; and
"(2) in subparagraph (B), by striking “ending before” and all that follows through “July 31, 2015.”

SEC. 72002. APPORTIONMENT OF APPROPRIATIONS FOR FORMULA GRANTS.
Section 533(h)(1) of title 49, United States Code, is amended—
"(1) in paragraph (A), by striking “$3,713,505,753 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “$4,458,650,000 for fiscal year 2015”; and
"(2) in paragraph (B), by striking “$3,713,505,753 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “$7,000,000,000 for fiscal year 2015”; and
"(3) in paragraph (C), by striking “$235,000,000 for fiscal year 2015.”

SEC. 72003. AUTHORIZATIONS FOR PUBLIC TRANSPORTATION.
(a) FORMULA GRANTS.—Section 5333(a)(1) of title 49, United States Code, is amended—
"(1) in paragraph (1), by striking “$86,619,178 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “$107,274,521 for fiscal year 2015”; and
"(2) in paragraph (2), by striking “$24,986,301 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “$832,877 for fiscal year 2015”; and
"(3) in paragraph (3), by striking “$3,520,000,000 for fiscal year 2015.”

(b) CONTRACT AUTHORITY.—Section 1001(b) of the Highway and Transportation Program Act of 2014 (Public Law 113–159; 128 Stat. 1564; 128 Stat. 220) is amended by striking “September 30, 2015,” and inserting “September 30, 2016.”

TITLES LXXII—EXTENSION OF TRANSPORTATION PROGRAMS SEC. 72001. FORMULA GRANTS FOR RURAL AREAS
Section 1123(h)(1) of title 49, United States Code, is amended—
"(1) in paragraph (1), by striking “$107,274,521 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “$128,800,000 for fiscal year 2015”; and
"(2) in paragraph (2), by striking “$30,000,000” and inserting “$5,830,137 for the period beginning on October 1, 2014, and ending on July 31, 2015.”

SEC. 72002. APPORTIONMENT OF APPROPRIATIONS FOR FORMULA GRANTS.
Section 5333(h)(1) of title 49, United States Code, is amended—
"(1) in paragraph (A), by striking “$1,803,927,671 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “$2,165,900,000 for fiscal year 2015”; and
"(2) in paragraph (B), by striking “$438,009,863 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “$525,900,000 for fiscal year 2015”;
"(3) by striking “$235,000,000 for fiscal year 2015” and inserting “$7,000,000,000 for fiscal year 2015”; and
"(4) by striking “$30,000,000” and inserting “$44,000,000,000”;
"(5) by striking “$24,986,301” and inserting “$832,877”;
"(6) by striking “$107,274,521” and inserting “$128,800,000”; and
"(7) by striking “$5,830,137 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “$70,000,000 for fiscal year 2015”. 

SEC. 72003. AUTHORIZATIONS FOR PUBLIC TRANSPORTATION.
(a) FORMULA GRANTS.—Section 5333(a)(1) of title 49, United States Code, is amended—
"(1) in paragraph (1), by striking “$86,619,178 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “$107,274,521 for fiscal year 2015”; and
"(2) in paragraph (2), by striking “$24,986,301 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “$832,877 for fiscal year 2015”; and
"(3) in paragraph (3), by striking “$3,520,000,000 for fiscal year 2015.”


TITLES LXXIII—EXTENSION OF HIGHWAY SAFETY PROGRAMS SEC. 73001. EXTENSION OF HIGHWAY SAFETY PROGRAMS
Section 31101(a)(1)(C) of MAP–21 (126 Stat. 733) is amended to read as follows:
"(a) EXTENSION OF PROGRAMS.—
"(A) IN GENERAL.—Section 31101(a)(1)(C) of MAP–21 (126 Stat. 733) is amended to read as follows:
"(B) IN SUBDIVISION.—
"(i) by striking “2013, 2014 and not less than $832,877 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “$1,967,000,000 for fiscal year 2015”;
"(ii) by striking “$1,803,927,671 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “$2,165,900,000 for fiscal year 2015”; and
"(iii) by striking “$5,830,137 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “$70,000,000 for fiscal year 2015”. 

SEC. 73004. BUS AND BUS FACILITIES FORMULA GRANTS.
Section 3133(d)(1) of title 49, United States Code, is amended—
"(1) by striking “$86,619,178 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “$107,274,521 for fiscal year 2015”; and
"(2) by striking “$24,986,301” and inserting “$832,877”;
"(3) by striking “$1,967,000,000 for fiscal year 2015”;
"(4) by striking “$5,830,137 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “$70,000,000 for fiscal year 2015”;
...
“(c) $113,500,000 for fiscal year 2015.”.

(3) National priority safety programs.—Section 3110(a)(3)(C) of MAP–21 (126 Stat. 733) is amended to read as follows:

“(c) $772,000,000 for fiscal year 2015.”.

(4) National driver register.—Section 3110(a)(4)(C) of MAP–21 (126 Stat. 733) is amended to read as follows:

“(c) $2,000,000,000 for fiscal year 2015.”.

(5) High visibility enforcement program.—

(A) Authorization of appropriations.—Section 4101(a)(4)(C) of MAP–21 (126 Stat. 733) is amended to read as follows:

“(c) $29,000,000,000 for fiscal year 2015.”.

(B) Law enforcement campaigns.—Section 2009(a) of SAFETEA–LU (29 U.S.C. 462 note) is amended—

(i) in the first sentence, by striking “and 2014 and in the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “through 2015”; and

(ii) in the second sentence, by striking “and 2014 and in the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “through 2015”.

(6) Administrative expenses.—Section 3110(a)(6)(C) of MAP–21 (126 Stat. 733) is amended to read as follows:

“(c) $25,500,000 for fiscal year 2015.”.

(b) Cooperative research and evaluation program.—Section 31104(f) of the United States Code, is amended—

(i) in the first sentence, by striking “and 2014 and in the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “through 2015”; and

(ii) in the second sentence, by striking “and 2014 and in the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “through 2015”.

(c) Applicability of Title 23.—Section 3110(c) of MAP–21 (126 Stat. 733) is amended by striking “under section 402(c) in each fiscal year ending before October 1, 2014, and $2,682,192 of the total amount available for apportionment to the States for highway safety programs under section 402(c) in the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting—

“(c) each fiscal year ending before October 1, 2015,”.

SEC. 73102. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAMS.

(a) Motor carrier safety grants.—Section 3110(h)(a)(10) of title 49, United States Code, is amended to read as follows:

“(10) $2,762,000 for fiscal year 2015.”.

(b) Administrative expenses.—Section 3110(h)(1)(C) of title 49, United States Code, is amended by striking “$2,762,000” and inserting—

“(C) $2,762,000,000 for fiscal year 2015.”.

(c) Grant programs.—

(1) Commercial driver’s license program improvements.—Section 4101(c)(1) of SAFETEA–LU (119 Stat. 1715) is amended by striking “each of fiscal years 2013 and 2014 and $2,986,301 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “each of fiscal years 2013 through 2015”.

(2) Border enforcement grants.—Section 4101(c)(2) of SAFETEA–LU (119 Stat. 1715) is amended by striking “each of fiscal years 2013 and 2014 and $2,498,630 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “each of fiscal years 2013 through 2015”.

(3) Performance and registration information system management grant program.—Section 4101(c)(3) of SAFETEA–LU (119 Stat. 1715) is amended by striking “each of fiscal years 2013 and 2014 and $1,464,384 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “each of fiscal years 2013 through 2015”.

SEC. 73103. DINGELL-JOHNSON SPORT FISH RESTORATION ACT.

Section 5 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “each fiscal year ending before October 1, 2015,” and inserting “each fiscal year ending before October 1, 2015,”.

(2) in subsection (b)(1)(A) by striking “fiscal year ending before October 1, 2014,” and for the period beginning on October 1, 2014, and inserting “each fiscal year ending before October 1, 2015,”.

Subtitle B—Hazardous Materials

SEC. 73201. AUTHORIZATION OF APPROPRIATIONS.

(a) In general.—Section 5218(a)(3) of title 49, United States Code, is amended to read as follows:

“(3) $27,762,000 for fiscal year 2015.”.

(b) Hazardous materials emergency preparedness fund.—Section 5218(b)(2) of title 49, United States Code, is amended to read as follows:

“(2) Fiscal year 2015.—From the Hazardous Materials Emergency Preparedness Fund established under section 5218(b)(1), the Secretary may expend during fiscal year 2015—

(A) $188,000 to carry out section 5115;

(B) $2,600,000 to carry out subsections (a) and (b) of section 5116, of which not less than $13,650,000 shall be available to carry out section 5116(b);

(C) $150,000 to carry out section 5116(c);

(D) $265,000 to carry out the Emergency Response Guidebook under section 5116(i)(3); and

(E) $1,000,000 to carry out section 5116(k).”.

(c) Mass transit account.—Section 3821(c)(3) of the United States Code, is amended by striking “each of fiscal years 2013 and 2014 and $3,331,507 for the period beginning on October 1, 2014, and ending on July 31, 2015,” and inserting “each of fiscal years 2013 through 2015”.

SEC. 73202. MAINTENANCE OF HIGHWAY TRUST FUND CASH BALANCE.

(a) Definitions.—In this section:

(1) Highway account.—The term ‘‘Highway account’’ has the meaning given the term in section 9503(c)(5)(B) of the Internal Revenue Code of 1986.

(2) Highway trust fund.—The term ‘‘Highway trust fund’’ means the Highway Trust Fund established by section 9503(a) of the Internal Revenue Code of 1986.

(3) Mass transit account.—The term ‘‘Mass transit account’’ means the Mass Transit Account established by section 9503(e)(1) of the Internal Revenue Code of 1986.

(b) Restriction on obligations.—If the Secretary, in consultation with the Secretary of the Treasury, determines under the test or reevaluation described under subsection (c) or (d) that the projected cash balances of either the Highway Account or the Mass Transit Account of the Highway Trust Fund will fall below the levels described in subparagraph (A) or clause (B) of subsection (c)(2) at any time during the fiscal year for which that determination applies, the Secretary shall not approve any obligation of funds authorized under this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 73203. MAINTENANCE OF HIGHWAY TRUST FUND CASH BALANCE.

(a) Definitions.—In this section:

(1) Highway account.—The term ‘‘Highway account’’ has the meaning given the term in section 9503(c)(5)(B) of the Internal Revenue Code of 1986.

(2) Highway trust fund.—The term ‘‘Highway trust fund’’ means the Highway Trust Fund established by section 9503(a) of the Internal Revenue Code of 1986.

(b) Restriction on obligations.—If the Secretary, in consultation with the Secretary of the Treasury, determines under the test or reevaluation described under subsection (c) or (d) that the projected cash balances of either the Highway Account or the Mass Transit Account of the Highway Trust Fund will fall below the levels described in subparagraph (A) or clause (B) of subsection (c)(2) at any time during the fiscal year for which that determination applies, the Secretary shall not approve any obligation of funds authorized under this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 73204. MAINTENANCE OF MASS TRANSIT ACCOUNT CASH BALANCE.

(a) Definitions.—In this section:

(1) Mass transit account.—The term ‘‘Mass transit account’’ means the Mass Transit Account established by section 9503(e)(1) of the Internal Revenue Code of 1986.

(b) Restriction on obligations.—If the Secretary, in consultation with the Secretary of the Treasury, determines under the test or reevaluation described under subsection (c) or (d) that the projected cash balances of either the Mass Transit Account or the Highway Account of the Highway Trust Fund will fall below the levels described in subparagraph (A) or clause (B) of subsection (c)(2) at any time during the fiscal year for which that determination applies, the Secretary shall not approve any obligation of funds authorized under this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.
(a) are projected to fall below the amount of $1,000,000,000 at any time during that up-
coming fiscal year in the Highway Account of 
the Highway Trust Fund; or 
(b) are projected to fall below the amount 
of $1,000,000,000 at any time during that up-
coming fiscal year in the Mass Transit Ac-
count of the Highway Trust Fund.

2) REVISING.—The Secretary shall con-
duct the test described under subsection 
(c) again during a respective fiscal year— 
(1) if enacted that provides additional 
revenues, deposits, or transfers to the 
Highway Trust Fund; or 
(2) when the President submits to Congress 
under section 405 of title 23, United 
States Code, updated outlay estimates or 
revenue projections related to the Highway 
Trust Fund.

(e) NOTIFICATION.—Not later than 15 days 
after a determination is made under sub-
section (c) or (d), the Secretary shall provide 
notification of the determination to— 
(1) the Committee on Environment and 
Public Works of the Senate; 
(2) the Committee on Transportation 
and Infrastructure of the House of Represen-
tatives; 
(3) the Committee on Banking, Housing, 
and Urban Affairs of the Senate; 
(4) the Committee on Commerce, Science, 
and Transportation of the Senate; and 
(5) State transportation departments and 
designated recipients.

(f) EXCEPTION.—Notwithstanding subsection 
(b), the Secretary shall approve obliga-
tions in every fiscal year for— 
(1) administrative expenses of the Federal 
Highway Administration, including any ad-
ministrative expenses funded under— 
(A) section 104(a) of title 23, United States 
Code; 
(B) the tribal transportation program 
under section 202(a)(6), of title 23, United 
States Code; 
(C) the Federal lands transportation pro-
gram under section 203 of title 23, United 
States Code; and 
(D) chapter 6 of title 23, United States 
Code; 
(2) funds for the national highway perform-
ance program under section 119 of title 23, 
United States Code, that are exempt from 
the limitation on obligations; 
(3) are emergency relief program under 
section 125 of title 23, United States Code; 
(4) the administrative expenses of the Na-
tional Highway Traffic Safety Administra-
tion for carrying out chapter 4 of title 23, 
United States Code; 
(5) the highway safety programs under sec-
ton 402 of title 23, United States Code, and 
national priority safety programs under sec-
tion 405 of title 23, United States Code; 
(6) the high visibility enforcement program 
under section 2009 of SAFETEA-LU (23 
U.S.C. 402 note; Public Law 109–59); 
(7) the highway safety research and develop-
ment program under section 403 of title 23, 
United States Code; 
(8) the national driver register under 
chapter 303 of title 49, United States Code; 
(9) the motor carrier safety assistance pro-
gram under section 31102 of title 49, United 
States Code; 
(10) the administrative expenses of the 
Federal Motor Carrier Safety Administra-
tion under section 31109 of title 49, United 
States Code; and 
(11) the administrative expenses of the 
Federal Transit Administration funded un-
der section 9007 of title 49, United 
States Code, to carry out section 5329 of title 49, 
United States Code.

SEC. 80003. PROHIBITION ON RESCISSIONS OF 
CERTAIN CONTRACT AUTHORITY.

For purposes of the enforcement of a point 
of order established under the Congressional 
Budget Act of 1974 (2 U.S.C. 621 et seq.), the 
determination of levels under the Balanced 
Budget and Emergency Deficit Control Act 
of 1985 (2 U.S.C. 900 et seq.), or the Statutory 
Basis of PAYGO Legislation for the latest stat-
ted period, the enforcement of a point of order 
established under or the determination of 
levels under a concurrent resolution on the 
budgetary effects of contract authority that 
is provided under this Act or an amend-
ment made by this Act for fiscal year 2019, 
2020, or 2021 shall not be counted.

Mr. McCONNELL, Madam President, I ask for 
the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a second?

Mr. McCONNELL, Madam President, there 
being a sufficient second, I ask for the 
yeas and nays on my amendment.

The PRESIDING OFFICER. The clerk will 
report.

The senior assistant legislative clerk 
reads as follows:

The Senate from Kentucky [Mr. McCon-
nell], for Mr. Kirk, proposes an amendment 
numbered 2267 to amendment No. 2266.

(Purpose: To reauthorize and reform the 
Export-Import Bank of the United States)

Mr. McCONNELL, Madam President, I 
call up the Kirk amendment No. 2237.

The PRESIDING OFFICER. The clerk 
will read.

The senior assistant legislative clerk 
read as follows:

The Senator from Kentucky [Mr. McCon-
nell], for Mr. Kirk, proposes an amendment 
numbered 2267 to amendment No. 2266.

The amendment is as follows:

The PRESIDING OFFICER. The 
clerk will report.

The senior assistant legislative clerk 
read as follows:

The Senate from Kentucky [Mr. McCon-
nell] proposes an amendment numbered 
2239 to amendment No. 2238.

The amendment is as follows:

The PRESIDING OFFICER. The 
clerk will report.

The senior assistant legislative clerk 
read as follows:

The Senate from Kentucky [Mr. McCon-
nell] proposes an amendment numbered 
2330 to amendment No 2229.

The amendment is as follows:

The PRESIDING OFFICER. The 
clerk will report.

The senior assistant legislative clerk 
read as follows:

The Senate from Kentucky [Mr. McCon-
nell] proposes an amendment numbered 
2329 to amendment No. 2328.

The amendment is as follows:

The PRESIDING OFFICER. The 
clerk will report.

The senior assistant legislative clerk 
read as follows:

The Senate from Kentucky [Mr. McCon-
nell] proposes an amendment numbered 
2330 to amendment No 2229.

The amendment is as follows:

The PRESIDING OFFICER. The 
clerk will report.

The senior assistant legislative clerk 
read as follows:

The Senator from Kentucky [Mr. McCon-
nell] proposes an amendment numbered 
2329 to amendment No. 2328.

The amendment is as follows:

The PRESIDING OFFICER. The 
clerk will report.

The senior assistant legislative clerk 
read as follows:

The amendment is as follows:

The PRESIDING OFFICER. The 
clerk will report.

The senior assistant legislative clerk 
read as follows:

The amendment is as follows:

The PRESIDING OFFICER. The 
clerk will report.

The senior assistant legislative clerk 
read as follows:

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The PRESIDING OFFICER. The 
clerk will report.

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The PRESIDING OFFICER. The 
clerk will report.

The senior assistant legislative clerk 
read as follows:

The amendment is as follows:

The PRESIDING OFFICER. The 
clerk will report.

The senior assistant legislative clerk 
read as follows:
CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Kirk amendment No. 2266 to amendment No. 2286, as modified, to H.R. 22, an act 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 employers are subject under the Patient Protection and Affordable Care Act.


Mr. PAUL addressed the Chair.

CLOTURE MOTION

Mr. MCCONNELL, Madam President, I have a cloture motion at the desk for amendment No. 2266, as modified.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the McConnell amendment No. 2266, as modified.


Mr. PAUL addressed the Chair.

CLOTURE MOTION

Mr. MCCONNELL, Madam President, I have a cloture motion at the desk for H.R. 22.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

Mr. PAUL addressed the Chair.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the McConnell amendment No. 2266, as modified.

Mr. MCCONNELL, I ask unanimous consent that the reading of the names be dispensed with.

The PRESIDING OFFICER. Is there objection?

Several Senators addressed the Chair.

The PRESIDING OFFICER. Is there an objection from the Senator?

Mr. PAUL. Yes.

Several Senators addressed the Chair.

Mr. MCCONNELL, Regular order. The PRESIDING OFFICER. The clerk will read the names on the cloture motion.

The senior assistant legislative clerk read as follows:


The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL, Madam President, the hard work to pass a bipartisan, fiscally responsible, multiyear highway bill that doesn’t raise taxes or increase the deficit continues. It hasn’t been easy. We always knew obstacles would lie ahead at every turn, and they sure have, but our country needs a multiyear highway bill, and we will get there if we just continue to stick together.

Perhaps the most challenging issue now relates to amendments. Supporters of the Ex-Im Bank are demanding a vote to reauthorize it, and they have made it clear they are ready to stop all other amendments if denied that opportunity. They have already proven they have the votes to back up the threat as well. This presents a challenge for the Senate and to oppo- nents of the Ex-Im Bank, like myself in particular, but I believe we can still move forward, and I believe the more equitable and more balanced proposal I just offered will allow us to do so.

So let me explain. It provides for votes on two long-sought, nongermane amendments. First, it allows a vote on an amendment to reauthorize the Ex-Im Bank, something nearly every Dem- ocrat wants. Second, it allows a vote on an amendment that would repeal ObamaCare, something nearly every Republican wants. Something we will continue to fight for.

Ex-Im shouldn’t be the only vote we take on this bill, and under the compromise I just filed, it will not be. That is a much fairer way forward.

I would urge my colleagues to join me in voting against Ex-Im, and I urge every Senator to take this important opportunity to join me in voting to fi- nally give the American people the fresh start they deserve on health care.

I know we will engage in a robust dis- cussion on all of these issues—we should— and then we will take a vote. While the clock demands that we file cloture given that the highway trust fund will expire at the end of next week, I hope we still have a robust amendment proc- ess on this critical bill.

So I would encourage every one of my colleagues to work with the bill managers on their germane amend- ments.

Senators should also note this: Yes- terday, I circulated bill language to both sides of the aisle that I intended to use to modify my amendment No. 2266. That language contained tech- nical and conforming edits as well as the removal of a provision related to fugitive felons that was not needed to fully offset the bill.

I wanted to let my colleagues know the amendment I just offered contains additional modifications to re- moves provisions that would have terminated the $1.7 billion Hardest Hit Fund mortgage program. Several Sen- ators on both sides of the aisle—and in particular Senator PORTMAN on our side of the aisle has been a real cham- pion on this issue—expressed their op- position to its termination. So we have reduced spending levels in the bill to accommodate this change, while ensur- ing the bill remains fully paid for, for 3 years.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. REID. Madam President, I am just trying to focus. Did I just hear the legislative tree being filled? I can an- swer that question.

TRAGEDY IN LAFAYETTE, LOUISIANA

Madam President, this morning, Americans are waking to another news account of a tragic and senseless shoot- ing. This one occurred in Lafayette, LA. The details are emerging, but at least two were murdered and about a dozen others were wounded.

We focus, as we should, on the inno- cent people watching the movie who were murdered, but we also need to focus on the other dozen. How many of those people will be paraplegics, quadriplegics or have injuries that will follow them for the rest of their lives? Time will only tell.

I know I speak for every Member of the Senate when I say our thoughts are with the victims, their families, and the many brave first responders who were at the scene.

AFFORDABLE CARE ACT

Madam President, once again the major- ity leader has cynically filed an- other repeal of the Obama health care legislation—it was legislation, it is now the law. I hope the Senate doesn’t try to catch up with the House as to how many times they are going to try to repeal it.

It is a fact that the critics are stub- bornly ignoring reality. That reality is that the bill passed many years ago. It has been reviewed in detail by various courts in the land and the highest courts in the land have upheld this law, including the Supreme Court, on two separate occasions. We passed the Affordable Care Act. It has been signed into law. The Supreme Court has upheld it on two separate oc- casions. It is time for the Republicans to move on and join us in trying to im- prove the health care system we have in America today. It is time to move on to something else because now we are approaching 20 million people who benefit from the law that is now in existence.

Madam President, 85 percent of these 10.2 million consumers who have cover- age in these exchanges have tax cred- its to help them afford that coverage.
These credits effectively cap premiums at a percent of income for those individuals, defraying the impact of any premium increases.

Without going into more numbers, with rare exceptions, the fact is every time I go home I have people come to me and say that we are so grateful for this law because my daughter can now get health insurance. We are not talking about a bunch of teenagers; we are talking about people who were unable for all of their childhood and their adult life to get insurance until now.

We need to move on. This is not productive. I hope everyone will recognize that the health care delivery system is not perfect, but we are working to work with the Republicans in trying to improve it, but let’s do it constructively.

SEQUESTRATION

Madam President, finally, unless we act, in 3 months the Federal Government shuts down. I appreciate that this is not just me speaking out that something has to be done. The senior Senator from Arizona has said over the last week or so how important it is for the defense of this country to get rid of sequestration. If sequestration kicks in, the funding for defense and non-defense will be exactly the same. The only way that can be changed is if we pass a law in the Senate. Frankly, I would think that is going to be hard to do.

We believe we want to do everything we can to help the defense of this country, our fighting men and women, but we are also concerned about non-defense programs as a result of sequestration. It would be untoward to think we are going to do sequestration at the National Institutes of Health, as an example. Lifesaving, scientific research is being done there every day. The last sequestration knocked their pins out. I have talked to the head of the National Institutes of Health, Dr. Francis Collins. For example, they were so close to coming up with a universal flu vaccine. They lost it. They lost it for $2 billion as a result of the first sequestration. I am sorry to say another one that is staring them in the face will only be more hurtful to that great institution.

APPROPRIATIONS

Madam President, I was terribly disappointed yesterday to hear that my friend the Speaker of the House intends to give up on doing his job. He intends to abandon the appropriations process. He told a press conference yesterday: “It’s pretty clear given the number of days we’re going to be here in September that we’re going to have to do a (continuing resolution) of some sort.”

By relying on a continuing resolution that undercuts critical priorities for working men and women in America—especially our families—Republicans are neglecting their responsibilities and giving up on the middle class. In stead of working with Democrats to negotiate a long-term funding package, Republicans are calling it quits.

A continuing resolution should be a last-ditch, eleventh-hour option, not an excuse 3 months before the deadline approaches to just say we give up. I hope the Speaker of the House will change course and recommit his party to working together to work with surely my Republican friends must realize, is more than enough time for us to do our jobs.

Madam President, finally, there are a lot of complaints people can have about sequestration before they buy, but I do want to commend the Republican leader for having this amendment before us dealing with the Ex-Im Bank. It is very important that this legislation move on, and I hope the House will pass it as soon as they get it.

Right now, we have—let me just count them. I will not take the time here, but there are about 45 different countries that have working export-import banks that help their businesses and workers compete globally. They really help support because our exporters are going to these other companies trying to get some help so they can continue exporting. So I truly do appreciate this being part of this legislation. It is an important piece of legislation. I am so glad the majority leader put that in as something we are going to work on over the next few days.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. CRUZ. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRUZ. Madam President, today is a sad day for this institution.

The Senate operates based on trust. Whether we are Democrats or Republicans, we have to be able to trust that when a Senator says something, he or she will do it, even if we disagree on substance—that we don’t lie to each other.

What we just witnessed this morning is profoundly disappointing. I want to describe the context of two preceding discussions.

A number of weeks ago, when this Senate was considering trade promotion authority, a group of Senators gathered on this floor and blocked TPA for many minutes because they were pressing for the Export-Import Bank. They huddled on this floor and negotiated a deal in front of C-SPAN and in front of the world. Then, when they had their deal, TPA had the votes to pass.

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Shortly thereafter, we had a Senate Republican lunch, where I stood and asked the majority leader, very directly: What is the deal that was just cut on TPA, and was there a deal for the Export-Import Bank? It was a direct question I asked the majority leader in front of all of the Republican Senators. The majority leader was visibly angry with me that I would ask such a question, and the majority leader looked at me and said: There is no deal. There is no deal. There is no deal. Like Saint Peter, he repeated it three times.

He said: The only thing I told the proponents of the Export-Import Bank is, like any other Senator in this body, they could offer any amendment they liked on any amendable vehicle, but I gave them nothing. There is no deal. I gave them nothing. He was emphatic and he was repeated.

Following that public discussion, Senator MIKE LEE and I approached the majority leader afterward, in which he emphasized: There is no deal. I will do nothing. I oppose the Export-Import Bank. All I said is they can offer an amendment like any Senator can to any bill.

I went back to my office and I sat down to tell my staff. My staff told me that afternoon: He is lying to you. That is what my staff said. We have been around the Senate a long time. He is not telling you the truth.

What I told my staff that afternoon, I said: Well, I don’t know if that is the case or not, but I don’t see how, when the majority leader looks me in the eyes and makes an explicit promise—and by the way, looks into the eyes of every other Republican Senator and says that to every other Republican Senator—I don’t see how I cannot take him at his word when he makes an explicit promise.

As a result, I cast my vote in May in support of TPA because I support free trade, and I felt I had no choice but to assume that when the majority leader spoke to 54 Republican Senators and made an explicit promise, he wasn’t lying. And by the way, look into the eyes of every other Republican Senator and says to every other Republican Senator—I don’t see how I cannot take him at his word when he makes an explicit promise.

Now, I will note to the public that the majority leader and the Speaker of the House had repeatedly said: There was no corrupt deal. There was no corrupt deal. We made no deal. We made no deal. That is one element of the background context.

Let me tell you a second element of the background context. A number of weeks ago, when we were debating the Comprehensive Nuclear Test Ban Act, there were a number of amendments that Senators had filed. I filed an amendment that would actually put teeth in the Iran review act by requiring affirmative congressional approval before sanctions could be lifted. Other Senators filed very good amendments. Senator MARCO RUBIO filed an amendment calling for Iran to recognize Israel’s right to exist as a Jewish State before sanctions could be lifted. Our friends on the Democratic side of the aisle did not want to vote on that amendment, and in response, the majority leader cut off all amendments.
Now, I sat in the majority leader’s office, and I urged the majority leader: Invoke cloture on Senator Rubio’s amendment. Invoke cloture on Senator Rubio’s amendment calling on Iran to recognize Israel’s right to exist and settling that with the precondition of lifting sanctions. I argued vociferously with the majority leader that if the Democrats were so opposed to voting on that amendment, that was all the more reason, because it was important substantively. The majority leader said no, he would not do so, that invoking cloture on an amendment was an extraordinary step, and he would not do so. So he cut off every amendment. He filled the tree.

It was striking a minute ago seeing the Democratic leader, Senator Harry Reid, calling out the majority leader for filling the tree, for engaging in the same procedural abuse that Harry Reid did over and over and over again. We got a Republican Senator. What we just saw was not that the proponents of the Export-Import Bank, like anyone else, could stand up and offer whatever amendment they like on any issue. What the majority leader did is, No. 1, he called it up that amendment. Secondly, he called it up himself. Why does that matter? Because, as the majority leader, he has priority of recognition. When he calls up an amendment, no one can stop him. He didn’t just call it up; he filled the tree. Just like Harry Reid, he filled the tree, blocking everyone else’s amendment. And, by the way, I agree with Senator Reid when he says the ObamaCare amendment is a cynical amendment. Of course it is. It is empty showmanship.

We will have a vote on repealing ObamaCare. The Republicans will all vote yes, and the Democrats will all vote no. It will be a 60-vote threshold. It will be an exercise in meaningless political theater. Mind you, when we had a fight in October of 2013 to actually stop ObamaCare and defund it, the majority leader, then the minority leader, was opposed to doing something with real teeth in it to stop ObamaCare. But an empty show vote—that is a way of distracting from what is going on.

You know, there is a profound disappointment among the American people because we keep winning elections and then we keep getting leaders who don’t do anything they promise. The American people were told: If only we have a Republican majority in the House, things will be different. Well, in 2010, the American people showed up in enormous numbers, and we got a Republican majority in the House, and very few things happened. Then the American people were told, you know, the problem is the Senate. If only we get a Republican majority in the Senate and re-tire Harry Reid as majority leader, then things will be different. Well, in 2014, the American people rose up in enormous numbers and voted to do exactly that. We have had a Republican majority in both Houses of Congress now for three years.

What has that majority done? The first thing we did in December is we came back and passed a trillion dollar CROMNIBUS plan filled with pork and corporate welfare. That was the very first thing we did. Then this Republican majority voted to fund ObamaCare, voted to fund President Obama’s unconstitutional Executive amnesty. Then leadership rammed through the confirmation of Loretta Lynch as Attorney General. Which of those decisions would be one iota different if Harry Reid were still majority leader? Not a one. Not a one. This Senate operates exactly the same—the same priorities. Let me tell you why. It is not that they don’t get things done. It does get things done. But it listens to one and only one voice; that is the voice of the Washington cartel—the lobbyists on K Street, the big money and big corporations.

If you go to the American people and ask if repealing the Ex-Im Bank is a priority for you, the standard response for most of them would be this: What? They don’t even know what this is. Let me tell you what it is. It is an egregious example of corporate welfare. It is the American taxpayer being on the dime for hundreds of billions of dollars in loan guarantees given out to a handful of giant corporations. It is a classic example of cronyism and corporate welfare. By the way, among others, do you know what person had the clarity of thought on that? Then-Senator Barack Obama, who described it as a classic example of corporate welfare. That was when he was in the Senate. In the White House, he made it a priority for you, the standard response for most of them would be this: What? They don’t even know what this is. Let me tell you what it is. It is an egregious example of corporate welfare.

The single largest recipient of loan guarantees from the Ex-Im Bank is the American people. It is the American taxpayer being on the dime for hundreds of billions of dollars in loan guarantees given out to a handful of giant corporations. It is a classic example of corporate welfare. The American people were told: If only we have a Republican majority in the House, things will be different. Well, in 2010, the American people showed up in enormous numbers, and we got a Republican majority in the House, and very few things happened. Then the American people were told, you know, the problem is the Senate. If only we get a Republican majority in the Senate and retire Harry Reid as majority leader, then things will be different. Well, in 2014, the American people rose up in enormous numbers and voted to do exactly that. We have had a Republican majority in both Houses of Congress now for three years.

The single largest recipient of loan guarantees from the Ex-Im Bank is the Boeing corporation. The Boeing corporation just had an earnings call where their CEO said—and I am paraphrasing: We’ll be just fine without the Ex-Im Bank. It is not impacting us. There are plenty of private loan alternatives out there. But even though the market could provide, it is a lot easier to comply with the FCPA. Robbing the public fist to enrich giant corporations.

Do you know who doesn’t have lobbyists? A single mom waiting tables. Do you know who can’t afford lobbyists? A teenage immigrant like my father, washing dishes, making 50 cents an hour, struggling to achieve the American dream. Do you know who doesn’t have lobbyists? A factory worker who just wants to work and provide for his or her children. They don’t have lobbyists, and so what happens? Career politicians in both parties gang up with giant corporations to loot their taxes to make it harder for people who are struggling to achieve the American dream.

Coal miners, Madam President, in your State don’t have lobbyists who are representing them here—the individual miners—while the majority leader teams up with the Democratic leadership to take from their paycheck to fund giant corporations. It is wrong and it is corrupt.

It saddens me to say this. I sat in my office. I told my staff: The majority leader looked me in the eye and looked me in the eye and said: If you or I cannot trust what the majority leader tells us, that will have sequences for how this body operates. If you or I cannot trust what the majority leader tells us, that will have sequences for how this body operates. If you or I cannot trust what the majority leader tells us, that will have consequences for other legislation as well, on how this institution operates.

There are plenty of amendments that the American people have focused on—issues such as defunding Planned Parenthood after the gruesome video. The majority leader doesn’t want to vote
on that. That is actually something the American people are focused on. He brought up his ObamaCare amendment as a smoke screen, because it is intended to fail. But you know, what he didn’t bring up was my amendment to end the congressional exemption from ObamaCare, that HARRY REID cut with President Obama to exempt Members of Congress. We ought to live under the same rules as everybody else. The majority leader doesn’t want to vote on that because he doesn’t want to end the cronyism for Members of Congress any more than end the cronyism for giant corporations that enrich themselves at the expense of the American people.

There are a host of priorities for the voters who elected you and me. Madam President, I would ask you to think about when you were running for the Senate not too long ago. Do you recall any of your constituents ever saying: We want the Export-Import Bank. No, they didn’t say any of those things. They have other priorities, but those are not the priorities of the Republican leadership.

Sadly, today we have government of the lobbyists, by the lobbyists, and for the lobbyists. That is not how the Senate is supposed to operate. A far more important amendment than bringing back this corporate welfare and cronyism is my amendment that provides that sanctions on Iran cannot be lifted unless and until Iran does two things: No. 1, it recognizes Israel’s right to exist, and No. 2, it releases the four American hostages languishing in Iranian prisons. That is a far more important issue than enriching some more lobbyists on K Street and getting a few more campaign contributions. That is what we should be voting on.

Accordingly, Madam President, I call up my amendment No. 2301 to the McConnell amendment No. 2296, as modified.

The PRESIDING OFFICER. The amendment is not in order to be offered, as it is inconsistent with the Senate’s precedents with respect to the offering of amendments, their number, degree, and kind.

Mr. CRUZ. Madam President, I appeal the ruling of the Chair that the amendment is not in order.

The PRESIDING OFFICER. The appeal is debatable.

Mr. CRUZ. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, I want to extend my thanks to the Presiding Officer for her work on the Environment and Public Works Committee. We did what some people think is the impossible: We passed a bill without one dissenting vote to move forward with a 6-year reauthorization of our highway and transit programs.

People say: How did the committee do it? You are so split on other issues. It is because we recognize—all of us, whether we are liberal, progressive, moderate, conservative, very conservative—that it is essential for our great Nation to have an infrastructure that works. Like Highway 1 in California. It was a miracle no one was killed. That bridge carries people from California to Arizona. That means commerce goes over that bridge. That means passenger cars go over it.

This is what it is about. It is not about what committees got in a room. It is not about Senator Cruz’s ideological issues. It is not about any lobbyist. It is about the hard, cold fact that more than 60,000 of our children are waiting for a bridge to get beyond a structurally deficient bridge. It is very hard to go to bed at night knowing we have not done anything about this except just do these short-term extensions of the highway trust fund where States are simply not undertaking projects they need to undertake, which are inspecting those bridges and moving forward with repairing and strengthening them.

The reason I have this here—to me, it is the most pressing one on a bipartisan basis, we need to continue to move forward. Forget about the naysayers on the Democratic side. Forget about the naysayers on the Republican side. Let’s have those of us who see this as the issue, not the process, you know, not the sequester which we have to solve—it is not part of this.

We have two bad problems facing us: the highway trust fund that funds the transit and highway system and sequester. We have a bigger problem. If we can solve this problem now, let’s solve this problem now.

We have a coming together, a very odd coalition here of Republicans and Democrats. I want to VENTURE to say, that not one person loves this bill. There are always going to be things in a bill you don’t like. We stripped some of the pay-fors that were hurting our cities. Thanks to Senators PORTMAN, STABENOW, and PETERS, that was done. That is good. We have a bill that is fully paid for, for 3 years—the first time in 10 years.

We can always find problems. We can always say: Why are we doing this and not that? Well, the reason we are doing this is—if my numbers are right—we are single digits away from the highway trust fund going bust. It goes bust on July 31. Imagine. And we are fighting about this? We ought to be fighting about how to make sure we have a filibuster; we have to be in this weekend. But it is worth it. I asked my staff to figure it out. Over the 3-year period, it is 2 million jobs—2 million jobs. That is a quarter of the jobs that were lost in the great recession. The fact is, those families are suffering still—over 500,000 construction workers out of work.

I want to say this. When people say “Well, the lobbyists are winning here,” who are the people who are pushing us for a bill?

I would ask the American people—make your decision. The U.S. Chamber of Commerce, the International Union of Operating Engineers, the Laborers’ International Union of North America, the AAA, the U.S. Conference of Mayors, the United Brotherhood of Carpenters, the American Association of State Highway and Transport Officials, Mothers Against Drunk Driving, American Council of Engineering Companies—I would just say to folks that this is a rare coming together of America. The Presiding Officer has been around here for a while. It is hard to find the U.S. Chamber on the same page as the Laborers’ International and on the same page as Mothers Against Drunk Driving and the Conference of Mayors and engineering companies.

Let’s continue looking at this list: the American Highway Users Alliance, the American Public Transportation Association, the American Road & Transportation Builders Association, the Society of Civil Engineers, the American truckers, the Associated General Contractors, the equipment manufacturers, the Association of Metropolitan Planning Organizations, the National Asphalt Pavement Association.

Labor has come together with business. Cities have come together with States. The users of the roads, the AAA—remember how we call them when our car breaks down, sometimes because it falls into a pothole and gets all messed up? The AAA wants this done.

I am saying that this is an opportunity. There are naysayers on everything. It is rare that we can come together and get anything done. This is one of those moments.

I want to share the fact that, on average, Federal funds provide 52 percent of every State’s outlays for highways and bridges—52 percent, the average. There are some States that rely on the Federal Government more. I will tell you which States they are: Montana, 97 percent reliance on the Federal Government; Idaho, 68 percent reliance; Oregon, 54 percent reliance; Colorado, 64 percent—in other words, these States are counting on us—New Mexico, 70 percent; Minnesota, Missouri, 65 percent; Oklahoma, 63 percent; Mississippi, 65 percent; Alabama, 68 percent; Georgia, 62 percent; South Carolina, 79 percent; New Hampshire 57 percent; Vermont, 86 percent—I am sorry, New Hampshire is 89 percent—Maine, 57 percent; Rhode Island counts on it for everything, almost 100 percent; Connecticut, 71 percent; DC, 52 percent; Alaska, 93 percent; Hawaii, 79 percent; West Virginia—I thought my friend would be interested—61 percent reliance on the Federal Government.

So what I am trying to say is that if we do not succeed on this and we give it a patch again, our States will shut
down. Seven States have already shut down their programs. They cannot sign contracts to fix any bridge. If seven States have already shut down and we do another extension, we are talking about hundreds of thousands of jobs bleeding—bleeding. We will spin back into a recession uncertainty, coupled with rigid programs that make planning and executing projects very difficult, is prohibitive to progress and strengthening the infrastructure in our country.

Congress needs to maintain support for the rural as well as the metropolitan areas. In fact, vehicle miles traveled increased in Montana by 43 percent from 1990 to 2012—to nearly 12 billion vehicle miles traveled. This is estimated to increase another 30 percent by 2030.

Because Montana is a bridge State, we play a vital role in national connectivity. For example, Interstate 90 connects the east coast to the west coast. It runs from Boston to Seattle. I-15 connects our northern-to-southern borders. Now, I-90 is 3,000 miles long. Nearly 600 miles pass through the State of Montana. In fact, you add up the number of miles of interstate highway we have in Montana alone, it is over 1,000 miles. How far is 1,000 miles? To put that in DC terms, it is like going from Washington, DC, to Kansas City. In fact, the I-15 stretch that runs north in Montana is the second longest section of I-15. It is only 4 miles shorter than the entire north-south direction of the State of Utah.

In fact, studies by the research group TRIP have shown the two largest transportation challenges facing Montana are I-90 and I-15. There is inadequate capacity, there is deterioration of the pavement, and we need bridges replaced because these inadequacies will have a national impact. TRIP estimates $7.4 billion needed to address our top 20 list of challenges. However, there is only $1.2 billion currently available. That leaves a nearly $6 billion backlog.
What we need is support to a long-term highway bill. It creates construction jobs—union jobs. That is what is sitting on the table right now and what we will be debating this week in the Senate. These new jobs, created by increased access and infrastructure capacity, will boost our economy.

Specifically, in these times of constrained funding, it is critical to allow our States to have the flexibility to direct funds to their top needs and their most effective projects. The bill we are now working on creates a more permanent highway authorization and provide time to plan important long-term projects around the country and provide 3 years of guaranteed funding for the highway trust fund.

I am an engineer by degree. In fact, I am the only chemical engineer who serves in Congress. When you are in engineering, you take a look at a problem and you find a solution. When you are an engineer, you lay out project plans. We need this flexibility in place so we can plan to improve the infrastructure of this country—to rebuild our highways, rebuild our bridges that are so much in need of repair at the moment.

If we pass a multiyear highway bill, it will reverse Congress's trend of short-term, temporary bandaid fixes to fund the Nation's transportation network. Across the country and in Montana these patches have left States and localities without the certainty they need to plan and build long-term infrastructure projects.

In the Senate committee on commerce, I have been working to ensure we have some of these needed reforms, and I want to thank Senator John Thune for his efforts in leading the committee. I look forward to a robust amendment process and debate on this much needed legislation.

The bottom line: I am looking forward to passing a long-term, multiyear highway bill that provides certainty, that improves the infrastructure of our country and most importantly creates jobs.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Madam President, I rise to express my deep appreciation to my colleagues Senators Stabenow and Brown and to the majority leader for the bipartisan work that was done to remove an economically costly financing provision from the bill that is currently before this body. I had significant concerns with a provision in the pending highway bill which could have impaired the economic recovery in my home State of Michigan and in States across our country.

I am a strong supporter of programming to invest in our Nation's infrastructure, and much of the substance of this bill is absolutely essential. I applaud the work that has been done on a bipartisan basis to achieve a compromise, something that happens too little in Washington. While I believe Congress must make smart investments in our Nation's roads, bridges, and infrastructure, I also believe we must do so in a responsible way that does not hamper the economic recovery occurring in our States.

There are numerous financing policy amendments in the multiyear highway bill that make sense and provide certainty for States to proceed with infrastructure investments, but the drafters of this legislation originally chose to pay for infrastructure investments, in part, by asking some of the hardest hit communities in our Nation to pay for investments in other States that are not burdened in order to help pay for the infrastructure investments contained in this bill. I am talking about a provision in the original bill and in the substitute which would have eliminated an important economic recovery program called the Hardest Hit Fund.

The Hardest Hit Fund has successfully supported efforts by local lenders to promote economic revitalization and renewal after the deepest and most painful housing and financial crisis in our Nation's history. The Hardest Hit Fund helps States and municipalities invest in their citizens and in their communities. According to the most recent data reported by the State of Michigan, the Hardest Hit Fund has assisted more than 900 communities that have been devastated by urban blight resulting from America's most recent economic challenge.

In Michigan, we know the impact abandoned properties can have on economic renewal. Blight is not just ugly, creating eyesores and dragging down surrounding property values, empty homes and buildings also serve as way stations for criminals and drug dealers and further discourages outside investors from taking a chance on a neighborhood that has been affected by blight.

That is why local leaders have been working with the nonprofit and private sectors to identify and eradicate blight in our communities. Several thousand blighted properties have been demolished or removed thanks to Michigan's partnership with the Hardest Hit Fund, and thousands more are in the pipeline to be addressed in the near term.

The Senate bill wants to address blight, homeowners are investing again in neighborhoods. Urban farming and greening and beautification efforts are well underway with businesses, nonprofits, and local schoolchildren transforming their communities one block at a time. Some of the impacted cities have already made investments in this area in anticipation of reimbursement from the Hardest Hit Fund. It would have been an unfair and inappropriate breach of our agreement to pull the rug out from under these cities at this stage in the game. That is why I worked with Senators Debbie Stabenow and Sherrod Brown to offer an amendment to strike this provision in the highway bill that would have rescinded the remaining Hardest Hit Fund money from communities that most desperately need it.

Congress must come together and pass a multiyear highway bill that makes smart investments to upgrade our country's crumbling infrastructure, but it would have been unacceptable to fund this plan at the expense of the communities in Michigan and in States that are the hardest hit. The Senate bill would have left millions of dollars already outlaid for blight-removal projects.

As legislators, it is important that we first do no harm when making policy. In considering this highway bill, it is important for us not to harm the very communities we are aiming to help by advancing infrastructure policies.

It was important for us to act to avoid impairing the economic renewal that is underway in places such as Detroit, Flint, Grand Rapids, Saginaw, and other communities across my great State. Elimination of Hardest Hit funding would have been harmful to entire communities that are relying on public-private partnerships to transform their communities.

For these reasons, I was prepared to oppose the legislation we are considering today because I believed these changes would do damage to the economic recovery in my State. I could not in good conscience support this legislation under those conditions. But thanks to the unwavering dedication of my colleague, the senior Senator from Michigan, Ms. Stabenow, and the cooperation of the majority leader, we were able to find a way forward that allows a provision to this important program and avoids devastating economic outcomes in cities across my State.

This is what the legislative process should be all about here in the Senate. We were able to come from a point of major disagreement, and through intense and respectful discussion, we were able to agree on a workable solution. This process has demonstrated that colleagues on both sides of the aisle can work together to prioritize the needs of their constituents while also advancing the economic interests of our country.

I look forward to further consideration of this important legislation.

SBA'S 7(a) LOAN PROGRAM

Madam President, I wish to take a moment to express my gratitude to my colleagues in the Senate for prioritizing the needs of our Nation's small businesses.

Last night the Senate passed a critical and timely reform of the Small Business Administration's flagship lending program, the 7(a) Loan Guarantee Program.
S5678

SUSPENSION OF THE RULES—DEBATE ON H. RES. 567

S5678

CONGRESSIONAL RECORD — SENATE

July 24, 2015

Because of a growing economy and increased demand for small business loans, the SBA’s 7(a) lending authority for this fiscal year may have been jeopardized absent the actions we took last night. This bill increased the 7(a) loan program authorization from $18.75 billion to $23.5 billion. It also tightened the standards on lenders’ determinations of borrower eligibility in order to target the SBA guaranty to promote loans to those who truly need it, and it included robust reporting requirements that will keep Congress updated on the pace of lending going forward.

I am glad we were able to act in a bipartisan fashion to address this issue to continue to put the wind at the back of our country’s entrepreneurs. We must make sure small businesses continue to receive the resources they need to survive, to compete, and to succeed.

I thank Senators VITTER, SHAHEEN, and Risch for their leadership on this matter. I have been working with them since the spring to increase the lending authority, and I am proud to say we accomplished that for the rest of this fiscal year.

Small businesses need to access the capital they need in order to continue growing and creating jobs. The 7(a) program is a true success story that provides small businesses and startups with a versatile financing tool that can be used to support a wide range of business development activities.

It is also a promising sign for our economy that demand for the 7(a) loan program is increasing at a faster rate than anticipated just last December when the previous authorization level was set.

In last week’s semiannual “Monetary Policy Report” to Congress, the Federal Reserve indicated that financing conditions for America’s small businesses were continuing to improve.

In recent months, SBA’s 7(a) program has experienced unprecedented demand, approving over 45,000 loans this year totaling more than $16.5 billion—a 25-percent increase over this same period last year.

According to a Pepperdine University and Dun & Bradstreet study published this summer, America’s small businesses are seeing rises in revenue, with 48 percent of surveyed small firms reporting revenue increases—four percent growth from 3 years ago. Demand for small business loans increased by 9 percent from the first quarter of 2013 to the first quarter of 2014. These are positive signs. We have more work to do, but they are very positive. If these trends continue, we will need to ensure that next year’s lending authorization level reflects the still-growing economy and the growth of small business loan demand so that we will not be up against the cap again next year.

The reporting improvements in the bill passed last night will help Congress perform better oversight and monitor the developments in the 7(a) lending program in a more timely manner.

The 7(a) program is a critical tool in the small business policy toolkit because it helps our economy at no cost to the taxpayer. Let me repeat. This is a no-subsidy program, so this increased authorization comes at no cost to taxpayers.

Small businesses are the backbone of our economy, and helping them grow and compete should be a bipartisan priority. As a member of the Senate Small Business and Entrepreneurship Committee, I look forward to working with my colleagues on the committee to find ways to help our entrepreneurs and to explore other small business policy changes in the months and years ahead. Our Nation’s small businesses create jobs and help support our local tax bases, which in turn feed education, public safety, and health care priorities.

It is not a stretch to say that if small businesses succeed, all of our communities succeed. That is why I was proud to work with Senator Risch as the lead cosponsor of the Small Business Lending Reauthorization Act of 2015 earlier this year, and I was proud to work with the chairman and ranking member of the Committee on Small Business and Entrepreneurship to pass this legislation to deliver needed results last night.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. GARDNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NUCLEAR AGREEMENT WITH IRAN

Mr. GARDNER. Madam President, I rise today to join many of my colleagues in the Senate to express grave concerns with the currently proposed Iran deal from the administration.

This deal is fundamentally at odds with the goals that these negotiations set out to achieve in the first place, which were to prevent a nuclear Iran. In fact, this deal does the opposite. It provides a pathway to the nation of Iran.

With this deal, the administration has granted international blessing to a full-scale Iranian nuclear program in 15 years. With this deal, we let Iran keep its most prized nuclear assets, such as advanced centrifuges and enrichment facilities, and to convert and not dismantle its nuclear reactors at Arak and Fordow. With this deal, the anytime, anyplace access to all of Iran’s nuclear facilities became managed access. With this deal, inspectors need 24-day permission from Tehran to access their military facilities such as Parchin, which we know were used for nuclear weaponization work in the past.

With this deal, our economic leverage in Iran through the sanctions regime that painstakingly built over a number of years will be completely squandered. With this deal, Iran will rebuild its economy and add economic resilience against future sanctions through $100 to $150 billion in economic relief and lifting the sanctions.

With this deal, the arms embargo on Iran will be lifted in a mere 5 years, allowing the regime to double down on ballistic missile activities, including its support for Hezbollah, Hamas, and the murderous Assad regime in Syria.

With this deal, the ballistic missile embargo will be ended in 8 years. The ballistic missile embargo against Iran will be lifted in 8 years, directly endangering Israel and further down the line, the U.S. homeland. As with many aspects of this agreement, hard-nosed verification gives way to Iran’s wishes.

According to the new U.N. Security Council resolution, Iran is “called upon not to undertake any activity related to ballistic missiles designed to be capable of delivering nuclear weapons.” That is the U.N. Security Council resolution.

What if Iran ignores the call of the international community, as it has done through decades of deception and violations of U.N. Security Council resolutions?

There is no other way to describe this deal other than as a massive win for the Iranian regime at the expense of the national security of the United States and our closest allies.

The leaders of the nation of Israel, the nation which Iran has threatened to “wipe off the face of the earth” have agreed. Has the President listened to our military and the intelligence community before concluding this terrible deal?

The 2014 Quadrennial Defense Review said:

Even as Iran pledges not to pursue nuclear weapons, Iran’s other destabilizing activities will continue to pose a threat to the Middle East, especially to the security of our allies and partners in the region and around the world.

The Chairman of the Joint Chiefs of Staff, General Martin Dempsey, testified that “under no circumstances should we relieve pressure on Iran relative to ballistic missile capabilities and arms trafficking.”

Defense Secretary Ash Carter said: “We want [Iran] to continue to be isolated as a military and limited in terms of the kinds of equipment and material they are able to procure.”

yet we have the conventional arms embargo lifted in 5 years and the ballistic missile embargo in 8 years under this deal. The deal achieves none of those goals, but instead lets Iran off the hook to pursue arms exports and ballistic missile activities in only a few short years.

This afternoon I had the opportunity to engage Secretary Kerry, Secretary Moniz, and Secretary Lew at the Senate Foreign Relations Committee. I was left confounded and stunned by their responses.

It was our question to Secretary Lew about several of the top nuclear figures who will be given sanctions relief under this deal. These are individuals who are given sanctions relief under this deal:
Mohsen Fakhrizadeh-Mahabadi, known as the father of the Iranian nuclear program; Mr. Abbasi, whom the United Nations blacklisted in 2009 for being a close aide to Mr. Fakhrizadeh and working on nuclear programs in Iran and their very own ballistic missile program; Gerhard Wisser, a German engineer who in 2007 was convicted and sentenced to 18 years in prison by a South African court for his role in supplying centrifuge components to the A.Q. Khan black market network. They received sanctions relief under this deal.

When I asked Secretary Lew what message these delistings will send to proliferators around the world, his response was:

I think that the message is if you violate the rules and develop nuclear weapons and we and the world take action against you—it will have significant consequence. But if you reach an agreement and you unwind your nuclear program that also will have consequence.

The moral of the story, according to testimony before the Senate Foreign Relations Committee, is if you cheat long enough, large enough, the United States will negotiate to give you complete amnesty from the consequences. It is a simply stunning outcome.

When I asked Secretary Kerry whether lifting the ballistic missile embargo will make Israel safer, his response was this: “absolutely no question whatsoever that Israel is safer.”

On the question of whether to lift the ballistic missile embargo against Iran, the Secretary of State believes that it will put Israel in a safer position to give the Iranians ballistic missiles by lifting the embargo.

In fact, the Prime Minister has said in response to lifting a variety of sanctions, including the ballistic missile embargo: “I think to give Iran these capabilities is a grave mistake.”

Yet Secretary Kerry believes that by lifting the embargo—the ballistic missile embargo against Iran—there is absolutely no question whatsoever that it makes Israel safer.

My guess is Prime Minister Netanyahu would certainly disagree with that statement. As he has already said, it would be a grave mistake.

It is not just Prime Minister Netanyahu who would view it as a grave mistake. It is the leaders on both the left and the right in Israel, who believe that lifting these provisions is a grave mistake. To Secretary Moniz, I quoted a top former IAEA official—an agency that was brought up before throughout the committee hearing, an agency that has done this time and again and that we rely on, respect, and trust to carry out the elements of this deal. Former IAEA official Olli Heinonen said of this inspection regime: “A 24-day adjudicated timetable reduces detection probabilities exactly where the system is weakest: detecting undeclared facilities and materials.”

This deal gives 24-day notice, not anytime, anywhere inspections—24-day notice. It is not anytime, anywhere, 24-day notice, which will allow them to hide and to be able to present facilities and materials in an undetected and undeclared manner. Secretary Moniz responded to this question: “We have to know where to look, and that’s the traditional role of intelligence—ours and those of our allies and friends.”

If we are relying on intelligence to know where to look, what access did we actually gain from the deal with Iran?

Finally, I asked the Secretaries how many imprisoned Americans will be freed as part of the deal. We all know the answer is none. Yet the father of Iran’s nuclear program will receive sanctions relief.

Deal or no deal, four Americans, including Pastor Abedini will continue to languish in Iranian jails. Dealing or no deal, we will know nothing more about the whereabouts of Bob Levinson. Deal or no deal, this administration continues to leave American citizens as prisoners to Iran. These American citizens being held captive are but one example of what we are in danger of dealing with and why they are not an equal and should not be treated as an equal negotiating partner. Let us never forget the nature of the regime that was on the other side of the bargaining table. On October 23, 1983, a terrorist attack on the U.S. Marine barracks in Beirut, Lebanon, killed 241 American service men and women. Hezbollah, the wholly owned subsidiary of Iran, is widely believed to have been behind the attack.

Last week, Gen. Joseph Dunford, the President’s nominee to lead the Joint Chiefs of Staff was asked about Americans killed in Iraq and Afghanistan by Iranian-supported militants. General Dunford said: “I know the total number of soldiers, sailors, airmen and Marines that were killed by Iranian activities and the number has been recently quoted as about 500.”

So can a regime that has killed at least 700 American soldiers be relied upon to implement this deal in good faith and in a constructive atmosphere based on mutual respect as stated in the text of the agreement? Does the Iranian regime deserve mutual respect from the United States? Does it deserve to languish in Iranian jails. Does it deserve to not be sanctioned. President Obama insists that the only alternative to this deal is war with Iran. That is a false choice and should be rejected.

The alternative to this deal is what the administration said it would achieve; that is a good deal based on continued economic pressure and a genuine dismantling of Iranian nuclear programs verified by what was said would happen all along, anytime, anywhere inspections, as promised by the administration.

The President has gone to the United Nations to approve this deal without giving Congress or the American people a chance to consider the consequences of this agreement. I urge my colleagues to reject this Iranian nuclear gambit that endangers U.S. national security, the safety of our friends and allies around the world, and empowers the largest State sponsor of terrorism in the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

RELIGIOUS FREEDOM

Mr. HATCH. Madam President, in January 1941, President Franklin Roosevelt delivered his State of the Union Address as World War II was underway in Europe. Even in that dark time, President Roosevelt reminded us all of what he called the “simple, basic things that must never be lost sight of in the turmoil and unbelievable complexity of our modern world.” Religious freedom was one of the four essential freedoms President Roosevelt outlined that day. And today: President Roosevelt’s counsel applies today as the pace and degree of social and cultural change increase. Last month, for example, the Supreme Court held that laws defining marriage as it had been defined at all times and in all places as the union of one man and one woman is constitutional. A bill has just been introduced in this body that would prohibit discrimination on the basis of religious orientation or gender identity in areas such as employment, public accommodations, housing, and education. Some are even calling for punitive measures, such as revocation of tax-exempt status, for religious institutions that do not accept such social and cultural changes.

Debates about these issues continue in all three branches of government, and I might say, branches of both Federal and State governments among commentators and experts across the media and institutions, both religious and secular, and among citizens. President Roosevelt’s words “turmoil and unbelievable complexity” seem to describe the situation today.

Yet these debates are not occurring on a blank slate. Some advocates of the social and cultural changes now underway ignore or perhaps never understood the history, importance, and value of religious freedom. They seem to treat religious freedom as optional and are willing to cast it aside as a casualty of achieving other objectives. That would be a grave error.

I wish to describe to my colleagues the backdrop for considering or implementing these recent social and cultural changes. The religious freedom Americans enjoy has been nearly 400 years in the making. Almost two centuries before American independence, one religious community after another came to these shores seeking freedom to practice their faith. Professor Michael McConnell, perhaps America’s most distinguished scholar of property, writes that by the time the First Amendment was ratified, “the American states had already experienced 150
years of a higher degree of religious diversity than had existed anywhere else in the world.'

The first individual right in the Bill of Rights is the free exercise of religion. The choice of words is significant. The Bill of Rights does not protect only some exercises of religion or religious exercise only by some people but the free exercise of religion itself. This term, the free exercise of religion, had appeared in the legal documents at least as early as 1648 and was a deliberate choice by those drafting the new Constitution.

In 1776, the Virginia legislature considered a constitution for the Commonwealth. George Mason proposed this language, "that all men should enjoy the fullest toleration in the exercise of religion." James Madison thought this implied that the right to practice religion was a governmental favor rather than a right. He altered this language instead. "All men are equally entitled to the full and free exercise of [religion], according to the dictates of conscience." America’s Founders saw religious freedom as an inalienable right that government must respect rather than something the government can decide whether to tolerate. In fact, as Supreme Court Justice Arthur Goldberg has written, America’s Founders saw religious freedom as preeminent among fundamental rights.

Religious freedom in America has two general features. It is universal in that it is a natural right shared by all people equally and collectively. The advocates I am concerned about today—18 Republicans and 14 Democrats—voted for that position either here or when they served in the House. In 1776, George Washington and President James Madison, in his proclamation on January 16 as Religious Freedom Day. On that day in 1786, the Virginia legislature adopted the Statute for Religious Freedom. In his proclamation, President Clinton proclaimed in his proclamation on religious freedom to be a fundamental human right, essential to our dignity as human beings, one of the most sacred of human rights, one of the core values of our democracy.

President George W. Bush said in his proclamation on his Religious Freedom Day that religious freedom is the foundation of our associations, the birthright of every man, woman, and child throughout the world, one of our Nation’s most cherished values, one of our fundamental freedoms, and a cornerstone of our Republic.

President Obama has said in his proclamations that religious freedom is one of our country’s fundamental liberties, the right of every person to practice their faith, how they choose, a critical addition to our Nation’s liberty, a universal human right, an essential part of human dignity, a natural right of all humanity.

The Supreme Court has held many times that religious freedom is a fundamental right, and it did in 1981, has held that the First Amendment “by its terms, gives special protection to the exercise of religion.”

There is no getting around the fact that universal and robust religious freedom is the foundation of this Nation and an integral part of our national identity and character. It is a preeminent right recognized by all three branches as fundamental. That is an important word. This is our heritage, and it is the backdrop for our debates occurring today over social and cultural changes.

Some advocates of these changes are spinning a fictional tale about religious freedom in America. They may feel this narrative serves their political agenda, but that does not make their narrative true.

As I described earlier, religious freedom is both universal and robust. It includes both belief and behavior in public and in private, individually and collectively. The advocates I have described want instead to make religious freedom selective rather than universal and reduce it to nothing more than an individual private belief.

One of my Senate colleagues, for example, said in an interview shortly after the Supreme Court’s decision that the First Amendment protects the freedom of “institutions of faith . . . to observe deeply held religious beliefs. But I don’t think it extends far beyond that.”

This is more than rhetorical spin in the service of a political agenda; this is simply wrong. From its very origin, the concept of religious freedom in America has always been an individual right. From the earliest laws of the 17th century, to the founding of America in the 18th century, to the laws, treaties, and proclamations of the 19th, 20th, and 21st centuries, religious freedom is first and foremost an individual right.

The Supreme Court’s very first case involving the free exercise of religion in 1878 involved an individual. Adell Sherbert in the 1960s and Paula Hobbie in the 1980s—both Seventh-day Adventists—went to the Supreme Court after being fired for refusing to work on the Sabbath. Permanently notorious free exercise case, Employment Division v. Smith, was brought by an individual. Whether these individuals won or lost, never did the courts say the right to religious exercise was not theirs.

The argument by some that institutions but not individuals exercise religious freedom is mystifying for another reason. Congress enacted the Religious Freedom Restoration Act—an act that had a lot to do in 1993 to make it difficult for government to interfere with the free exercise of religion. We saw it coming and we passed that bill 97 to 3, and it passed unanimously in the House.

When a company went to court arguing that a Federal mandate burdened its religious exercise, liberals objected because, they said, only individuals may exercise religion. But now they say that only churches exercise religious freedom. Think about the history at one time that only individuals may exercise religion, and now they are saying only churches can. Which is it—churches, individuals, or, as some would have it, none of the above.

The Supreme Court also contributed to this false narrative in its recent marriage decision by saying that the First Amendment protects religious organizations and persons, as they advocate or teach principles that are important to them. But that is the First Amendment, nor does that describe its full meaning. Advocating or teaching would be protected under the First Amendment’s free speech clause. The First Amendment separately protects the free exercise of religion, which includes much more.

The current debates over social and cultural changes, including same-sex marriage and prohibiting discrimination based on sexual orientation and gender identity, must take proper account of the history, importance, and value of religious freedom. This is not a new concern. The Becket Fund for Religious Liberty, for example, had a
conference on this topic 10 years ago. Scholars on both sides of the same-sex marriage issue agreed that legislating same-sex marriage without robust religious accommodations would create widespread legal conflict. In 2009, a group of scholars led by then Governor Jon Corzine of New Jersey legislature, which was considering a bill to legalize same-sex marriage, outlining such conflicts for both individuals and organizations.

I believe the best way forward is clearly religious freedom should be properly accommodated rather than ignored, disparaged, or distorted, as some would do. Those acting on their religious beliefs about marriage, for example, should not face government retaliation or discrimination. And statutes prohibiting discrimination should include robust religious exemptions. Doing so expands rights and protections on one side without diminishing or eliminating them on the other. I supported the Employment Non-Discrimination Act in my years in the Congress. For example, because it took this balanced approach. And my State of Utah similarly enacted a law that both protects against discrimination and protects the exercise of religion.

Government should not be in the business of retaliating against people because of their religious beliefs. This is true when individuals worship privately as well as when they gather together in religious organizations or as social movements. It undermines religious freedom and sends the message that the opinions of government officials trump rights of conscience. It tells worshippers that their right to religious exercise—from being fundamental—exists at the pleasure of the State. That is precisely the view that James Madison, the primary author of the Bill of Rights, rejected.

Government retaliation further tells the believer that he or she is disfavored; the believer’s views are out of bounds; they have no place in our modern, advanced age. This view of government as the supreme arbiter of faith and morality is contrary to the vision of our Founders. It is contrary to the First Amendment. It is contrary to the line of cases that culminated in the Supreme Court’s recent marriage decision. It is contrary to intimate conduct, the Court said, must be struck down because moral disapproval cannot form the basis of law. How ironic it would be if the very principle that underlay the victory over traditional marriage were suddenly cast aside in the effort to enforce the new morality.

When government tells religious believers that they must conform to current State creeds or lose out on contracts, licenses, accreditation, funding, and other benefits, it puts them in an extremely difficult and indeed sometimes impossible position—or even violate their beliefs or forgo something which others have ready access to and which you may need to carry out your mission.

Government should not be in the business of coercing citizens to conduct their sincerely held religious beliefs. Under the Constitution, government should allow space for the free exercise of religion. Surely we can work to end discrimination without retaliating against religious groups and schools for following practices they all agree is rooted in a more religious belief. Surely there is space in anti-discrimination laws, such as the one recently introduced here in the Senate, for religious exemptions for religiously affiliated groups, schools, and organizations.

My point today is that religious freedom is not optional. It is a fundamental human right that is central to our existence and identity as a nation, and it is the backdrop against which the current debates about social and cultural roles for the person. These are the Williamsburg Charter’s principles about religious freedom. They agree with America’s call for a Bill of Rights to be added to the Constitution.

The charter presents certain first principles that are in the shared interest of all Americans. These include that religious freedom is a precious, fundamental right; and it underlies all our rights. Surely we can agree on that, and it is even a basis for our existence and identity as a nation, and it is the backdrop against which the current debates about the role of religion. Surely there is space in anti-discrimination laws, such as the one recently introduced here in the Senate, for religious exemptions for religiously affiliated groups, schools, and organizations.

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