

In the House of Representatives, U. S.,

November 5, 2015.

Resolved, That the House agree to the amendment of the Senate to the title of the bill (H.R. 22) entitled “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 employer mandate applies under the Patient Protection and Affordable Care Act.” and be it further

Resolved, That the House agree to the amendment of the Senate to the text of the aforementioned bill, with the following

HOUSE AMENDMENT TO SENATE AMENDMENT:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

1 DIVISION A—SURFACE ***2 TRANSPORTATION***

3 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Surface Transportation Reauthorization and Reform Act
6 of 2015”.

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

DIVISION A—SURFACE TRANSPORTATION

- Sec. 1. Short title; table of contents.*
- Sec. 2. Definitions.*
- Sec. 3. Effective date.*
- Sec. 4. References.*

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

- Sec. 1101. Authorization of appropriations.*
- Sec. 1102. Obligation ceiling.*
- Sec. 1103. Definitions.*
- Sec. 1104. Apportionment.*
- Sec. 1105. National highway performance program.*
- Sec. 1106. Surface transportation block grant program.*
- Sec. 1107. Railway-highway grade crossings.*
- Sec. 1108. Highway safety improvement program.*
- Sec. 1109. Congestion mitigation and air quality improvement program.*
- Sec. 1110. National highway freight policy.*
- Sec. 1111. Nationally significant freight and highway projects.*
- Sec. 1112. Territorial and Puerto Rico highway program.*
- Sec. 1113. Federal lands and tribal transportation program.*
- Sec. 1114. Tribal transportation program.*
- Sec. 1115. Federal lands transportation program.*
- Sec. 1116. Tribal transportation self-governance program.*
- Sec. 1117. Emergency relief.*
- Sec. 1118. Highway use tax evasion projects.*
- Sec. 1119. Bundling of bridge projects.*
- Sec. 1120. Tribal High Priority Projects program.*
- Sec. 1121. Construction of ferry boats and ferry terminal facilities.*

Subtitle B—Planning and Performance Management

- Sec. 1201. Metropolitan transportation planning.*
- Sec. 1202. Statewide and nonmetropolitan transportation planning.*

Subtitle C—Acceleration of Project Delivery

- Sec. 1301. Satisfaction of requirements for certain historic sites.*
- Sec. 1302. Treatment of improvements to rail and transit under preservation requirements.*
- Sec. 1303. Clarification of transportation environmental authorities.*
- Sec. 1304. Treatment of certain bridges under preservation requirements.*
- Sec. 1305. Efficient environmental reviews for project decisionmaking.*
- Sec. 1306. Improving transparency in environmental reviews.*
- Sec. 1307. Integration of planning and environmental review.*
- Sec. 1308. Development of programmatic mitigation plans.*
- Sec. 1309. Delegation of authorities.*
- Sec. 1310. Categorical exclusion for projects of limited Federal assistance.*
- Sec. 1311. Application of categorical exclusions for multimodal projects.*
- Sec. 1312. Surface transportation project delivery program.*
- Sec. 1313. Program for eliminating duplication of environmental reviews.*
- Sec. 1314. Assessment of progress on accelerating project delivery.*
- Sec. 1315. Improving State and Federal agency engagement in environmental reviews.*

- Sec. 1316. Accelerated decisionmaking in environmental reviews.*
Sec. 1317. Aligning Federal environmental reviews.

Subtitle D—Miscellaneous

- Sec. 1401. Tolling; HOV facilities; Interstate reconstruction and rehabilitation.*
Sec. 1402. Prohibition on the use of funds for automated traffic enforcement.
Sec. 1403. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.
Sec. 1404. Highway Trust Fund transparency and accountability.
Sec. 1405. High priority corridors on National Highway System.
Sec. 1406. Flexibility for projects.
Sec. 1407. Productive and timely expenditure of funds.
Sec. 1408. Consolidation of programs.
Sec. 1409. Federal share payable.
Sec. 1410. Elimination or modification of certain reporting requirements.
Sec. 1411. Technical corrections.
Sec. 1412. Safety for users.
Sec. 1413. Design standards.
Sec. 1414. Reserve fund.
Sec. 1415. Adjustments.
Sec. 1416. National electric vehicle charging, hydrogen, propane, and natural gas fueling corridors.
Sec. 1417. Ferries.
Sec. 1418. Study on performance of bridges.
Sec. 1419. Relinquishment of park-and-ride lot facilities.
Sec. 1420. Pilot program.
Sec. 1421. Innovative project delivery examples.
Sec. 1422. Administrative provisions to encourage pollinator habitat and forage on transportation rights-of-way.
Sec. 1423. Milk products.
Sec. 1424. Interstate weight limits for emergency vehicles.
Sec. 1425. Vehicle weight limitations—Interstate System.
Sec. 1426. New national goal, performance measure, and performance target.
Sec. 1427. Service club, charitable association, or religious service signs.
Sec. 1428. Work zone and guard rail safety training.
Sec. 1429. Motorcyclist advisory council.
Sec. 1430. Improvement of data collection on child occupants in vehicle crashes.
Sec. 1431. Highway work zones.
Sec. 1432. Study on State procurement of culvert and storm sewer materials.
Sec. 1433. Use of durable, resilient, and sustainable materials and practices.
Sec. 1434. Strategy to address structurally deficient bridges.
Sec. 1435. Sense of Congress.
Sec. 1436. Identification of roadside highway safety hardware devices.
Sec. 1437. Use of modeling and simulation technology.
Sec. 1438. National Advisory Committee on Travel and Tourism Infrastructure.
Sec. 1439. Regulation of motor carriers of property.
Sec. 1440. Emergency exemptions.
Sec. 1441. Program to assist veterans to acquire commercial driver's licenses.
Sec. 1442. Operation of certain specialized vehicles on certain highways in the State of Arkansas.
Sec. 1443. Projects for public safety relating to idling trains.
Sec. 1444. Exemptions from requirements for certain welding trucks used in pipeline industry.
Sec. 1445. Waiver.

Sec. 1446. Federal authority.

TITLE II—INNOVATIVE PROJECT FINANCE

Sec. 2001. Transportation Infrastructure Finance and Innovation Act of 1998 amendments.

Sec. 2002. State infrastructure bank program.

Sec. 2003. Availability payment concession model.

Sec. 2004. Streamlined application process.

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Sec. 3002. Definitions.

Sec. 3003. Metropolitan and statewide transportation planning.

Sec. 3004. Urbanized area formula grants.

Sec. 3005. Fixed guideway capital investment grants.

Sec. 3006. Formula grants for enhanced mobility of seniors and individuals with disabilities.

Sec. 3007. Formula grants for rural areas.

Sec. 3008. Public transportation innovation.

Sec. 3009. Technical assistance and workforce development.

Sec. 3010. Bicycle facilities.

Sec. 3011. General provisions.

Sec. 3012. Public transportation safety program.

Sec. 3013. Apportionments.

Sec. 3014. State of good repair grants.

Sec. 3015. Authorizations.

Sec. 3016. Bus and bus facility grants.

Sec. 3017. Obligation ceiling.

Sec. 3018. Innovative procurement.

Sec. 3019. Review of public transportation safety standards.

Sec. 3020. Study on evidentiary protection for public transportation safety program information.

Sec. 3021. Mobility of seniors and individuals with disabilities.

Sec. 3022. Improved transit safety measures.

Sec. 3023. Paratransit system under FTA approved coordinated plan.

Sec. 3024. Report on potential of Internet of Things.

Sec. 3025. Report on parking safety.

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Sec. 3027. Effectiveness of public transportation changes and funding.

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- Sec. 6004. Technology and innovation deployment program.*
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- Sec. 6007. Intelligent transportation system national architecture and standards.*
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Sec. 24302. Limitations on data retrieval from vehicle event data recorders.

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Sec. 24404. Nonapplication of prohibitions relating to noncomplying motor vehicles to vehicles used for testing or evaluation.

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Subtitle B—Additional Transfers to Highway Trust Fund

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Sec. 41007. Litigation, judicial review, and savings provision.
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TITLE XLII—ADDITIONAL PROVISIONS

- Sec. 42001. Determination of certain spending and tax burdens by State.*
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TITLE XLIII—REQUIREMENTS REGARDING RULE MAKINGS

- Sec. 43001. Requirements regarding rule makings.*

DIVISION E—EXPORT-IMPORT BANK OF THE UNITED STATES

- Sec. 50001. Short title.*

TITLE LI—TAXPAYER PROTECTION PROVISIONS AND INCREASED ACCOUNTABILITY

- Sec. 51001. Reduction in authorized amount of outstanding loans, guarantees, and insurance.*
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TITLE LV—OTHER MATTERS

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Sec. 71001. Filing requirement for public filing prior to public offering.

Sec. 71002. Grace period for change of status of emerging growth companies.

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TITLE LXXII—DISCLOSURE MODERNIZATION AND SIMPLIFICATION

Sec. 72001. Summary page for form 10-K.

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

Sec. 73001. Technical corrections.

Sec. 73002. American Eagle Silver Bullion 30th Anniversary.

TITLE LXXIV—SBIC ADVISERS RELIEF

Sec. 74001. Advisers of SBICs and venture capital funds.

Sec. 74002. Advisers of SBICs and private funds.

Sec. 74003. Relationship to State law.

TITLE LXXV—ELIMINATE PRIVACY NOTICE CONFUSION

Sec. 75001. Exception to annual privacy notice requirement under the Gramm-Leach-Bliley Act.

TITLE LXXVI—REFORMING ACCESS FOR INVESTMENTS IN STARTUP ENTERPRISES

Sec. 76001. Exempted transactions.

TITLE LXXVII—PRESERVATION ENHANCEMENT AND SAVINGS OPPORTUNITY

Sec. 77001. Distributions and residual receipts.

Sec. 77002. Future refinancings.

Sec. 77003. Implementation.

TITLE LXXVIII—TENANT INCOME VERIFICATION RELIEF

Sec. 78001. Reviews of family incomes.

TITLE LXXIX—HOUSING ASSISTANCE EFFICIENCY

Sec. 79001. Authority to administer rental assistance.

Sec. 79002. Reallocation of funds.

TITLE LXXX—CHILD SUPPORT ASSISTANCE

Sec. 80001. Requests for consumer reports by State or local child support enforcement agencies.

TITLE LXXXI—PRIVATE INVESTMENT IN HOUSING

Sec. 81001. Budget-neutral demonstration program for energy and water conservation improvements at multifamily residential units.

TITLE LXXXII—CAPITAL ACCESS FOR SMALL COMMUNITY FINANCIAL INSTITUTIONS

Sec. 82001. Privately insured credit unions authorized to become members of a Federal home loan bank.

Sec. 82002. GAO Report.

TITLE LXXXIII—SMALL BANK EXAM CYCLE REFORM

Sec. 83001. Smaller institutions qualifying for 18-month examination cycle.

TITLE LXXXIV—SMALL COMPANY SIMPLE REGISTRATION

Sec. 84001. Forward incorporation by reference for Form S-1.

TITLE LXXXV—HOLDING COMPANY REGISTRATION THRESHOLD EQUALIZATION

Sec. 85001. Registration threshold for savings and loan holding companies.

1 SEC. 2. DEFINITIONS.

2 *In this Act, the following definitions apply:*

1 (1) *DEPARTMENT.*—*The term “Department”*
 2 *means the Department of Transportation.*

3 (2) *SECRETARY.*—*The term “Secretary” means*
 4 *the Secretary of Transportation.*

5 **SEC. 3. EFFECTIVE DATE.**

6 *Except as otherwise provided, this Act, including the*
 7 *amendments made by this Act, takes effect on October 1,*
 8 *2015.*

9 **SEC. 4. REFERENCES.**

10 *Except as expressly provided otherwise, any reference*
 11 *to “this Act” contained in this division shall be treated as*
 12 *referring only to the provisions of this division.*

13 **TITLE I—FEDERAL-AID**
 14 **HIGHWAYS**
 15 **Subtitle A—Authorizations and**
 16 **Programs**

17 **SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.**

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

21 (1) *FEDERAL-AID HIGHWAY PROGRAM.*—*For the*
 22 *national highway performance program under section*
 23 *119 of title 23, United States Code, the surface trans-*
 24 *portation block grant program under section 133 of*
 25 *that title, the highway safety improvement program*

under section 148 of that title, the congestion mitigation and air quality improvement program under section 149 of that title, and to carry out section 134 of that title—

(A) \$38,419,500,000 for fiscal year 2016;

(B) \$39,113,500,000 for fiscal year 2017;

(C) \$39,927,500,000 for fiscal year 2018;

(D) \$40,764,000,000 for fiscal year 2019;

(E) \$41,623,000,000 for fiscal year 2020;

and

(F) \$42,483,000,000 for fiscal year 2021.

(2) *TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION PROGRAM.*—For credit assistance under the transportation infrastructure finance and innovation program under chapter 6 of title 23, United States Code, \$200,000,000 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) \$465,000,000 for fiscal year 2016;

(ii) \$475,000,000 for fiscal year 2017;

(iii) \$485,000,000 for fiscal year 2018;

1 (iv) \$490,000,000 for fiscal year 2019;

2 (v) \$495,000,000 for fiscal year 2020;

3 and

4 (vi) \$500,000,000 for fiscal year 2021.

5 (B) *FEDERAL LANDS TRANSPORTATION PRO-*
6 *GRAM.*—

7 (i) *IN GENERAL.*—*For the Federal*
8 *lands transportation program under section*
9 *203 of title 23, United States Code—*

10 (I) \$325,000,000 for fiscal year
11 2016;

12 (II) \$335,000,000 for fiscal year
13 2017;

14 (III) \$345,000,000 for fiscal year
15 2018;

16 (IV) \$350,000,000 for fiscal year
17 2019;

18 (V) \$375,000,000 for fiscal year
19 2020; and

20 (VI) \$400,000,000 for fiscal year
21 2021.

22 (ii) *ALLOCATION.*—*Of the amount*
23 *made available for a fiscal year under*
24 *clause (i)—*

1 (I) the amount for the National
2 Park Service is—

3 (aa) \$260,000,000 for fiscal
4 year 2016;

5 (bb) \$268,000,000 for fiscal
6 year 2017;

7 (cc) \$276,000,000 for fiscal
8 year 2018;

9 (dd) \$280,000,000 for fiscal
10 year 2019;

11 (ee) \$300,000,000 for fiscal
12 year 2020; and

13 (ff) \$320,000,000 for fiscal
14 year 2021;

15 (II) the amount for the United
16 States Fish and Wildlife Service is
17 \$30,000,000 for each of fiscal years
18 2016 through 2021; and

19 (III) the amount for the United
20 States Forest Service is—

21 (aa) \$15,000,000 for fiscal
22 year 2016;

23 (bb) \$16,000,000 for fiscal
24 year 2017;

1 (cc) \$17,000,000 for fiscal
2 year 2018;

3 (dd) \$18,000,000 for fiscal
4 year 2019;

5 (ee) \$19,000,000 for fiscal
6 year 2020; and

7 (ff) \$20,000,000 for fiscal
8 year 2021.

9 (C) *FEDERAL LANDS ACCESS PROGRAM.*—
10 *For the Federal lands access program under sec-*
11 *tion 204 of title 23, United States Code—*

12 (i) \$250,000,000 for fiscal year 2016;

13 (ii) \$255,000,000 for fiscal year 2017;

14 (iii) \$260,000,000 for fiscal year 2018;

15 (iv) \$265,000,000 for fiscal year 2019;

16 (v) \$270,000,000 for fiscal year 2020;

17 and

18 (vi) \$275,000,000 for fiscal year 2021.

19 (4) *TERRITORIAL AND PUERTO RICO HIGHWAY*
20 *PROGRAM.*—*For the territorial and Puerto Rico high-*
21 *way program under section 165 of title 23, United*
22 *States Code, \$200,000,000 for each of fiscal years*
23 *2016 through 2021.*

24 (5) *NATIONALLY SIGNIFICANT FREIGHT AND*
25 *HIGHWAY PROJECTS.*—*For nationally significant*

1 *freight and highway projects under section 117 of title*
2 *23, United States Code—*

3 *(A) \$725,000,000 for fiscal year 2016;*

4 *(B) \$735,000,000 for fiscal year 2017; and*

5 *(C) \$750,000,000 for each of fiscal years*
6 *2018 through 2021.*

7 *(b) DISADVANTAGED BUSINESS ENTERPRISES.—*

8 *(1) FINDINGS.—Congress finds that—*

9 *(A) while significant progress has occurred*
10 *due to the establishment of the disadvantaged*
11 *business enterprise program, discrimination and*
12 *related barriers continue to pose significant ob-*
13 *stacles for minority- and women-owned busi-*
14 *nesses seeking to do business in federally assisted*
15 *surface transportation markets across the United*
16 *States;*

17 *(B) the continuing barriers described in*
18 *subparagraph (A) merit the continuation of the*
19 *disadvantaged business enterprise program;*

20 *(C) Congress has received and reviewed tes-*
21 *timony and documentation of race and gender*
22 *discrimination from numerous sources, including*
23 *congressional hearings and roundtables, scientific*
24 *reports, reports issued by public and private*
25 *agencies, news stories, reports of discrimination*

1 *by organizations and individuals, and discrimi-*
2 *nation lawsuits, which show that race- and gen-*
3 *der-neutral efforts alone are insufficient to ad-*
4 *dress the problem;*

5 *(D) the testimony and documentation de-*
6 *scribed in subparagraph (C) demonstrate that*
7 *discrimination across the United States poses a*
8 *barrier to full and fair participation in surface*
9 *transportation-related businesses of women busi-*
10 *ness owners and minority business owners and*
11 *has impacted firm development and many as-*
12 *pects of surface transportation-related business*
13 *in the public and private markets; and*

14 *(E) the testimony and documentation de-*
15 *scribed in subparagraph (C) provide a strong*
16 *basis that there is a compelling need for the con-*
17 *tinuation of the disadvantaged business enter-*
18 *prise program to address race and gender dis-*
19 *crimination in surface transportation-related*
20 *business.*

21 *(2) DEFINITIONS.—In this subsection, the fol-*
22 *lowing definitions apply:*

23 *(A) SMALL BUSINESS CONCERN.—*

24 *(i) IN GENERAL.—The term “small*
25 *business concern” means a small business*

1 concern (as the term is used in section 3 of
2 the Small Business Act (15 U.S.C. 632)).

3 (ii) *EXCLUSIONS.*—The term “small
4 business concern” does not include any con-
5 cern or group of concerns controlled by the
6 same socially and economically disadvan-
7 taged individual or individuals that have
8 average annual gross receipts during the
9 preceding 3 fiscal years in excess of
10 \$23,980,000, as adjusted annually by the
11 Secretary for inflation.

12 (B) *SOCIALLY AND ECONOMICALLY DIS-*
13 *ADVANTAGED INDIVIDUALS.*—The term “socially
14 and economically disadvantaged individuals”
15 has the meaning given the term in section 8(d)
16 of the Small Business Act (15 U.S.C. 637(d))
17 and relevant subcontracting regulations issued
18 pursuant to that Act, except that women shall be
19 presumed to be socially and economically dis-
20 advantaged individuals for purposes of this sub-
21 section.

22 (3) *AMOUNTS FOR SMALL BUSINESS CON-*
23 *CERNS.*—Except to the extent that the Secretary deter-
24 mines otherwise, not less than 10 percent of the
25 amounts made available for any program under titles

1 *I, II, III, and VI of this Act and section 403 of title*
 2 *23, United States Code, shall be expended through*
 3 *small business concerns owned and controlled by so-*
 4 *cially and economically disadvantaged individuals.*

5 (4) *ANNUAL LISTING OF DISADVANTAGED BUSI-*
 6 *NESS ENTERPRISES.—Each State shall annually—*

7 (A) *survey and compile a list of the small*
 8 *business concerns referred to in paragraph (3) in*
 9 *the State, including the location of the small*
 10 *business concerns in the State; and*

11 (B) *notify the Secretary, in writing, of the*
 12 *percentage of the small business concerns that*
 13 *are controlled by—*

14 (i) *women;*

15 (ii) *socially and economically dis-*
 16 *advantaged individuals (other than*
 17 *women); and*

18 (iii) *individuals who are women and*
 19 *are otherwise socially and economically dis-*
 20 *advantaged individuals.*

21 (5) *UNIFORM CERTIFICATION.—*

22 (A) *IN GENERAL.—The Secretary shall es-*
 23 *tablish minimum uniform criteria for use by*
 24 *State governments in certifying whether a con-*

cern qualifies as a small business concern for the purpose of this subsection.

(B) *INCLUSIONS.*—The minimum uniform criteria established under subparagraph (A) shall include, with respect to a potential small business concern—

(i) on-site visits;

(ii) personal interviews with personnel;

(iii) issuance or inspection of licenses;

(iv) analyses of stock ownership;

(v) listings of equipment;

(vi) analyses of bonding capacity;

(vii) listings of work completed;

(viii) examination of the resumes of principal owners;

(ix) analyses of financial capacity;

and

(x) analyses of the type of work preferred.

(6) *REPORTING.*—The Secretary shall establish minimum requirements for use by State governments in reporting to the Secretary—

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

1 (B) such other information as the Secretary
2 determines to be appropriate for the proper mon-
3 itoring of the disadvantaged business enterprise
4 program.

5 (7) COMPLIANCE WITH COURT ORDERS.—Noth-
6 ing in this subsection limits the eligibility of an indi-
7 vidual or entity to receive funds made available
8 under titles I, II, III, and VI of this Act and section
9 403 of title 23, United States Code, if the entity or
10 person is prevented, in whole or in part, from com-
11 plying with paragraph (3) because a Federal court
12 issues a final order in which the court finds that a
13 requirement or the implementation of paragraph (3)
14 is unconstitutional.

15 (8) SENSE OF CONGRESS ON PROMPT PAYMENT
16 OF DBE SUBCONTRACTORS.—It is the sense of Con-
17 gress that—

18 (A) the Secretary should take additional
19 steps to ensure that recipients comply with sec-
20 tion 26.29 of title 49, Code of Federal Regula-
21 tions (the disadvantaged business enterprises
22 prompt payment rule), or any corresponding
23 regulation, in awarding federally funded trans-
24 portation contracts under laws and regulations
25 administered by the Secretary; and

1 *(B) such additional steps should include in-*
 2 *creasing the Department's ability to track and*
 3 *keep records of complaints and to make that in-*
 4 *formation publicly available.*

5 **SEC. 1102. OBLIGATION CEILING.**

6 *(a) GENERAL LIMITATION.—Subject to subsection (e),*
 7 *and notwithstanding any other provision of law, the obliga-*
 8 *tions for Federal-aid highway and highway safety construc-*
 9 *tion programs shall not exceed—*

10 *(1) \$40,867,000,000 for fiscal year 2016;*

11 *(2) \$41,599,000,000 for fiscal year 2017;*

12 *(3) \$42,453,000,000 for fiscal year 2018;*

13 *(4) \$43,307,000,000 for fiscal year 2019;*

14 *(5) \$44,201,000,000 for fiscal year 2020; and*

15 *(6) \$45,096,000,000 for fiscal year 2021.*

16 *(b) EXCEPTIONS.—The limitations under subsection*
 17 *(a) shall not apply to obligations under or for—*

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

19 *(2) section 147 of the Surface Transportation As-*
 20 *sistance Act of 1978 (23 U.S.C. 144 note; 92 Stat.*
 21 *2714);*

22 *(3) section 9 of the Federal-Aid Highway Act of*
 23 *1981 (95 Stat. 1701);*

1 (4) subsections (b) and (j) of section 131 of the
2 *Surface Transportation Assistance Act of 1982* (96
3 *Stat. 2119*);

4 (5) subsections (b) and (c) of section 149 of the
5 *Surface Transportation and Uniform Relocation As-*
6 *sistance Act of 1987* (101 *Stat. 198*);

7 (6) sections 1103 through 1108 of the *Intermodal*
8 *Surface Transportation Efficiency Act of 1991* (105
9 *Stat. 2027*);

10 (7) section 157 of title 23, *United States Code*
11 *(as in effect on June 8, 1998)*;

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

16 (9) *Federal-aid highway programs for which ob-*
17 *ligation authority was made available under the*
18 *Transportation Equity Act for the 21st Century* (112
19 *Stat. 107)* or subsequent Acts for multiple years or to
20 *remain available until expended, but only to the ex-*
21 *tent that the obligation authority has not lapsed or*
22 *been used*;

23 (10) section 105 of title 23, *United States Code*
24 *(as in effect for fiscal years 2005 through 2012, but*

1 *only in an amount equal to \$639,000,000 for each of*
 2 *those fiscal years);*

3 *(11) section 1603 of SAFETEA-LU (23 U.S.C.*
 4 *118 note; 119 Stat. 1248), to the extent that funds ob-*
 5 *ligated in accordance with that section were not sub-*
 6 *ject to a limitation on obligations at the time at*
 7 *which the funds were initially made available for ob-*
 8 *ligation;*

9 *(12) section 119 of title 23, United States Code*
 10 *(as in effect for fiscal years 2013 through 2015, but*
 11 *only in an amount equal to \$639,000,000 for each of*
 12 *those fiscal years); and*

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

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

19 *(1) shall not distribute obligation authority pro-*
 20 *vided by subsection (a) for the fiscal year for—*

21 *(A) amounts authorized for administrative*
 22 *expenses and programs by section 104(a) of title*
 23 *23, United States Code; and*

24 *(B) amounts authorized for the Bureau of*
 25 *Transportation Statistics;*

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

(A) made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highway and highway safety construction programs for previous fiscal years the funds for which are allocated by the Secretary (or apportioned by the Secretary under section 202 or 204 of title 23, United States Code); and

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

(3) shall determine the proportion that—

(A) the obligation authority provided by subsection (a) for the fiscal year, less the aggregate of amounts not distributed under paragraphs (1) and (2) of this subsection; bears to

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

1 ferred to in subsection (b)(13) for the fiscal
2 year), less the aggregate of the amounts not dis-
3 tributed under paragraphs (1) and (2) of this
4 subsection;

5 (4) shall distribute the obligation authority pro-
6 vided by subsection (a), less the aggregate amounts
7 not distributed under paragraphs (1) and (2), for
8 each of the programs (other than programs to which
9 paragraph (1) applies) that are allocated by the Sec-
10 retary under this Act and title 23, United States
11 Code, or apportioned by the Secretary under sections
12 202 or 204 of that title, by multiplying—

13 (A) the proportion determined under para-
14 graph (3); by

15 (B) the amounts authorized to be appro-
16 priated for each such program for the fiscal year;
17 and

18 (5) shall distribute the obligation authority pro-
19 vided by subsection (a), less the aggregate amounts
20 not distributed under paragraphs (1) and (2) and the
21 amounts distributed under paragraph (4), for Fed-
22 eral-aid highway and highway safety construction
23 programs that are apportioned by the Secretary
24 under title 23, United States Code (other than the
25 amounts apportioned for the national highway per-

1 *formance program in section 119 of title 23, United*
 2 *States Code, that are exempt from the limitation*
 3 *under subsection (b)(13) and the amounts appor-*
 4 *tioned under sections 202 and 204 of that title) in the*
 5 *proportion that—*

6 *(A) amounts authorized to be appropriated*
 7 *for the programs that are apportioned under title*
 8 *23, United States Code, to each State for the fis-*
 9 *cal year; bears to*

10 *(B) the total of the amounts authorized to*
 11 *be appropriated for the programs that are ap-*
 12 *portioned under title 23, United States Code, to*
 13 *all States for the fiscal year.*

14 *(d) REDISTRIBUTION OF UNUSED OBLIGATION AU-*
 15 *THORITY.—Notwithstanding subsection (c), the Secretary*
 16 *shall, after August 1 of each of fiscal years 2016 through*
 17 *2021—*

18 *(1) revise a distribution of the obligation author-*
 19 *ity made available under subsection (c) if an amount*
 20 *distributed cannot be obligated during that fiscal*
 21 *year; and*

22 *(2) redistribute sufficient amounts to those States*
 23 *able to obligate amounts in addition to those pre-*
 24 *viously distributed during that fiscal year, giving pri-*
 25 *ority to those States having large unobligated bal-*

1 *ances of funds apportioned under sections 144 (as in*
 2 *effect on the day before the date of enactment of*
 3 *MAP-21 (Public Law 112-141)) and 104 of title 23,*
 4 *United States Code.*

5 *(e) APPLICABILITY OF OBLIGATION LIMITATIONS TO*
 6 *TRANSPORTATION RESEARCH PROGRAMS.—*

7 *(1) IN GENERAL.—Except as provided in para-*
 8 *graph (2), obligation limitations imposed by sub-*
 9 *section (a) shall apply to contract authority for trans-*
 10 *portation research programs carried out under—*

11 *(A) chapter 5 of title 23, United States*
 12 *Code; and*

13 *(B) title VI of this Act.*

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

16 *(A) remain available for a period of 4 fiscal*
 17 *years; and*

18 *(B) be in addition to the amount of any*
 19 *limitation imposed on obligations for Federal-*
 20 *aid highway and highway safety construction*
 21 *programs for future fiscal years.*

22 *(f) REDISTRIBUTION OF CERTAIN AUTHORIZED*
 23 *FUNDS.—*

24 *(1) IN GENERAL.—Not later than 30 days after*
 25 *the date of distribution of obligation authority under*

1 *subsection (c) for each of fiscal years 2016 through*
 2 *2021, the Secretary shall distribute to the States any*
 3 *funds (excluding funds authorized for the program*
 4 *under section 202 of title 23, United States Code)*
 5 *that—*

6 *(A) are authorized to be appropriated for*
 7 *the fiscal year for Federal-aid highway pro-*
 8 *grams; and*

9 *(B) the Secretary determines will not be al-*
 10 *located to the States (or will not be apportioned*
 11 *to the States under section 204 of title 23,*
 12 *United States Code), and will not be available*
 13 *for obligation, for the fiscal year because of the*
 14 *imposition of any obligation limitation for the*
 15 *fiscal year.*

16 *(2) RATIO.—Funds shall be distributed under*
 17 *paragraph (1) in the same proportion as the distribu-*
 18 *tion of obligation authority under subsection (c)(5).*

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

23 **SEC. 1103. DEFINITIONS.**

24 *Section 101(a) of title 23, United States Code, is*
 25 *amended—*

1 (1) *by striking paragraph (29);*

2 (2) *by redesignating paragraphs (15) through*
 3 *(28) as paragraphs (16) through (29), respectively;*
 4 *and*

5 (3) *by inserting after paragraph (14) the fol-*
 6 *lowing:*

7 “(15) *NATIONAL HIGHWAY FREIGHT NETWORK.—*
 8 *The term ‘National Highway Freight Network’ means*
 9 *the National Highway Freight Network established*
 10 *under section 167.”.*

11 **SEC. 1104. APPORTIONMENT.**

12 (a) *ADMINISTRATIVE EXPENSES.—Section 104(a)(1)*
 13 *of title 23, United States Code, is amended to read as fol-*
 14 *lows:*

15 “(1) *IN GENERAL.—There is authorized to be ap-*
 16 *propriated from the Highway Trust Fund (other than*
 17 *the Mass Transit Account) to be made available to the*
 18 *Secretary for administrative expenses of the Federal*
 19 *Highway Administration \$440,000,000 for each of fis-*
 20 *cal years 2016 through 2021.”.*

21 (b) *DIVISION AMONG PROGRAMS OF STATE’S SHARE*
 22 *OF BASE APPORTIONMENT.—Section 104(b) of title 23,*
 23 *United States Code, is amended—*

24 (1) *in the subsection heading by striking “DIVI-*
 25 *SION OF STATE APPORTIONMENTS AMONG PRO-*

1 *GRAMS*” and inserting “*DIVISION AMONG PROGRAMS*
 2 *OF STATE’S SHARE OF BASE APPORTIONMENT*”;

3 (2) *in the matter preceding paragraph (1)—*

4 (A) *by inserting “of the base appor-
 5 tionment” after “the amount”; and*

6 (B) *by striking “surface transportation pro-
 7 gram” and inserting “surface transportation
 8 block grant program”;*

9 (3) *in paragraph (2)—*

10 (A) *in the paragraph heading by striking*
 11 “*SURFACE TRANSPORTATION PROGRAM*” *and in-*
 12 *serting “SURFACE TRANSPORTATION BLOCK*
 13 *GRANT PROGRAM”;* *and*

14 (B) *by striking “surface transportation pro-
 15 gram” and inserting “surface transportation
 16 block grant program”; and*

17 (4) *in each of paragraphs (4) and (5), in the*
 18 *matter preceding subparagraph (A), by inserting “of*
 19 *the base apportionment” after “the amount”.*

20 (c) *CALCULATION OF STATE AMOUNTS.—Section*
 21 *104(c) of title 23, United States Code, is amended to read*
 22 *as follows:*

23 “(c) *CALCULATION OF AMOUNTS.—*

1 “(1) *STATE SHARE*.—For each of fiscal years
 2 2016 through 2021, the amount for each State shall
 3 be determined as follows:

4 “(A) *INITIAL AMOUNTS*.—The initial
 5 amounts for each State shall be determined by
 6 multiplying—

7 “(i) each of—

8 “(I) the base apportionment;

9 “(II) supplemental funds reserved
 10 under subsection (h)(1) for the na-
 11 tional highway performance program;
 12 and

13 “(III) supplemental funds re-
 14 served under subsection (h)(2) for the
 15 surface transportation block grant pro-
 16 gram; by

17 “(ii) the share for each State, which
 18 shall be equal to the proportion that—

19 “(I) the amount of apporportion-
 20 ments that the State received for fiscal
 21 year 2015; bears to

22 “(II) the amount of those appor-
 23 tionments received by all States for
 24 that fiscal year.

1 “(B) *ADJUSTMENTS TO AMOUNTS.*—*The ini-*
2 *tial amounts resulting from the calculation*
3 *under subparagraph (A) shall be adjusted to en-*
4 *sure that each State receives an aggregate appor-*
5 *tionment equal to at least 95 percent of the esti-*
6 *mated tax payments attributable to highway*
7 *users in the State paid into the Highway Trust*
8 *Fund (other than the Mass Transit Account) in*
9 *the most recent fiscal year for which data are*
10 *available.*

11 “(2) *STATE APPORTIONMENT.*—*On October 1 of*
12 *fiscal years 2016 through 2021, the Secretary shall*
13 *apportion the sums authorized to be appropriated for*
14 *expenditure on the national highway performance*
15 *program under section 119, the surface transportation*
16 *block grant program under section 133, the highway*
17 *safety improvement program under section 148, the*
18 *congestion mitigation and air quality improvement*
19 *program under section 149, and to carry out section*
20 *134 in accordance with paragraph (1).”.*

21 “(d) *SUPPLEMENTAL FUNDS.*—*Section 104 of title 23,*
22 *United States Code, is amended by adding at the end the*
23 *following:*

24 “(h) *SUPPLEMENTAL FUNDS.*—

1 “(1) *SUPPLEMENTAL FUNDS FOR NATIONAL*
2 *HIGHWAY PERFORMANCE PROGRAM.*—

3 “(A) *AMOUNT.*—*Before making an appor-*
4 *tionment for a fiscal year under subsection (c),*
5 *the Secretary shall reserve for the national high-*
6 *way performance program under section 119 for*
7 *that fiscal year an amount equal to—*

8 “(i) \$53,596,122 for fiscal year 2019;

9 “(ii) \$66,717,816 for fiscal year 2020;

10 *and*

11 “(iii) \$79,847,397 for fiscal year 2021.

12 “(B) *TREATMENT OF FUNDS.*—*Funds re-*
13 *served under subparagraph (A) and apportioned*
14 *to a State under subsection (c) shall be treated*
15 *as if apportioned under subsection (b)(1), and*
16 *shall be in addition to amounts apportioned*
17 *under that subsection.*

18 “(2) *SUPPLEMENTAL FUNDS FOR SURFACE*
19 *TRANSPORTATION BLOCK GRANT PROGRAM.*—

20 “(A) *AMOUNT.*—*Before making an appor-*
21 *tionment for a fiscal year under subsection (c),*
22 *the Secretary shall reserve for the surface trans-*
23 *portation block grant program under section 133*
24 *for that fiscal year an amount equal to*
25 *\$819,900,000 pursuant to section 133(h), plus—*

- 1 “(i) \$70,526,310 for fiscal year 2016;
 2 “(ii) \$104,389,904 for fiscal year 2017;
 3 “(iii) \$148,113,536 for fiscal year
 4 2018;
 5 “(iv) \$160,788,367 for fiscal year 2019;
 6 “(v) \$200,153,448 for fiscal year 2020;
 7 and
 8 “(vi) \$239,542,191 for fiscal year 2021.

9 “(B) *TREATMENT OF FUNDS.*—*Funds re-*
 10 *served under subparagraph (A) and apportioned*
 11 *to a State under subsection (c) shall be treated*
 12 *as if apportioned under subsection (b)(2), and*
 13 *shall be in addition to amounts apportioned*
 14 *under that subsection.*

15 “(i) *BASE APPORTIONMENT DEFINED.*—*In this sec-*
 16 *tion, the term ‘base apportionment’ means—*

17 “(1) *the combined amount authorized for appro-*
 18 *priation for the national highway performance pro-*
 19 *gram under section 119, the surface transportation*
 20 *block grant program under section 133, the highway*
 21 *safety improvement program under section 148, the*
 22 *congestion mitigation and air quality improvement*
 23 *program under section 149, and to carry out section*
 24 *134; minus*

1 “(2) supplemental funds reserved under sub-
 2 section (h) for the national highway performance pro-
 3 gram and the surface transportation block grant pro-
 4 gram.”.

5 **SEC. 1105. NATIONAL HIGHWAY PERFORMANCE PROGRAM.**

6 Section 119 of title 23, United States Code, is amend-
 7 ed—

8 (1) in subsection (e)(7)—

9 (A) by striking “this paragraph” and in-
 10 serting “section 150(e)”; and

11 (B) by inserting “under section 150(e)”
 12 after “the next report submitted”; and

13 (2) by adding at the end the following:

14 “(h) *TIFIA PROGRAM*.—Upon Secretarial approval of
 15 credit assistance under chapter 6, the Secretary, at the re-
 16 quest of a State, may allow the State to use funds appor-
 17 tioned under section 104(b)(1) to pay subsidy and adminis-
 18 trative costs necessary to provide an eligible entity Federal
 19 credit assistance under chapter 6 with respect to a project
 20 eligible for assistance under this section.

21 “(i) *ADDITIONAL FUNDING ELIGIBILITY FOR CERTAIN*
 22 *BRIDGES*.—

23 “(1) *IN GENERAL*.—Funds apportioned to a
 24 State to carry out the national highway performance
 25 program may be obligated for a project for the recon-

1 *struction, resurfacing, restoration, rehabilitation, or*
 2 *preservation of a bridge not on the National Highway*
 3 *System, if the bridge is on a Federal-aid highway.*

4 “(2) *LIMITATION.*—A State required to make ob-
 5 *ligations under subsection (f) shall ensure such re-*
 6 *quirements are satisfied in order to use the flexibility*
 7 *under paragraph (1).”.*

8 **SEC. 1106. SURFACE TRANSPORTATION BLOCK GRANT PRO-**
 9 **GRAM.**

10 (a) *FINDINGS.*—Congress finds that—

11 (1) *the benefits of the surface transportation*
 12 *block grant program accrue principally to the resi-*
 13 *dents of each State and municipality where the funds*
 14 *are obligated;*

15 (2) *decisions about how funds should be obligated*
 16 *are best determined by the States and municipalities*
 17 *to respond to unique local circumstances and imple-*
 18 *ment the most efficient solutions; and*

19 (3) *reforms of the program to promote flexibility*
 20 *will enhance State and local control over transpor-*
 21 *tation decisions.*

22 (b) *SURFACE TRANSPORTATION BLOCK GRANT PRO-*
 23 *GRAM.*—Section 133 of title 23, United States Code, is
 24 *amended—*

1 (1) *by striking subsections (a), (b), (c), and (d)*
 2 *and inserting the following:*

3 “(a) *ESTABLISHMENT.—The Secretary shall establish*
 4 *a surface transportation block grant program in accordance*
 5 *with this section to provide flexible funding to address State*
 6 *and local transportation needs.*

7 “(b) *ELIGIBLE PROJECTS.—Funds apportioned to a*
 8 *State under section 104(b)(2) for the surface transportation*
 9 *block grant program may be obligated for the following:*

10 “(1) *Construction of—*

11 “(A) *highways, bridges, tunnels, including*
 12 *designated routes of the Appalachian develop-*
 13 *ment highway system and local access roads*
 14 *under section 14501 of title 40;*

15 “(B) *ferry boats and terminal facilities eli-*
 16 *gible for funding under section 129(c);*

17 “(C) *transit capital projects eligible for as-*
 18 *sistance under chapter 53 of title 49;*

19 “(D) *infrastructure-based intelligent trans-*
 20 *portation systems capital improvements;*

21 “(E) *truck parking facilities eligible for*
 22 *funding under section 1401 of MAP–21 (23*
 23 *U.S.C. 137 note); and*

1 “(F) border infrastructure projects eligible
2 for funding under section 1303 of SAFETEA–
3 LU (23 U.S.C. 101 note).

4 “(2) Operational improvements and capital and
5 operating costs for traffic monitoring, management,
6 and control facilities and programs.

7 “(3) Environmental measures eligible under sec-
8 tions 119(g), 328, and 329 and transportation control
9 measures listed in section 108(f)(1)(A) (other than
10 clause (xvi) of that section) of the Clean Air Act (42
11 U.S.C. 7408(f)(1)(A)).

12 “(4) Highway and transit safety infrastructure
13 improvements and programs, including railway-high-
14 way grade crossings.

15 “(5) Fringe and corridor parking facilities and
16 programs in accordance with section 137 and carpool
17 projects in accordance with section 146.

18 “(6) Recreational trails projects eligible for fund-
19 ing under section 206, pedestrian and bicycle projects
20 in accordance with section 217 (including modifica-
21 tions to comply with accessibility requirements under
22 the Americans with Disabilities Act of 1990 (42
23 U.S.C. 12101 et seq.)), and the safe routes to school
24 program under section 1404 of SAFETEA–LU (23
25 U.S.C. 402 note).

1 “(7) *Planning, design, or construction of boulevards and other roadways largely in the right-of-way*
2 *of former Interstate System routes or other divided*
3 *highways.*

5 “(8) *Development and implementation of a State asset management plan for the National Highway*
6 *System and a performance-based management program for other public roads.*

9 “(9) *Protection (including painting, scour countermeasures, seismic retrofits, impact protection measures, security countermeasures, and protection against extreme events) for bridges (including approaches to bridges and other elevated structures) and*
10 *tunnels on public roads, and inspection and evaluation of bridges and tunnels and other highway assets.*

16 “(10) *Surface transportation planning programs, highway and transit research and development and technology transfer programs, and workforce development, training, and education under chapter 5*
17 *of this title.*

21 “(11) *Surface transportation infrastructure modifications to facilitate direct intermodal interchange, transfer, and access into and out of a port*
22 *terminal.*

1 “(12) *Projects and strategies designed to support*
2 *congestion pricing, including electronic toll collection*
3 *and travel demand management strategies and pro-*
4 *grams.*

5 “(13) *At the request of a State, and upon Secre-*
6 *tarial approval of credit assistance under chapter 6,*
7 *subsidy and administrative costs necessary to provide*
8 *an eligible entity Federal credit assistance under*
9 *chapter 6 with respect to a project eligible for assist-*
10 *ance under this section.*

11 “(14) *The creation and operation by a State of*
12 *an office to assist in the design, implementation, and*
13 *oversight of public-private partnerships eligible to re-*
14 *ceive funding under this title and chapter 53 of title*
15 *49, and the payment of a stipend to unsuccessful pri-*
16 *rate bidders to offset their proposal development costs,*
17 *if necessary to encourage robust competition in pub-*
18 *lic-private partnership procurements.*

19 “(15) *Any type of project eligible under this sec-*
20 *tion as in effect on the day before the date of enact-*
21 *ment of the Surface Transportation Reauthorization*
22 *and Reform Act of 2015, including projects described*
23 *under section 101(a)(29) as in effect on such day.*

24 “(c) *LOCATION OF PROJECTS.—A surface transpor-*
25 *tation block grant project may not be undertaken on a road*

1 *functionally classified as a local road or a rural minor col-*
 2 *lector unless the road was on a Federal-aid highway system*
 3 *on January 1, 1991, except—*

4 “(1) *for a bridge or tunnel project (other than*
 5 *the construction of a new bridge or tunnel at a new*
 6 *location);*

7 “(2) *for a project described in paragraphs (4)*
 8 *through (11) of subsection (b);*

9 “(3) *for a project described in section 101(a)(29),*
 10 *as in effect on the day before the date of enactment*
 11 *of the Surface Transportation Reauthorization and*
 12 *Reform Act of 2015; and*

13 “(4) *as approved by the Secretary.*

14 “(d) *ALLOCATIONS OF APPORTIONED FUNDS TO*
 15 *AREAS BASED ON POPULATION.—*

16 “(1) *CALCULATION.—Of the funds apportioned to*
 17 *a State under section 104(b)(2) (after the reservation*
 18 *of funds under subsection (h))—*

19 “(A) *the percentage specified in paragraph*
 20 *(6) for a fiscal year shall be obligated under this*
 21 *section, in proportion to their relative shares of*
 22 *the population of the State—*

23 “(i) *in urbanized areas of the State*
 24 *with an urbanized area population of over*
 25 *200,000;*

1 “(ii) in areas of the State other than
 2 urban areas with a population greater than
 3 5,000; and

4 “(iii) in other areas of the State; and
 5 “(B) the remainder may be obligated in
 6 any area of the State.

7 “(2) METROPOLITAN AREAS.—Funds attributed
 8 to an urbanized area under paragraph (1)(A)(i) may
 9 be obligated in the metropolitan area established
 10 under section 134 that encompasses the urbanized
 11 area.

12 “(3) CONSULTATION WITH REGIONAL TRANSPOR-
 13 TATION PLANNING ORGANIZATIONS.—For purposes of
 14 paragraph (1)(A)(iii), before obligating funding at-
 15 tributed to an area with a population greater than
 16 5,000 and less than 200,000, a State shall consult
 17 with the regional transportation planning organiza-
 18 tions that represent the area, if any.

19 “(4) DISTRIBUTION AMONG URBANIZED AREAS
 20 OF OVER 200,000 POPULATION.—

21 “(A) IN GENERAL.—Except as provided in
 22 subparagraph (B), the amount of funds that a
 23 State is required to obligate under paragraph
 24 (1)(A)(i) shall be obligated in urbanized areas

1 described in paragraph (1)(A)(i) based on the
2 relative population of the areas.

3 “(B) *OTHER FACTORS.*—The State may ob-
4 ligate the funds described in subparagraph (A)
5 based on other factors if the State and the rel-
6 evant metropolitan planning organizations joint-
7 ly apply to the Secretary for the permission to
8 base the obligation on other factors and the Sec-
9 retary grants the request.

10 “(5) *APPLICABILITY OF PLANNING REQUIRE-*
11 *MENTS.*—Programming and expenditure of funds for
12 projects under this section shall be consistent with sec-
13 tions 134 and 135.

14 “(6) *PERCENTAGE.*—The percentage referred to
15 in paragraph (1)(A) is—

16 “(A) for fiscal year 2016, 51 percent;

17 “(B) for fiscal year 2017, 52 percent;

18 “(C) for fiscal year 2018, 53 percent;

19 “(D) for fiscal year 2019, 54 percent;

20 “(E) for fiscal year 2020, 55 percent; and

21 “(F) for fiscal year 2021, 55 percent.”;

22 (2) by striking the section heading and inserting
23 **“Surface transportation block grant pro-**
24 **gram”**;

25 (3) by striking subsection (e);

1 (4) by redesignating subsections (f) through (h)
2 as subsections (e) through (g), respectively;

3 (5) in subsection (e)(1), as redesignated by this
4 subsection—

5 (A) by striking “104(b)(3)” and inserting
6 “104(b)(2)”; and

7 (B) by striking “fiscal years 2011 through
8 2014” and inserting “fiscal years 2016 through
9 2021”;

10 (6) in subsection (g)(1), as redesignated by this
11 subsection, by striking “under subsection
12 (d)(1)(A)(iii) for each of fiscal years 2013 through
13 2014” and inserting “under subsection (d)(1)(A)(ii)
14 for each of fiscal years 2016 through 2021”; and

15 (7) by adding at the end the following:

16 “(h) STP SET-ASIDE.—

17 “(1) RESERVATION OF FUNDS.—Of the funds ap-
18 portioned to a State under section 104(b)(2) for each
19 fiscal year, the Secretary shall reserve an amount
20 such that—

21 “(A) the Secretary reserves a total of
22 \$819,900,000 under this subsection; and

23 “(B) the State’s share of that total is deter-
24 mined by multiplying the amount under sub-
25 paragraph (A) by the ratio that—

1 “(i) the amount apportioned to the
 2 State for the transportation enhancements
 3 program for fiscal year 2009 under section
 4 133(d)(2), as in effect on the day before the
 5 date of enactment of MAP-21; bears to

6 “(ii) the total amount of funds appor-
 7 tioned to all States for the transportation
 8 enhancements program for fiscal year 2009.

9 “(2) *ALLOCATION WITHIN A STATE.—Funds re-*
 10 *served for a State under paragraph (1) shall be obli-*
 11 *gated within that State in the manner described in*
 12 *subsection (d), except that, for purposes of this para-*
 13 *graph (after funds are made available under para-*
 14 *graph (5))—*

15 “(A) for each fiscal year, the percentage re-
 16 ferred to in paragraph (1)(A) of that subsection
 17 shall be deemed to be 50 percent; and

18 “(B) the following provisions shall not
 19 apply:

20 “(i) Paragraph (3) of subsection (d).

21 “(ii) Subsection (e).

22 “(3) *ELIGIBLE PROJECTS.—Funds reserved*
 23 *under this subsection may be obligated for projects or*
 24 *activities described in section 101(a)(29) or 213, as*
 25 *such provisions were in effect on the day before the*

1 *date of enactment of the Surface Transportation Re-*
 2 *authorization and Reform Act of 2015.*

3 “(4) *ACCESS TO FUNDS.*—

4 “(A) *IN GENERAL.*—A State or metropoli-
 5 *tan planning organization required to obligate*
 6 *funds in accordance with paragraph (2) shall de-*
 7 *velop a competitive process to allow eligible enti-*
 8 *ties to submit projects for funding that achieve*
 9 *the objectives of this subsection. A metropolitan*
 10 *planning organization for an area described in*
 11 *subsection (d)(1)(A)(i) shall select projects under*
 12 *such process in consultation with the relevant*
 13 *State.*

14 “(B) *ELIGIBLE ENTITY DEFINED.*—In this
 15 *paragraph, the term ‘eligible entity’ means—*

16 “(i) *a local government;*

17 “(ii) *a regional transportation author-*
 18 *ity;*

19 “(iii) *a transit agency;*

20 “(iv) *a natural resource or public land*
 21 *agency;*

22 “(v) *a school district, local education*
 23 *agency, or school;*

24 “(vi) *a tribal government; and*

1 “(vii) *any other local or regional gov-*
 2 *ernmental entity with responsibility for or*
 3 *oversight of transportation or recreational*
 4 *trails (other than a metropolitan planning*
 5 *organization or a State agency) that the*
 6 *State determines to be eligible, consistent*
 7 *with the goals of this subsection.*

8 “(5) *CONTINUATION OF CERTAIN RECREATIONAL*
 9 *TRAILS PROJECTS.—For each fiscal year, a State*
 10 *shall—*

11 “(A) *obligate an amount of funds reserved*
 12 *under this section equal to the amount of the*
 13 *funds apportioned to the State for fiscal year*
 14 *2009 under section 104(h)(2), as in effect on the*
 15 *day before the date of enactment of MAP–21, for*
 16 *projects relating to recreational trails under sec-*
 17 *tion 206;*

18 “(B) *return 1 percent of those funds to the*
 19 *Secretary for the administration of that pro-*
 20 *gram; and*

21 “(C) *comply with the provisions of the ad-*
 22 *ministration of the recreational trails program*
 23 *under section 206, including the use of appor-*
 24 *tioned funds described in subsection (d)(3)(A) of*
 25 *that section.*

1 “(6) *STATE FLEXIBILITY*.—

2 “(A) *RECREATIONAL TRAILS*.—*A State may*
 3 *opt out of the recreational trails program under*
 4 *paragraph (5) if the Governor of the State noti-*
 5 *fies the Secretary not later than 30 days prior*
 6 *to apportionments being made for any fiscal*
 7 *year.*

8 “(B) *LARGE URBANIZED AREAS*.—*A metro-*
 9 *politan planning area may use not to exceed 50*
 10 *percent of the funds reserved under this sub-*
 11 *section for an urbanized area described in sub-*
 12 *section (d)(1)(A)(i) for any purpose eligible*
 13 *under subsection (b).*

14 “(i) *TREATMENT OF PROJECTS*.—*Notwithstanding*
 15 *any other provision of law, projects funded under this sec-*
 16 *tion (excluding those carried out under subsection (h)(5))*
 17 *shall be treated as projects on a Federal-aid highway under*
 18 *this chapter.*”.

19 (c) *TECHNICAL AND CONFORMING AMENDMENTS*.—

20 (1) *SECTION 126*.—*Section 126(b)(2) of title 23,*
 21 *United States Code, is amended—*

22 (A) *by striking “section 213” and inserting*
 23 *“section 133(h)”*; and

24 (B) *by striking “section 213(c)(1)(B)” and*
 25 *inserting “section 133(h)”.*

1 (2) *SECTION 213.*—*Section 213 of title 23,*
 2 *United States Code, is repealed.*

3 (3) *SECTION 322.*—*Section 322(h)(3) of title 23,*
 4 *United States Code, is amended by striking “surface*
 5 *transportation program” and inserting “surface*
 6 *transportation block grant program”.*

7 (4) *SECTION 504.*—*Section 504(a)(4) of title 23,*
 8 *United States Code, is amended—*

9 (A) *by striking “104(b)(3)” and inserting*
 10 *“104(b)(2)”;* *and*

11 (B) *by striking “surface transportation pro-*
 12 *gram” and inserting “surface transportation*
 13 *block grant program”.*

14 (5) *CHAPTER 1.*—*Chapter 1 of title 23, United*
 15 *States Code, is amended by striking “surface trans-*
 16 *portation program” each place it appears and insert-*
 17 *ing “surface transportation block grant program”.*

18 (6) *CHAPTER ANALYSES.*—

19 (A) *CHAPTER 1.*—*The analysis for chapter*
 20 *1 of title 23, United States Code, is amended by*
 21 *striking the item relating to section 133 and in-*
 22 *serting the following:*

“133. Surface transportation block grant program.”.

23 (B) *CHAPTER 2.*—*The item relating to sec-*
 24 *tion 213 in the analysis for chapter 2 of title 23,*
 25 *United States Code, is repealed.*

1 (7) *OTHER REFERENCES.*—Any reference in any
 2 other law, regulation, document, paper, or other
 3 record of the United States to the surface transpor-
 4 tation program under section 133 of title 23, United
 5 States Code, shall be deemed to be a reference to the
 6 surface transportation block grant program under
 7 such section.

8 **SEC. 1107. RAILWAY-HIGHWAY GRADE CROSSINGS.**

9 Section 130(e)(1) of title 23, United States Code, is
 10 amended to read as follows:

11 “(1) *IN GENERAL.*—

12 “(A) *SET ASIDE.*—Before making an appor-
 13 tionment under section 104(b)(3) for a fiscal
 14 year, the Secretary shall set aside, from amounts
 15 made available to carry out the highway safety
 16 improvement program under section 148 for such
 17 fiscal year, for the elimination of hazards and
 18 the installation of protective devices at railway-
 19 highway crossings at least—

20 “(i) \$225,000,000 for fiscal year 2016;

21 “(ii) \$230,000,000 for fiscal year 2017;

22 “(iii) \$235,000,000 for fiscal year
 23 2018;

24 “(iv) \$240,000,000 for fiscal year 2019;

1 “(v) \$245,000,000 for fiscal year 2020;

2 and

3 “(vi) \$250,000,000 for fiscal year 2021.

4 “(B) *INSTALLATION OF PROTECTIVE DE-*
 5 *VICES.—At least 1/2 of the funds set aside each*
 6 *fiscal year under subparagraph (A) shall be*
 7 *available for the installation of protective devices*
 8 *at railway-highway crossings.*

9 “(C) *OBLIGATION AVAILABILITY.—Sums set*
 10 *aside each fiscal year under subparagraph (A)*
 11 *shall be available for obligation in the same*
 12 *manner as funds apportioned under section*
 13 *104(b)(1) of this title.”.*

14 **SEC. 1108. HIGHWAY SAFETY IMPROVEMENT PROGRAM.**

15 (a) *DEFINITIONS.—*

16 (1) *IN GENERAL.—Section 148(a) of title 23,*
 17 *United States Code, is amended—*

18 (A) *in paragraph (4)(B)—*

19 (i) *in the matter preceding clause (i),*
 20 *by striking “includes, but is not limited to,”*
 21 *and inserting “only includes”; and*

22 (ii) *by adding at the end the following:*

23 “(xxv) *Installation of vehicle-to-infra-*
 24 *structure communication equipment.*

25 “(xxvi) *Pedestrian hybrid beacons.*

1 “(xxvii) *Roadway improvements that*
 2 *provide separation between pedestrians and*
 3 *motor vehicles, including medians and pe-*
 4 *destrian crossing islands.*

5 “(xxviii) *A physical infrastructure*
 6 *safety project not described in clauses (i)*
 7 *through (xxvii).”;*

8 *(B) by striking paragraph (10); and*

9 *(C) by redesignating paragraphs (11)*
 10 *through (13) as paragraphs (10) through (12),*
 11 *respectively.*

12 (2) *CONFORMING AMENDMENTS.—Section 148 of*
 13 *title 23, United States Code, is amended—*

14 *(A) in subsection (c)(1)(A) by striking “sub-*
 15 *sections (a)(12)” and inserting “subsections*
 16 *(a)(11)”;* and

17 *(B) in subsection (d)(2)(B)(i) by striking*
 18 *“subsection (a)(12)” and inserting “subsection*
 19 *(a)(11)”.*

20 (b) *DATA COLLECTION.—Section 148(f) of title 23,*
 21 *United States Code, is amended by adding at the end the*
 22 *following:*

23 “(3) *PROCESS.—The Secretary shall establish a*
 24 *process to allow a State to cease to collect the subset*

referred to in paragraph (2)(A) for public roads that are gravel roads or otherwise unpaved if—

“(A) the State does not use funds provided to carry out this section for a project on such roads until the State completes a collection of the required model inventory of roadway elements for the roads; and

“(B) the State demonstrates that the State consulted with affected Indian tribes before ceasing to collect data with respect to such roads that are included in the National Tribal Transportation Facility Inventory.

“(4) *RULE OF CONSTRUCTION.*—Nothing in paragraph (3) may be construed to allow a State to cease data collection related to serious injuries or fatalities.”.

(c) *RURAL ROAD SAFETY.*—Section 148(g)(1) of title 23, *United States Code*, is amended—

(1) by striking “If the fatality rate” and inserting the following:

“(A) *IN GENERAL.*—If the fatality rate”;

and

(2) by adding at the end the following:

“(B) *FATALITIES EXCEEDING THE MEDIAN RATE.*—If the fatality rate on rural roads in a

1 *State, for the most recent 2-year period for which*
 2 *data is available, is more than the median fatal-*
 3 *ity rate for rural roads among all States for*
 4 *such 2-year period, the State shall be required to*
 5 *demonstrate, in the subsequent State strategic*
 6 *highway safety plan of the State, strategies to*
 7 *address fatalities and achieve safety improve-*
 8 *ments on high risk rural roads.”.*

9 (d) *COMMERCIAL MOTOR VEHICLE SAFETY BEST*
 10 *PRACTICES.—*

11 (1) *REVIEW.—The Secretary shall conduct a re-*
 12 *view of best practices with respect to the implementa-*
 13 *tion of roadway safety infrastructure improvements*
 14 *that—*

15 (A) *are cost effective; and*

16 (B) *reduce the number or severity of acci-*
 17 *dents involving commercial motor vehicles.*

18 (2) *CONSULTATION.—In conducting the review*
 19 *under paragraph (1), the Secretary shall consult with*
 20 *State transportation departments and units of local*
 21 *government.*

22 (3) *REPORT.—Not later than 1 year after the*
 23 *date of enactment of this Act, the Secretary shall sub-*
 24 *mit to the Committee on Transportation and Infra-*
 25 *structure of the House of Representatives and the*

7 (a) *ELIGIBLE PROJECTS*.—Section 149(b) of title 23,
8 *United States Code*, is amended—

13 “(9) if the project or program is for the installa-
14 tion of vehicle-to-infrastructure communication equip-
15 ment.”.

18 “(d) *STATES FLEXIBILITY.*—

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1 “(A) would otherwise be eligible under sub-
 2 section (b) if the project were carried out in a
 3 nonattainment or maintenance area; or

4 “(B) is eligible under the surface transpor-
 5 tation block grant program under section 133.

6 “(2) STATES WITH A NONATTAINMENT AREA.—

7 “(A) IN GENERAL.—If a State has a non-
 8 attainment area or maintenance area and re-
 9 ceived funds in fiscal year 2009 under section
 10 104(b)(2)(D), as in effect on the day before the
 11 date of enactment of the MAP–21, above the
 12 amount of funds that the State would have re-
 13 ceived based on the nonattainment and mainte-
 14 nance area population of the State under sub-
 15 paragraphs (B) and (C) of section 104(b)(2), as
 16 in effect on the day before the date of enactment
 17 of the MAP–21, the State may use, for any
 18 project that would otherwise be eligible under
 19 subsection (b) if the project were carried out in
 20 a nonattainment or maintenance area or is eli-
 21 gible under the surface transportation block
 22 grant program under section 133, an amount of
 23 funds apportioned to such State under section
 24 104(b)(4) that is equal to the product obtained
 25 by multiplying—

1 “(i) the amount apportioned to such
 2 State under section 104(b)(4) (excluding the
 3 amounts reserved for obligation under sub-
 4 section (k)(1)); by

5 “(ii) the ratio calculated under sub-
 6 paragraph (B).

7 “(B) *RATIO*.—For purposes of this para-
 8 graph, the ratio shall be calculated as the pro-
 9 portion that—

10 “(i) the amount for fiscal year 2009
 11 such State was permitted by section
 12 149(c)(2), as in effect on the day before the
 13 date of enactment of the MAP–21, to obli-
 14 gate in any area of the State for projects el-
 15 igible under section 133, as in effect on the
 16 day before the date of enactment of the
 17 MAP–21; bears to

18 “(ii) the total apportionment to such
 19 State for fiscal year 2009 under section
 20 104(b)(2), as in effect on the day before the
 21 date of enactment of the MAP–21.

22 “(3) *CHANGES IN DESIGNATION*.—If a new non-
 23 attainment area is designated or a previously des-
 24 ignated nonattainment area is redesignated as an at-
 25 tainment area in a State under the Clean Air Act (42

1 U.S.C. 7401 et seq.), the Secretary shall modify, in a
2 manner consistent with the approach that was in ef-
3 fect on the day before the date of enactment of MAP-
4 21, the amount such State is permitted to obligate in
5 any area of the State for projects eligible under sec-
6 tion 133.”.

7 (c) *PRIORITY CONSIDERATION*.—Section 149(g)(3) of
8 title 23, United States Code, is amended to read as follows:

9 “(3) *PRIORITY CONSIDERATION*.—

10 “(A) *IN GENERAL*.—In distributing funds
11 received for congestion mitigation and air qual-
12 ity projects and programs from apportionments
13 under section 104(b)(4) in areas designated as
14 nonattainment or maintenance for PM_{2.5} under
15 the Clean Air Act (42 U.S.C. 7401 et seq.) and
16 where regional motor vehicle emissions are not
17 an insignificant contributor to the air quality
18 problem for PM_{2.5}, States and metropolitan
19 planning organizations shall give priority to
20 projects, including diesel retrofits or alternative
21 fuel vehicles, that are proven to reduce direct or
22 indirect emissions of PM_{2.5}.

23 “(B) *USE OF FUNDING*.—To the maximum
24 extent practicable, funding used in an area de-
25 scribed in subparagraph (A) shall be used on the

1 *most cost-effective projects and programs that are*
 2 *proven to reduce directly or indirectly emitted*
 3 *fine particulate matter.”.*

4 *(d) PRIORITY FOR USE OF FUNDS IN PM2.5 AREAS.—*
 5 *Section 149(k) of title 23, United States Code, is amend-*
 6 *ed—*

7 *(1) in paragraph (1) by striking “such fine par-*
 8 *ticulate” and inserting “directly emitted fine particu-*
 9 *late”; and*

10 *(2) by adding at the end the following:*

11 *“(3) PM2.5 NONATTAINMENT AND MAINTENANCE*
 12 *IN LOW POPULATION DENSITY STATES.—*

13 *“(A) EXCEPTION.—For any State with a*
 14 *population density of 80 or fewer persons per*
 15 *square mile of land area, based on the most re-*
 16 *cent decennial census, subsection (g)(3) and*
 17 *paragraphs (1) and (2) of this subsection do not*
 18 *apply to a nonattainment or maintenance area*
 19 *in the State if—*

20 *“(i) the nonattainment or maintenance*
 21 *area does not have projects that are part of*
 22 *the emissions analysis of a metropolitan*
 23 *transportation plan or transportation im-*
 24 *provement program; and*

1 “(ii) *regional motor vehicle emissions*
 2 *are an insignificant contributor to the air*
 3 *quality problem for PM_{2.5} in the non-*
 4 *attainment or maintenance area.*

5 “(B) *CALCULATION.—If subparagraph (A)*
 6 *applies to a nonattainment or maintenance area*
 7 *in a State, the percentage of the PM_{2.5} set aside*
 8 *under paragraph (1) shall be reduced for that*
 9 *State proportionately based on the weighted pop-*
 10 *ulation of the area in fine particulate matter*
 11 *nonattainment.”.*

12 (e) *PERFORMANCE PLAN.—Section 149(l)(1)(B) of*
 13 *title 23, United States Code, is amended by inserting “emis-*
 14 *sion and congestion reduction” after “achieving the”.*

15 **SEC. 1110. NATIONAL HIGHWAY FREIGHT POLICY.**

16 (a) *IN GENERAL.—Section 167 of title 23, United*
 17 *States Code, is amended to read as follows:*

18 **“§ 167. National highway freight policy**

19 “(a) *IN GENERAL.—It is the policy of the United*
 20 *States to improve the condition and performance of the Na-*
 21 *tional Highway Freight Network established under this sec-*
 22 *tion to ensure that the Network provides a foundation for*
 23 *the United States to compete in the global economy and*
 24 *achieve the goals described in subsection (b).*

1 “(b) *GOALS.—The goals of the national highway*
2 *freight policy are—*

3 “(1) *to invest in infrastructure improvements*
4 *and to implement operational improvements that—*

5 “(A) *strengthen the contribution of the Na-*
6 *tional Highway Freight Network to the economic*
7 *competitiveness of the United States;*

8 “(B) *reduce congestion and bottlenecks on*
9 *the National Highway Freight Network; and*

10 “(C) *increase productivity, particularly for*
11 *domestic industries and businesses that create*
12 *high-value jobs;*

13 “(2) *to improve the safety, security, and resil-*
14 *ience of highway freight transportation;*

15 “(3) *to improve the state of good repair of the*
16 *National Highway Freight Network;*

17 “(4) *to use innovation and advanced technology*
18 *to improve the safety, efficiency, and reliability of the*
19 *National Highway Freight Network;*

20 “(5) *to improve the economic efficiency of the*
21 *National Highway Freight Network;*

22 “(6) *to improve the short and long distance*
23 *movement of goods that—*

24 “(A) *travel across rural areas between pop-*
25 *ulation centers; and*

1 “(B) travel between rural areas and popu-
 2 lation centers;

3 “(7) to improve the flexibility of States to sup-
 4 port multi-State corridor planning and the creation
 5 of multi-State organizations to increase the ability of
 6 States to address highway freight connectivity; and

7 “(8) to reduce the environmental impacts of
 8 freight movement on the National Highway Freight
 9 Network.

10 “(c) ESTABLISHMENT OF NATIONAL HIGHWAY
 11 FREIGHT NETWORK.—

12 “(1) IN GENERAL.—The Secretary shall establish
 13 a National Highway Freight Network in accordance
 14 with this section to strategically direct Federal re-
 15 sources and policies toward improved performance of
 16 the Network.

17 “(2) NETWORK COMPONENTS.—The National
 18 Highway Freight Network shall consist of—

19 “(A) the Interstate System;

20 “(B) non-Interstate highway segments on
 21 the 41,000-mile comprehensive primary freight
 22 network developed by the Secretary under section
 23 167(d) as in effect on the day before the date of
 24 enactment of the Surface Transportation Reau-
 25 thorization and Reform Act of 2015; and

1 “(C) *additional non-Interstate highway seg-*
 2 *ments designated by the States under subsection*
 3 *(d).*

4 “(d) *STATE ADDITIONS TO NETWORK.—*

5 “(1) *IN GENERAL.—Not later than 1 year after*
 6 *the date of enactment of the Surface Transportation*
 7 *Reauthorization and Reform Act of 2015, each State,*
 8 *in consultation with the State freight advisory com-*
 9 *mittee, may increase the number of miles designated*
 10 *as part of the National Highway Freight Network by*
 11 *not more than 10 percent of the miles designated in*
 12 *that State under subparagraphs (A) and (B) of sub-*
 13 *section (c)(2) if the additional miles—*

14 “(A) *close gaps between segments of the Na-*
 15 *tional Highway Freight Network;*

16 “(B) *establish connections from the Na-*
 17 *tional Highway Freight Network to critical fa-*
 18 *cilities for the efficient movement of freight, in-*
 19 *cluding ports, freight railroads, international*
 20 *border crossings, airports, intermodal facilities,*
 21 *warehouse and logistics centers, and agricultural*
 22 *facilities; or*

23 “(C) *are part of critical emerging freight*
 24 *corridors or critical commerce corridors.*

25 “(2) *SUBMISSION.—Each State shall—*

1 “(A) submit to the Secretary a list of the
2 additional miles added under this subsection;
3 and

4 “(B) certify that the additional miles meet
5 the requirements of paragraph (1).

6 “(e) REDESIGNATION.—

7 “(1) REDESIGNATION BY SECRETARY.—

8 “(A) IN GENERAL.—Effective beginning 5
9 years after the date of enactment of the Surface
10 Transportation Reauthorization and Reform Act
11 of 2015, and every 5 years thereafter, the Sec-
12 retary shall redesignate the highway segments
13 designated by the Secretary under subsection
14 (c)(2)(B) that are on the National Highway
15 Freight Network.

16 “(B) CONSIDERATIONS.—In redesignating
17 highway segments under subparagraph (A), the
18 Secretary shall consider—

19 “(i) changes in the origins and des-
20 tinations of freight movements in the
21 United States;

22 “(ii) changes in the percentage of an-
23 nual average daily truck traffic in the an-
24 nual average daily traffic on principal arte-
25 rials;

1 “(iii) changes in the location of key fa-
2 cilities;

3 “(iv) critical emerging freight corridors
4 and critical commerce corridors; and

5 “(v) network connectivity.

6 “(C) LIMITATION.—Each redesignation
7 under subparagraph (A) may increase the mile-
8 age on the National Highway Freight Network
9 designated by the Secretary by not more than 3
10 percent.

11 “(2) REDESIGNATION BY STATES.—

12 “(A) IN GENERAL.—Effective beginning 5
13 years after the date of enactment of the Surface
14 Transportation Reauthorization and Reform Act
15 of 2015, and every 5 years thereafter, each State
16 may, in consultation with the State freight advi-
17 sory committee, redesignate the highway seg-
18 ments designated by the State under subsection
19 (c)(2)(C) that are on the National Highway
20 Freight Network.

21 “(B) CONSIDERATIONS.—In redesignating
22 highway segments under subparagraph (A), the
23 State shall consider—

24 “(i) gaps between segments of the Na-
25 tional Highway Freight Network;

1 “(ii) needed connections from the Na-
 2 tional Highway Freight Network to critical
 3 facilities for the efficient movement of
 4 freight, including ports, freight railroads,
 5 international border crossings, airports,
 6 intermodal facilities, warehouse and logis-
 7 tics centers, and agricultural facilities; and

8 “(iii) critical emerging freight cor-
 9 ridors or critical commerce corridors.

10 “(C) LIMITATION.—Each redesignation
 11 under subparagraph (A) may increase the mile-
 12 age on the National Highway Freight Network
 13 designated by the State by not more than 3 per-
 14 cent.

15 “(D) RESUBMISSION.—Each State, under
 16 the advisement of the State freight advisory com-
 17 mittee, shall—

18 “(i) submit to the Secretary a list of
 19 the miles redesignated under this para-
 20 graph; and

21 “(ii) certify that the redesignated miles
 22 meet the requirements of subsection (d)(1).”.

23 (b) CLERICAL AMENDMENT.—The analysis for chapter
 24 1 of title 23, United States Code, is amended by striking
 25 the item relating to section 167 and inserting the following:

“167. National highway freight policy.”.

1 **SEC. 1111. NATIONALLY SIGNIFICANT FREIGHT AND HIGH-**
 2 **WAY PROJECTS.**

3 (a) *IN GENERAL.*—Title 23, United States Code, is
 4 amended by inserting after section 116 the following:

5 **“§ 117. Nationally significant freight and highway**
 6 **projects**

7 “(a) *ESTABLISHMENT.*—There is established a nation-
 8 ally significant freight and highway projects program to
 9 provide financial assistance for projects of national or re-
 10 gional significance that will—

11 “(1) *improve the safety, efficiency, and reli-*
 12 *ability of the movement of freight and people;*

13 “(2) *generate national or regional economic ben-*
 14 *efits and an increase in the global economic competi-*
 15 *tiveness of the United States;*

16 “(3) *reduce highway congestion and bottlenecks;*

17 “(4) *improve connectivity between modes of*
 18 *freight transportation; or*

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

22 “(b) *GRANT AUTHORITY.*—In carrying out the pro-
 23 gram established in subsection (a), the Secretary may make
 24 grants, on a competitive basis, in accordance with this sec-
 25 tion.

26 “(c) *ELIGIBLE APPLICANTS.*—

1 “(1) *IN GENERAL.*—*The Secretary may make a*
 2 *grant under this section to the following:*

3 “(A) *A State or group of States.*

4 “(B) *A metropolitan planning organization*
 5 *that serves an urbanized area (as defined by the*
 6 *Bureau of the Census) with a population of more*
 7 *than 200,000 individuals.*

8 “(C) *A unit of local government.*

9 “(D) *A special purpose district or public*
 10 *authority with a transportation function, includ-*
 11 *ing a port authority.*

12 “(E) *A Federal land management agency*
 13 *that applies jointly with a State or group of*
 14 *States.*

15 “(2) *APPLICATIONS.*—*To be eligible for a grant*
 16 *under this section, an entity specified in paragraph*
 17 *(1) shall submit to the Secretary an application in*
 18 *such form, at such time, and containing such infor-*
 19 *mation as the Secretary determines is appropriate.*

20 “(d) *ELIGIBLE PROJECTS.*—

21 “(1) *IN GENERAL.*—*Except as provided in sub-*
 22 *section (h), the Secretary may make a grant under*
 23 *this section only for a project that—*

24 “(A) *is—*

1 “(i) a freight project carried out on the
2 *National Highway Freight Network* estab-
3 lished under section 167 of this title;

4 “(ii) a highway or bridge project car-
5 ried out on the *National Highway System*,
6 including—

7 “(I) a project to add capacity to
8 the *Interstate System* to improve mo-
9 bility; and

10 “(II) a project in a national sce-
11 nic area;

12 “(iii) an intermodal or rail freight
13 project carried out on the *National*
14 *Multimodal Freight Network* established
15 under section 70103 of title 49; or

16 “(iv) a railway-highway grade cross-
17 ing or grade separation project; and

18 “(B) has eligible project costs that are rea-
19 sonably anticipated to equal or exceed the lesser
20 of—

21 “(i) \$100,000,000; or

22 “(ii) in the case of a project—

23 “(I) located in 1 State, 30 percent
24 of the amount apportioned under this

chapter to the State in the most recently completed fiscal year; or

“(II) located in more than 1 State, 50 percent of the amount apportioned under this chapter to the participating State with the largest apportionment under this chapter in the most recently completed fiscal year.

“(2) *LIMITATION.*—

“(A) *IN GENERAL.*—Not more than \$500,000,000 of the amounts made available for grants under this section for fiscal years 2016 through 2021, in the aggregate, may be used to make grants for projects described in paragraph (1)(A)(iii) and such a project may only receive a grant under this section if—

“(i) the project will make a significant improvement to freight movements on the National Highway Freight Network; and

“(ii) the Federal share of the project funds only elements of the project that provide public benefits.

“(B) *EXCLUSIONS.*—The limitation under subparagraph (A) shall—

1 “(i) not apply to a railway-highway
 2 grade crossing or grade separation project;
 3 and

4 “(ii) with respect to a multimodal
 5 project, shall apply only to the non-highway
 6 portion or portions of the project.

7 “(e) *ELIGIBLE PROJECT COSTS.*—Grant amounts re-
 8 ceived for a project under this section may be used for—

9 “(1) development phase activities, including
 10 planning, feasibility analysis, revenue forecasting, en-
 11 vironmental review, preliminary engineering and de-
 12 sign work, and other preconstruction activities; and

13 “(2) construction, reconstruction, rehabilitation,
 14 acquisition of real property (including land related to
 15 the project and improvements to the land), environ-
 16 mental mitigation, construction contingencies, acqui-
 17 sition of equipment, and operational improvements.

18 “(f) *PROJECT REQUIREMENTS.*—The Secretary may
 19 make a grant for a project described under subsection (d)
 20 only if the relevant applicant demonstrates that—

21 “(1) the project will generate national or re-
 22 gional economic, mobility, or safety benefits;

23 “(2) the project will be cost effective;

1 “(3) the project will contribute to the accom-
2 plishment of 1 or more of the national goals described
3 under section 150 of this title;

4 “(4) the project is based on the results of prelimi-
5 nary engineering;

6 “(5) with respect to related non-Federal finan-
7 cial commitments—

8 “(A) 1 or more stable and dependable
9 sources of funding and financing are available to
10 construct, maintain, and operate the project; and

11 “(B) contingency amounts are available to
12 cover unanticipated cost increases;

13 “(6) the project cannot be easily addressed using
14 other funding available to the project sponsor under
15 this chapter; and

16 “(7) the project is reasonably expected to begin
17 construction not later than 18 months after the date
18 of obligation of funds for the project.

19 “(g) *ADDITIONAL CONSIDERATIONS.*—In making a
20 grant under this section, the Secretary shall consider—

21 “(1) the extent to which a project utilizes non-
22 traditional financing, innovative design and con-
23 struction techniques, or innovative technologies;

24 “(2) the amount and source of non-Federal con-
25 tributions with respect to the proposed project; and

1 “(3) *the need for geographic diversity among*
 2 *grant recipients, including the need for a balance be-*
 3 *tween the needs of rural and urban communities.*

4 “(h) *RESERVED AMOUNTS.—*

5 “(1) *IN GENERAL.—The Secretary shall reserve*
 6 *not less than 10 percent of the amounts made avail-*
 7 *able for grants under this section each fiscal year to*
 8 *make grants for projects described in subsection*
 9 *(d)(1)(A) that do not satisfy the minimum threshold*
 10 *under subsection (d)(1)(B).*

11 “(2) *GRANT AMOUNT.—Each grant made under*
 12 *this subsection shall be in an amount that is at least*
 13 *\$5,000,000.*

14 “(3) *PROJECT SELECTION CONSIDERATIONS.—In*
 15 *addition to other applicable requirements, in making*
 16 *grants under this subsection the Secretary shall con-*
 17 *sider—*

18 “(A) *the cost effectiveness of the proposed*
 19 *project; and*

20 “(B) *the effect of the proposed project on*
 21 *mobility in the State and region in which the*
 22 *project is carried out.*

23 “(4) *EXCESS FUNDING.—In any fiscal year in*
 24 *which qualified applications for grants under this*
 25 *subsection will not allow for the amount reserved*

1 *under paragraph (1) to be fully utilized, the Secretary*
 2 *shall use the unutilized amounts to make other grants*
 3 *under this section.*

4 *“(5) RURAL AREAS.—The Secretary shall reserve*
 5 *not less than 20 percent of the amounts made avail-*
 6 *able for grants under this section, including the*
 7 *amounts made available under paragraph (1), each*
 8 *fiscal year to make grants for projects located in*
 9 *rural areas.*

10 *“(i) FEDERAL SHARE.—*

11 *“(1) IN GENERAL.—The Federal share of the cost*
 12 *of a project assisted with a grant under this section*
 13 *may not exceed 50 percent.*

14 *“(2) NON-FEDERAL SHARE.—Funds apportioned*
 15 *to a State under section 104(b)(1) or 104(b)(2) may*
 16 *be used to satisfy the non-Federal share of the cost of*
 17 *a project for which a grant is made under this section*
 18 *so long as the total amount of Federal funding for the*
 19 *project does not exceed 80 percent of project costs.*

20 *“(j) AGREEMENTS TO COMBINE AMOUNTS.—Two or*
 21 *more entities specified in subsection (c)(1) may combine,*
 22 *pursuant to an agreement entered into by the entities, any*
 23 *part of the amounts provided to the entities from grants*
 24 *under this section for a project for which the relevant grants*
 25 *were made if—*

1 “(1) *the agreement will benefit each entity enter-*
2 *ing into the agreement; and*

3 “(2) *the agreement is not in violation of a law*
4 *of any such entity.*

5 “(k) *TREATMENT OF FREIGHT PROJECTS.—Notwith-*
6 *standing any other provision of law, a freight project car-*
7 *ried out under this section shall be treated as if the project*
8 *is located on a Federal-aid highway.*

9 “(l) *TIFIA PROGRAM.—At the request of an eligible*
10 *applicant under this section, the Secretary may use*
11 *amounts awarded to the entity to pay subsidy and adminis-*
12 *trative costs necessary to provide the entity Federal credit*
13 *assistance under chapter 6 with respect to the project for*
14 *which the grant was awarded.*

15 “(m) *CONGRESSIONAL NOTIFICATION.—*

16 “(1) *NOTIFICATION.—At least 60 days before*
17 *making a grant for a project under this section, the*
18 *Secretary shall notify, in writing, the Committee on*
19 *Transportation and Infrastructure of the House of*
20 *Representatives and the Committee on Environment*
21 *and Public Works of the Senate of the proposed grant.*
22 *The notification shall include an evaluation and jus-*
23 *tification for the project and the amount of the pro-*
24 *posed grant award.*

1 “(2) *CONGRESSIONAL DISAPPROVAL.*—*The Sec-*
 2 *retary may not make a grant or any other obligation*
 3 *or commitment to fund a project under this section*
 4 *if a joint resolution is enacted disapproving funding*
 5 *for the project before the last day of the 60-day period*
 6 *described in paragraph (1).*

7 “(n) *FACILITATING COMMERCIAL WATERBORNE*
 8 *TRANSPORTATION.*—*Notwithstanding any other provision*
 9 *of law, or rights granted thereunder, and provided that the*
 10 *requirements of the National Environmental Policy Act of*
 11 *1969 (42 U.S.C. 4321 et seq.) are met, a property owner*
 12 *may develop, construct, operate, and maintain pier, wharf,*
 13 *or other such load-out structures on that property and on*
 14 *or above adjacent beds of the navigable waters of the United*
 15 *States to facilitate the commercial waterborne transpor-*
 16 *tation of domestic aggregate that may supply an eligible*
 17 *project under this section, including salt, sand, and gravel,*
 18 *from reserves located within ten miles of the property.”.*

19 “(b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
 20 *1 of title 23, United States Code, is amended by inserting*
 21 *after the item relating to section 116 the following:*

 “117. *Nationally significant freight and highway projects.”.*

22 “(c) *REPEAL.*—*Section 1301 of SAFETEA-LU (23*
 23 *U.S.C. 101 note), and the item relating to that section in*
 24 *the table of contents in section 1(b) of such Act, are repealed.*

1 **SEC. 1112. TERRITORIAL AND PUERTO RICO HIGHWAY PRO-**
 2 **GRAM.**

3 *Section 165(a) of title 23, United States Code, is*
 4 *amended—*

5 *(1) in paragraph (1) by striking “\$150,000,000”*
 6 *and inserting “\$158,000,000”; and*

7 *(2) in paragraph (2) by striking “\$40,000,000”*
 8 *and inserting “\$42,000,000”.*

9 **SEC. 1113. FEDERAL LANDS AND TRIBAL TRANSPORTATION**
 10 **PROGRAM.**

11 *Section 201(c)(6) of title 23, United States Code, is*
 12 *amended by adding at the end the following:*

13 *“(C) TRIBAL DATA COLLECTION.—In addi-*
 14 *tion to the data to be collected under subpara-*
 15 *graph (A), not later than 90 days after the last*
 16 *day of each fiscal year, any entity carrying out*
 17 *a project under the tribal transportation pro-*
 18 *gram under section 202 shall submit to the Sec-*
 19 *retary and the Secretary of the Interior, based on*
 20 *obligations and expenditures under the tribal*
 21 *transportation program during the preceding fis-*
 22 *cal year, the following data:*

23 *“(i) The names of projects and activi-*
 24 *ties carried out by the entity under the trib-*
 25 *al transportation program during the pre-*
 26 *ceding fiscal year.*

1 “(ii) *A description of the projects and*
2 *activities identified under clause (i).*”

3 “(iii) *The current status of the projects*
4 *and activities identified under clause (i).*”

5 “(iv) *An estimate of the number of jobs*
6 *created and the number of jobs retained by*
7 *the projects and activities identified under*
8 *clause (i).*”.

9 **SEC. 1114. TRIBAL TRANSPORTATION PROGRAM.**

10 *Section 202(a)(6) of title 23, United States Code, is*
11 *amended by striking “6 percent” and inserting “5 percent”.*

12 **SEC. 1115. FEDERAL LANDS TRANSPORTATION PROGRAM.**

13 *Section 203 of title 23, United States Code, is amend-*
14 *ed—*

15 (1) *in subsection (a)(1)(B) by striking “oper-*
16 *ation” and inserting “capital, operations,”;*

17 (2) *in subsection (b)—*

18 (A) *in paragraph (1)(B)—*

19 (i) *in clause (iv) by striking “and” at*
20 *the end;*

21 (ii) *in clause (v) by striking the period*
22 *at the end and inserting a semicolon; and*

23 (iii) *by adding at the end the fol-*
24 *lowing:*

25 “(vi) *the Bureau of Reclamation; and*

1 “(vii) independent Federal agencies
 2 with natural resource and land manage-
 3 ment responsibilities.”; and
 4 (B) in paragraph (2)(B)—
 5 (i) in the matter preceding clause (i)
 6 by inserting “performance management, in-
 7 cluding” after “support”; and
 8 (ii) in clause (i)(II) by striking “,
 9 and” and inserting “; and”; and
 10 (3) in subsection (c)(2)(B) by adding at the end
 11 the following:
 12 “(vi) The Bureau of Reclamation.”.

13 **SEC. 1116. TRIBAL TRANSPORTATION SELF-GOVERNANCE**
 14 **PROGRAM.**

15 (a) *IN GENERAL.*—Chapter 2 of title 23, United States
 16 Code, is amended by inserting after section 206 the fol-
 17 lowing:

18 **“§ 207. Tribal transportation self-governance program**

19 “(a) *ESTABLISHMENT.*—Subject to the requirements of
 20 this section, the Secretary shall establish and carry out a
 21 program to be known as the tribal transportation self-gov-
 22 ernance program. The Secretary may delegate responsibil-
 23 ities for administration of the program as the Secretary de-
 24 termines appropriate.

25 “(b) *ELIGIBILITY.*—

1 “(1) *IN GENERAL.*—Subject to paragraphs (2)
 2 and (3), an Indian tribe shall be eligible to partici-
 3 pate in the program if the Indian tribe requests par-
 4 ticipation in the program by resolution or other offi-
 5 cial action by the governing body of the Indian tribe,
 6 and demonstrates, for the preceding 3 fiscal years, fi-
 7 nancial stability and financial management capa-
 8 bility, and transportation program management ca-
 9 pability.

10 “(2) *CRITERIA FOR DETERMINING FINANCIAL*
 11 *STABILITY AND FINANCIAL MANAGEMENT CAPACITY.*—
 12 For the purposes of paragraph (1), evidence that, dur-
 13 ing the preceding 3 fiscal years, an Indian tribe had
 14 no uncorrected significant and material audit excep-
 15 tions in the required annual audit of the Indian
 16 tribe’s self-determination contracts or self-governance
 17 funding agreements with any Federal agency shall be
 18 conclusive evidence of the required financial stability
 19 and financial management capability.

20 “(3) *CRITERIA FOR DETERMINING TRANSPOR-*
 21 *TATION PROGRAM MANAGEMENT CAPABILITY.*—The
 22 Secretary shall require an Indian tribe to dem-
 23 onstrate transportation program management capa-
 24 bility, including the capability to manage and com-
 25 plete projects eligible under this title and projects eli-

1 *gible under chapter 53 of title 49, to gain eligibility*
 2 *for the program.*

3 “(c) *COMPACTS.*—

4 “(1) *COMPACT REQUIRED.*—Upon the request of
 5 *an eligible Indian tribe, and subject to the require-*
 6 *ments of this section, the Secretary shall negotiate*
 7 *and enter into a written compact with the Indian*
 8 *tribe for the purpose of providing for the participa-*
 9 *tion of the Indian tribe in the program.*

10 “(2) *CONTENTS.*—A compact entered into under
 11 *paragraph (1) shall set forth the general terms of the*
 12 *government-to-government relationship between the*
 13 *Indian tribe and the United States under the pro-*
 14 *gram and other terms that will continue to apply in*
 15 *future fiscal years.*

16 “(3) *AMENDMENTS.*—A compact entered into
 17 *with an Indian tribe under paragraph (1) may be*
 18 *amended only by mutual agreement of the Indian*
 19 *tribe and the Secretary.*

20 “(d) *ANNUAL FUNDING AGREEMENTS.*—

21 “(1) *FUNDING AGREEMENT REQUIRED.*—After
 22 *entering into a compact with an Indian tribe under*
 23 *subsection (c), the Secretary shall negotiate and enter*
 24 *into a written annual funding agreement with the In-*
 25 *dian tribe.*

1 “(2) *CONTENTS.*—

2 “(A) *IN GENERAL.*—

3 “(i) *FORMULA FUNDING AND DISCRE-*
 4 *TIONARY GRANTS.*—*A funding agreement*
 5 *entered into with an Indian tribe shall au-*
 6 *thorize the Indian tribe, as determined by*
 7 *the Indian tribe, to plan, conduct, consoli-*
 8 *date, administer, and receive full tribal*
 9 *share funding, tribal transit formula fund-*
 10 *ing, and funding to tribes from discre-*
 11 *tionary and competitive grants adminis-*
 12 *tered by the Department for all programs,*
 13 *services, functions, and activities (or por-*
 14 *tions thereof) that are made available to In-*
 15 *Indian tribes to carry out tribal transpor-*
 16 *tation programs and programs, services,*
 17 *functions, and activities (or portions there-*
 18 *of) administered by the Secretary that are*
 19 *otherwise available to Indian tribes.*

20 “(ii) *TRANSFERS OF STATE FUNDS.*—

21 “(I) *INCLUSION OF TRANSFERRED*
 22 *FUNDS IN FUNDING AGREEMENT.*—*A*
 23 *funding agreement entered into with*
 24 *an Indian tribe shall include Federal-*
 25 *aid funds apportioned to a State under*

1 *chapter 1 if the State elects to provide*
2 *a portion of such funds to the Indian*
3 *tribe for a project eligible under section*
4 *202(a).*

5 “(II) *METHOD FOR TRANSFERS.*—
6 *If a State elects to provide funds de-*
7 *scribed in subclause (I) to an Indian*
8 *tribe, the State shall transfer the funds*
9 *back to the Secretary and the Secretary*
10 *shall transfer the funds to the Indian*
11 *tribe in accordance with this section.*

12 “(III) *RESPONSIBILITY FOR*
13 *TRANSFERRED FUNDS.*—*Notwith-*
14 *standing any other provision of law, if*
15 *a State provides funds described in*
16 *subclause (I) to an Indian tribe—*

17 “(aa) *the State shall not be*
18 *responsible for constructing or*
19 *maintaining a project carried out*
20 *using the funds or for admin-*
21 *istering or supervising the project*
22 *or funds during the applicable*
23 *statute of limitations period re-*
24 *lated to the construction of the*
25 *project; and*

1 “(bb) the Indian tribe shall
 2 be responsible for constructing
 3 and maintaining a project carried
 4 out using the funds and for ad-
 5 ministering and supervising the
 6 project and funds in accordance
 7 with this section during the appli-
 8 cable statute of limitations period
 9 related to the construction of the
 10 project.

11 “(B) ADMINISTRATION OF TRIBAL
 12 SHARES.—The tribal shares referred to in sub-
 13 paragraph (A) shall be provided without regard
 14 to the agency or office of the Department within
 15 which the program, service, function, or activity
 16 (or portion thereof) is performed.

17 “(C) FLEXIBLE AND INNOVATIVE FINANC-
 18 ING.—

19 “(i) IN GENERAL.—A funding agree-
 20 ment entered into with an Indian tribe
 21 under paragraph (1) shall include provi-
 22 sions pertaining to flexible and innovative
 23 financing if agreed upon by the parties.

24 “(ii) TERMS AND CONDITIONS.—

1 “(I) *AUTHORITY TO ISSUE REGU-*
 2 *LATIONS.—The Secretary may issue*
 3 *regulations to establish the terms and*
 4 *conditions relating to the flexible and*
 5 *innovative financing provisions re-*
 6 *ferred to in clause (i).*

7 “(II) *TERMS AND CONDITIONS IN*
 8 *ABSENCE OF REGULATIONS.—If the*
 9 *Secretary does not issue regulations*
 10 *under subclause (I), the terms and con-*
 11 *ditions relating to the flexible and in-*
 12 *novative financing provisions referred*
 13 *to in clause (i) shall be consistent*
 14 *with—*

15 “(aa) *agreements entered*
 16 *into by the Department under—*

17 “(AA) *section 202(b)(7);*

18 *and*

19 “(BB) *section 202(d)(5),*

20 *as in effect before the date of*

21 *enactment of MAP–21 (Pub-*

22 *lic Law 112–141); or*

23 “(bb) *regulations of the De-*
 24 *partment of the Interior relating*
 25 *to flexible financing contained in*

1 *part 170 of title 25, Code of Fed-*
2 *eral Regulations, as in effect on*
3 *the date of enactment of the Sur-*
4 *face Transportation Reauthoriza-*
5 *tion and Reform Act of 2015.*

6 “(3) *TERMS.—A funding agreement shall set*
7 *forth—*

8 “(A) *terms that generally identify the pro-*
9 *grams, services, functions, and activities (or por-*
10 *tions thereof) to be performed or administered by*
11 *the Indian tribe; and*

12 “(B) *for items identified in subparagraph*
13 *(A)—*

14 “(i) *the general budget category as-*
15 *signed;*

16 “(ii) *the funds to be provided, includ-*
17 *ing those funds to be provided on a recur-*
18 *ring basis;*

19 “(iii) *the time and method of transfer*
20 *of the funds;*

21 “(iv) *the responsibilities of the Sec-*
22 *retary and the Indian tribe; and*

23 “(v) *any other provision agreed to by*
24 *the Indian tribe and the Secretary.*

25 “(4) *SUBSEQUENT FUNDING AGREEMENTS.—*

1 “(A) *APPLICABILITY OF EXISTING AGREE-*
 2 *MENT.—Absent notification from an Indian tribe*
 3 *that the Indian tribe is withdrawing from or ret-*
 4 *roceding the operation of 1 or more programs,*
 5 *services, functions, or activities (or portions*
 6 *thereof) identified in a funding agreement, or*
 7 *unless otherwise agreed to by the parties, each*
 8 *funding agreement shall remain in full force and*
 9 *effect until a subsequent funding agreement is ex-*
 10 *ecuted.*

11 “(B) *EFFECTIVE DATE OF SUBSEQUENT*
 12 *AGREEMENT.—The terms of the subsequent fund-*
 13 *ing agreement shall be retroactive to the end of*
 14 *the term of the preceding funding agreement.*

15 “(5) *CONSENT OF INDIAN TRIBE REQUIRED.—*
 16 *The Secretary shall not revise, amend, or require ad-*
 17 *ditional terms in a new or subsequent funding agree-*
 18 *ment without the consent of the Indian tribe that is*
 19 *subject to the agreement unless such terms are re-*
 20 *quired by Federal law.*

21 “(e) *GENERAL PROVISIONS.—*

22 “(1) *REDESIGN AND CONSOLIDATION.—*

23 “(A) *IN GENERAL.—An Indian tribe, in*
 24 *any manner that the Indian tribe considers to be*

1 *in the best interest of the Indian community*
2 *being served, may—*

3 “(i) *redesign or consolidate programs,*
4 *services, functions, and activities (or por-*
5 *tions thereof) included in a funding agree-*
6 *ment; and*

7 “(ii) *reallocate or redirect funds for*
8 *such programs, services, functions, and ac-*
9 *tivities (or portions thereof), if the funds*
10 *are—*

11 “(I) *expended on projects identi-*
12 *fied in a transportation improvement*
13 *program approved by the Secretary;*
14 *and*

15 “(II) *used in accordance with the*
16 *requirements in—*

17 “(aa) *appropriations Acts;*

18 “(bb) *this title and chapter*
19 *53 of title 49; and*

20 “(cc) *any other applicable*
21 *law.*

22 “(B) *EXCEPTION.—Notwithstanding sub-*
23 *paragraph (A), if, pursuant to subsection (d), an*
24 *Indian tribe receives a discretionary or competi-*
25 *tive grant from the Secretary or receives State*

1 *apportioned funds, the Indian tribe shall use the*
2 *funds for the purpose for which the funds were*
3 *originally authorized.*

4 “(2) *RETROCESSION.*—

5 “(A) *IN GENERAL.*—

6 “(i) *AUTHORITY OF INDIAN TRIBES.*—

7 *An Indian tribe may retrocede (fully or*
8 *partially) to the Secretary programs, serv-*
9 *ices, functions, or activities (or portions*
10 *thereof) included in a compact or funding*
11 *agreement.*

12 “(ii) *REASSUMPTION OF REMAINING*
13 *FUNDS.*—*Following a retrocession described*
14 *in clause (i), the Secretary may—*

15 “(I) *reassume the remaining*
16 *funding associated with the retroceded*
17 *programs, functions, services, and ac-*
18 *tivities (or portions thereof) included*
19 *in the applicable compact or funding*
20 *agreement;*

21 “(II) *out of such remaining funds,*
22 *transfer funds associated with Depart-*
23 *ment of Interior programs, services,*
24 *functions, or activities (or portions*
25 *thereof) to the Secretary of the Interior*

1 to carry out transportation services
2 provided by the Secretary of the Inte-
3 rior; and

4 “(III) distribute funds not trans-
5 ferred under subclause (II) in accord-
6 ance with applicable law.

7 “(iii) CORRECTION OF PROGRAMS.—If
8 the Secretary makes a finding under sub-
9 section (f)(2)(B) and no funds are available
10 under subsection (f)(2)(A)(ii), the Secretary
11 shall not be required to provide additional
12 funds to complete or correct any programs,
13 functions, services, or activities (or portions
14 thereof).

15 “(B) EFFECTIVE DATE.—Unless the Indian
16 tribe rescinds a request for retrocession, the ret-
17 rocession shall become effective within the time-
18 frame specified by the parties in the compact or
19 funding agreement. In the absence of such a spec-
20 ification, the retrocession shall become effective
21 on—

22 “(i) the earlier of—

23 “(I) 1 year after the date of sub-
24 mission of the request; or

1 “(II) the date on which the fund-
2 ing agreement expires; or

3 “(ii) such date as may be mutually
4 agreed upon by the parties and, with re-
5 spect to Department of the Interior pro-
6 grams, functions, services, and activities (or
7 portions thereof), the Secretary of the Inte-
8 rior.

9 “(f) PROVISIONS RELATING TO SECRETARY.—

10 “(1) DECISIONMAKER.—A decision that relates
11 to an appeal of the rejection of a final offer by the
12 Department shall be made either—

13 “(A) by an official of the Department who
14 holds a position at a higher organizational level
15 within the Department than the level of the de-
16 partmental agency in which the decision that is
17 the subject of the appeal was made; or

18 “(B) by an administrative judge.

19 “(2) TERMINATION OF COMPACT OR FUNDING
20 AGREEMENT.—

21 “(A) AUTHORITY TO TERMINATE.—

22 “(i) PROVISION TO BE INCLUDED IN
23 COMPACT OR FUNDING AGREEMENT.—A
24 compact or funding agreement shall include
25 a provision authorizing the Secretary, if the

1 *Secretary makes a finding described in sub-*
2 *paragraph (B), to—*

3 *“(I) terminate the compact or*
4 *funding agreement (or a portion there-*
5 *of); and*

6 *“(II) reassume the remaining*
7 *funding associated with the reassumed*
8 *programs, functions, services, and ac-*
9 *tivities included in the compact or*
10 *funding agreement.*

11 *“(ii) TRANSFERS OF FUNDS.—Out of*
12 *any funds reassumed under clause (i)(II),*
13 *the Secretary may transfer the funds associ-*
14 *ated with Department of the Interior pro-*
15 *grams, functions, services, and activities (or*
16 *portions thereof) to the Secretary of the In-*
17 *terior to provide continued transportation*
18 *services in accordance with applicable law.*

19 *“(B) FINDINGS RESULTING IN TERMI-*
20 *NATION.—The finding referred to in subpara-*
21 *graph (A) is a specific finding of—*

22 *“(i) imminent jeopardy to a trust*
23 *asset, natural resources, or public health*
24 *and safety that is caused by an act or omis-*
25 *sion of the Indian tribe and that arises out*

1 *of a failure to carry out the compact or*
 2 *funding agreement, as determined by the*
 3 *Secretary; or*

4 “(ii) *gross mismanagement with re-*
 5 *spect to funds or programs transferred to*
 6 *the Indian tribe under the compact or fund-*
 7 *ing agreement, as determined by the Sec-*
 8 *retary in consultation with the Inspector*
 9 *General of the Department, as appropriate.*

10 “(C) *PROHIBITION.—The Secretary shall*
 11 *not terminate a compact or funding agreement*
 12 *(or portion thereof) unless—*

13 “(i) *the Secretary has first provided*
 14 *written notice and a hearing on the record*
 15 *to the Indian tribe that is subject to the*
 16 *compact or funding agreement; and*

17 “(ii) *the Indian tribe has not taken*
 18 *corrective action to remedy the mismanage-*
 19 *ment of funds or programs or the imminent*
 20 *jeopardy to a trust asset, natural resource,*
 21 *or public health and safety.*

22 “(D) *EXCEPTION.—*

23 “(i) *IN GENERAL.—Notwithstanding*
 24 *subparagraph (C), the Secretary, upon*
 25 *written notification to an Indian tribe that*

1 is subject to a compact or funding agree-
2 ment, may immediately terminate the com-
3 pact or funding agreement (or portion
4 thereof) if—

5 “(I) the Secretary makes a find-
6 ing of imminent substantial and irrep-
7 arable jeopardy to a trust asset, nat-
8 ural resource, or public health and
9 safety; and

10 “(II) the jeopardy arises out of a
11 failure to carry out the compact or
12 funding agreement.

13 “(ii) *HEARINGS.*—If the Secretary ter-
14 minates a compact or funding agreement
15 (or portion thereof) under clause (i), the
16 Secretary shall provide the Indian tribe
17 subject to the compact or agreement with a
18 hearing on the record not later than 10
19 days after the date of such termination.

20 “(E) *BURDEN OF PROOF.*—In any hearing
21 or appeal involving a decision to terminate a
22 compact or funding agreement (or portion there-
23 of) under this paragraph, the Secretary shall
24 have the burden of proof in demonstrating by

1 *clear and convincing evidence the validity of the*
2 *grounds for the termination.*

3 “(g) *COST PRINCIPLES.—In administering funds re-*
4 *ceived under this section, an Indian tribe shall apply cost*
5 *principles under the applicable Office of Management and*
6 *Budget circular, except as modified by section 450j–1 of*
7 *title 25, other provisions of law, or by any exemptions to*
8 *applicable Office of Management and Budget circulars sub-*
9 *sequently granted by the Office of Management and Budget.*
10 *No other audit or accounting standards shall be required*
11 *by the Secretary. Any claim by the Federal Government*
12 *against the Indian tribe relating to funds received under*
13 *a funding agreement based on any audit conducted pursu-*
14 *ant to this subsection shall be subject to the provisions of*
15 *section 450j–1(f) of title 25.*

16 “(h) *TRANSFER OF FUNDS.—The Secretary shall pro-*
17 *vide funds to an Indian tribe under a funding agreement*
18 *in an amount equal to—*

19 “(1) *the sum of the funding that the Indian tribe*
20 *would otherwise receive for the program, function,*
21 *service, or activity in accordance with a funding for-*
22 *mula or other allocation method established under*
23 *this title or chapter 53 of title 49; and*

24 “(2) *such additional amounts as the Secretary*
25 *determines equal the amounts that would have been*

1 *withheld for the costs of the Bureau of Indian Affairs*
 2 *for administration of the program or project.*

3 “(i) *CONSTRUCTION PROGRAMS.*—

4 “(1) *STANDARDS.*—*Construction projects carried*
 5 *out under programs administered by an Indian tribe*
 6 *with funds transferred to the Indian tribe pursuant*
 7 *to a funding agreement entered into under this sec-*
 8 *tion shall be constructed pursuant to the construction*
 9 *program standards set forth in applicable regulations*
 10 *or as specifically approved by the Secretary (or the*
 11 *Secretary’s designee).*

12 “(2) *MONITORING.*—*Construction programs shall*
 13 *be monitored by the Secretary in accordance with ap-*
 14 *plicable regulations.*

15 “(j) *FACILITATION.*—

16 “(1) *SECRETARIAL INTERPRETATION.*—*Except as*
 17 *otherwise provided by law, the Secretary shall inter-*
 18 *pret all Federal laws, Executive orders, and regula-*
 19 *tions in a manner that will facilitate—*

20 “(A) *the inclusion of programs, services,*
 21 *functions, and activities (or portions thereof)*
 22 *and funds associated therewith, in compacts and*
 23 *funding agreements; and*

24 “(B) *the implementation of the compacts*
 25 *and funding agreements.*

1 “(2) *REGULATION WAIVER.*—

2 “(A) *IN GENERAL.*—*An Indian tribe may*
3 *submit to the Secretary a written request to*
4 *waive application of a regulation promulgated*
5 *under this section with respect to a compact or*
6 *funding agreement. The request shall identify the*
7 *regulation sought to be waived and the basis for*
8 *the request.*

9 “(B) *APPROVALS AND DENIALS.*—

10 “(i) *IN GENERAL.*—*Not later than 90*
11 *days after the date of receipt of a written*
12 *request under subparagraph (A), the Sec-*
13 *retary shall approve or deny the request in*
14 *writing.*

15 “(ii) *REVIEW.*—*The Secretary shall re-*
16 *view any application by an Indian tribe for*
17 *a waiver bearing in mind increasing oppor-*
18 *tunities for using flexible policy approaches*
19 *at the Indian tribal level.*

20 “(iii) *DEEMED APPROVAL.*—*If the Sec-*
21 *retary does not approve or deny a request*
22 *submitted under subparagraph (A) on or be-*
23 *fore the last day of the 90-day period re-*
24 *ferred to in clause (i), the request shall be*
25 *deemed approved.*

1 “(iv) *DENIALS.*—If the application for
 2 a waiver is not granted, the agency shall
 3 provide the applicant with the reasons for
 4 the denial as part of the written response
 5 required in clause (i).

6 “(v) *FINALITY OF DECISIONS.*—A deci-
 7 sion by the Secretary under this subpara-
 8 graph shall be final for the Department.

9 “(k) *DISCLAIMERS.*—

10 “(1) *EXISTING AUTHORITY.*—Notwithstanding
 11 any other provision of law, upon the election of an
 12 Indian tribe, the Secretary shall—

13 “(A) maintain current tribal transportation
 14 program funding agreements and program agree-
 15 ments; or

16 “(B) enter into new agreements under the
 17 authority of section 202(b)(7).

18 “(2) *LIMITATION ON STATUTORY CONSTRUC-*
 19 *TION.*—Nothing in this section may be construed to
 20 impair or diminish the authority of the Secretary
 21 under section 202(b)(7).

22 “(l) *APPLICABILITY OF INDIAN SELF-DETERMINATION*
 23 *AND EDUCATION ASSISTANCE ACT.*—Except to the extent
 24 in conflict with this section (as determined by the Sec-
 25 retary), the following provisions of the Indian Self-Deter-

1 *mination and Education Assistance Act shall apply to com-*
 2 *pact and funding agreements (except that any reference to*
 3 *the Secretary of the Interior or the Secretary of Health and*
 4 *Human Services in such provisions shall be treated as a*
 5 *reference to the Secretary of Transportation):*

6 “(1) Subsections (a), (b), (d), (g), and (h) of sec-
 7 tion 506 of such Act (25 U.S.C. 458aaa–5), relating
 8 to general provisions.

9 “(2) Subsections (b) through (e) and (g) of sec-
 10 tion 507 of such Act (25 U.S.C. 458aaa–6), relating to
 11 provisions relating to the Secretary of Health and
 12 Human Services.

13 “(3) Subsections (a), (b), (d), (e), (g), (h), (i),
 14 and (k) of section 508 of such Act (25 U.S.C. 458aaa–
 15 7), relating to transfer of funds.

16 “(4) Section 510 of such Act (25 U.S.C. 458aaa–
 17 9), relating to Federal procurement laws and regula-
 18 tions.

19 “(5) Section 511 of such Act (25 U.S.C. 458aaa–
 20 10), relating to civil actions.

21 “(6) Subsections (a)(1), (a)(2), and (c) through
 22 (f) of section 512 of such Act (25 U.S.C. 458aaa–11),
 23 relating to facilitation, except that subsection (c)(1) of
 24 that section shall be applied by substituting ‘trans-

1 *portation facilities and other facilities’ for ‘school*
 2 *buildings, hospitals, and other facilities’.*

3 “(7) Subsections (a) and (b) of section 515 of
 4 *such Act (25 U.S.C. 458aaa–14), relating to dis-*
 5 *claimers.*

6 “(8) Subsections (a) and (b) of section 516 of
 7 *such Act (25 U.S.C. 458aaa–15), relating to applica-*
 8 *tion of title I provisions.*

9 “(9) Section 518 of such Act (25 U.S.C. 458aaa–
 10 *17), relating to appeals.*

11 “(m) DEFINITIONS.—

12 “(1) IN GENERAL.—*In this section, the following*
 13 *definitions apply (except as otherwise expressly pro-*
 14 *vided):*

15 “(A) COMPACT.—*The term ‘compact’ means*
 16 *a compact between the Secretary and an Indian*
 17 *tribe entered into under subsection (c).*

18 “(B) DEPARTMENT.—*The term ‘Depart-*
 19 *ment’ means the Department of Transportation.*

20 “(C) ELIGIBLE INDIAN TRIBE.—*The term*
 21 *‘eligible Indian tribe’ means an Indian tribe*
 22 *that is eligible to participate in the program, as*
 23 *determined under subsection (b).*

24 “(D) FUNDING AGREEMENT.—*The term*
 25 *‘funding agreement’ means a funding agreement*

1 *between the Secretary and an Indian tribe en-*
2 *tered into under subsection (d).*

3 “(E) *INDIAN TRIBE.*—*The term ‘Indian*
4 *tribe’ means any Indian or Alaska Native tribe,*
5 *band, nation, pueblo, village, or community that*
6 *the Secretary of the Interior acknowledges to*
7 *exist as an Indian tribe under the Federally Rec-*
8 *ognized Indian Tribe List Act of 1994 (25*
9 *U.S.C. 479a). In any case in which an Indian*
10 *tribe has authorized another Indian tribe, an*
11 *intertribal consortium, or a tribal organization*
12 *to plan for or carry out programs, services, func-*
13 *tions, or activities (or portions thereof) on its be-*
14 *half under this part, the authorized Indian tribe,*
15 *intertribal consortium, or tribal organization*
16 *shall have the rights and responsibilities of the*
17 *authorizing Indian tribe (except as otherwise*
18 *provided in the authorizing resolution or in this*
19 *title). In such event, the term ‘Indian tribe’ as*
20 *used in this part shall include such other author-*
21 *ized Indian tribe, intertribal consortium, or trib-*
22 *al organization.*

23 “(F) *PROGRAM.*—*The term ‘program’*
24 *means the tribal transportation self-governance*
25 *program established under this section.*

1 “(G) *SECRETARY.*—*The term ‘Secretary’*
2 *means the Secretary of Transportation.*

3 “(H) *TRANSPORTATION PROGRAMS.*—*The*
4 *term ‘transportation programs’ means all pro-*
5 *grams administered or financed by the Depart-*
6 *ment under this title and chapter 53 of title 49.*

7 “(2) *APPLICABILITY OF OTHER DEFINITIONS.*—
8 *In this section, the definitions set forth in sections 4*
9 *and 505 of the Indian Self-Determination and Edu-*
10 *cation Assistance Act (25 U.S.C. 450b; 458aaa)*
11 *apply, except as otherwise expressly provided in this*
12 *section.*

13 “(n) *REGULATIONS.*—

14 “(1) *IN GENERAL.*—

15 “(A) *PROMULGATION.*—*Not later than 90*
16 *days after the date of enactment of the Surface*
17 *Transportation Reauthorization and Reform Act*
18 *of 2015, the Secretary shall initiate procedures*
19 *under subchapter III of chapter 5 of title 5 to ne-*
20 *gotiate and promulgate such regulations as are*
21 *necessary to carry out this section.*

22 “(B) *PUBLICATION OF PROPOSED REGULA-*
23 *TIONS.*—*Proposed regulations to implement this*
24 *section shall be published in the Federal Register*

1 *by the Secretary not later than 21 months after*
 2 *such date of enactment.*

3 “(C) *EXPIRATION OF AUTHORITY.*—*The au-*
 4 *thority to promulgate regulations under para-*
 5 *graph (1) shall expire 30 months after such date*
 6 *of enactment.*

7 “(D) *EXTENSION OF DEADLINES.*—*A dead-*
 8 *line set forth in paragraph (1)(B) or (1)(C) may*
 9 *be extended up to 180 days if the negotiated rule-*
 10 *making committee referred to in paragraph (2)*
 11 *concludes that the committee cannot meet the*
 12 *deadline and the Secretary so notifies the appro-*
 13 *priate committees of Congress.*

14 “(2) *COMMITTEE.*—

15 “(A) *IN GENERAL.*—*A negotiated rule-*
 16 *making committee established pursuant to sec-*
 17 *tion 565 of title 5 to carry out this subsection*
 18 *shall have as its members only Federal and trib-*
 19 *al government representatives, a majority of*
 20 *whom shall be nominated by and be representa-*
 21 *tives of Indian tribes with funding agreements*
 22 *under this title.*

23 “(B) *REQUIREMENTS.*—*The committee shall*
 24 *confer with, and accommodate participation by,*
 25 *representatives of Indian tribes, inter-tribal con-*

1 *sortia, tribal organizations, and individual trib-*
 2 *al members.*

3 “(C) *ADAPTATION OF PROCEDURES.*—*The*
 4 *Secretary shall adapt the negotiated rulemaking*
 5 *procedures to the unique context of self-govern-*
 6 *ance and the government-to-government relation-*
 7 *ship between the United States and Indian*
 8 *tribes.*

9 “(3) *EFFECT.*—*The lack of promulgated regula-*
 10 *tions shall not limit the effect of this section.*

11 “(4) *EFFECT OF CIRCULARS, POLICIES, MANU-*
 12 *ALS, GUIDANCE, AND RULES.*—*Unless expressly agreed*
 13 *to by the participating Indian tribe in the compact*
 14 *or funding agreement, the participating Indian tribe*
 15 *shall not be subject to any agency circular, policy,*
 16 *manual, guidance, or rule adopted by the Depart-*
 17 *ment, except regulations promulgated under this sec-*
 18 *tion.”.*

19 “(b) *CLERICAL AMENDMENT.*—*The analysis for such*
 20 *chapter is amended by inserting after the item relating to*
 21 *section 206 the following:*

 “207. *Tribal transportation self-governance program.*”.

22 **SEC. 1117. EMERGENCY RELIEF.**

23 “(a) *ELIGIBILITY.*—*Section 125(d)(3) of title 23,*
 24 *United States Code, is amended—*

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

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

5 (3) by adding at the end the following:

6 “(C) projects eligible for assistance under
7 this section located on Federal lands transpor-
8 tation facilities or other federally owned roads
9 that are open to public travel (as defined in sub-
10 section (e)).”.

11 (b) *DEFINITIONS.*—Section 125(e) of title 23, United
12 States Code, is amended by striking paragraph (1) and in-
13 serting the following:

14 “(1) *DEFINITIONS.*—In this subsection, the fol-
15 lowing definitions apply:

16 “(A) *OPEN TO PUBLIC TRAVEL.*—The term
17 ‘open to public travel’ means, with respect to a
18 road, that, except during scheduled periods, ex-
19 treme weather conditions, or emergencies, the
20 road—

21 “(i) is maintained;

22 “(ii) is open to the general public; and

23 “(iii) can accommodate travel by a
24 standard passenger vehicle, without restric-
25 tive gates or prohibitive signs or regula-

1 *tions, other than for general traffic control*
 2 *or restrictions based on size, weight, or class*
 3 *of registration.*

4 *“(B) STANDARD PASSENGER VEHICLE.—The*
 5 *term ‘standard passenger vehicle’ means a vehi-*
 6 *cle with 6 inches of clearance from the lowest*
 7 *point of the frame, body, suspension, or differen-*
 8 *tial to the ground.”.*

9 **SEC. 1118. HIGHWAY USE TAX EVASION PROJECTS.**

10 *Section 143(b) of title 23, United States Code, is*
 11 *amended—*

12 *(1) by striking paragraph (2)(A) and inserting*
 13 *the following:*

14 *“(A) IN GENERAL.—From administrative*
 15 *funds made available under section 104(a), the*
 16 *Secretary may deduct such sums as are nec-*
 17 *essary, not to exceed \$6,000,000 for each of fiscal*
 18 *years 2016 through 2021, to carry out this sec-*
 19 *tion.”;*

20 *(2) in the heading for paragraph (8) by insert-*
 21 *ing “BLOCK GRANT” after “SURFACE TRANSPOR-*
 22 *TATION”; and*

23 *(3) in paragraph (9) by inserting “, the Com-*
 24 *mittee on Transportation and Infrastructure of the*
 25 *House of Representatives, and the Committee on En-*

1 *vironment and Public Works of the Senate” after “the*
 2 *Secretary”.*

3 **SEC. 1119. BUNDLING OF BRIDGE PROJECTS.**

4 *Section 144 of title 23, United States Code, is amend-*
 5 *ed—*

6 *(1) in subsection (c)(2)(A) by striking “the nat-*
 7 *ural condition of the bridge” and inserting “the nat-*
 8 *ural condition of the water”;*

9 *(2) by redesignating subsection (j) as subsection*
 10 *(k);*

11 *(3) by inserting after subsection (i) the following:*
 12 *“(j) BUNDLING OF BRIDGE PROJECTS.—*

13 *“(1) PURPOSE.—The purpose of this subsection*
 14 *is to save costs and time by encouraging States to*
 15 *bundle multiple bridge projects as 1 project.*

16 *“(2) ELIGIBLE ENTITY DEFINED.—In this sub-*
 17 *section, the term ‘eligible entity’ means an entity eli-*
 18 *gible to carry out a bridge project under section 119*
 19 *or 133.*

20 *“(3) BUNDLING OF BRIDGE PROJECTS.—An eli-*
 21 *gible entity may bundle 2 or more similar bridge*
 22 *projects that are—*

23 *“(A) eligible projects under section 119 or*
 24 *133;*

1 “(B) included as a bundled project in a
 2 transportation improvement program under sec-
 3 tion 134(j) or a statewide transportation im-
 4 provement program under section 135, as appli-
 5 cable; and

6 “(C) awarded to a single contractor or con-
 7 sultant pursuant to a contract for engineering
 8 and design or construction between the con-
 9 tractor and an eligible entity.

10 “(4) ITEMIZATION.—Notwithstanding any other
 11 provision of law (including regulations), a bundling
 12 of bridge projects under this subsection may be listed
 13 as—

14 “(A) 1 project for purposes of sections 134
 15 and 135; and

16 “(B) a single project within the applicable
 17 bundle.

18 “(5) FINANCIAL CHARACTERISTICS.—Projects
 19 bundled under this subsection shall have the same fi-
 20 nancial characteristics, including—

21 “(A) the same funding category or sub-
 22 category; and

23 “(B) the same Federal share.

1 “(6) *ENGINEERING COST REIMBURSEMENT.*—*The*
 2 *provisions of section 102(b) do not apply to projects*
 3 *carried out under this subsection.*”; and

4 (4) *in subsection (k)(2), as redesignated by para-*
 5 *graph (2) of this section, by striking “104(b)(3)” and*
 6 *inserting “104(b)(2)”.*

7 **SEC. 1120. TRIBAL HIGH PRIORITY PROJECTS PROGRAM.**

8 *Section 1123(h)(1) of MAP–21 (23 U.S.C. 202 note)*
 9 *is amended by striking “fiscal years” and all that follows*
 10 *through the period at the end and inserting “fiscal years*
 11 *2016 through 2021.”.*

12 **SEC. 1121. CONSTRUCTION OF FERRY BOATS AND FERRY**
 13 **TERMINAL FACILITIES.**

14 *Section 147(e) of title 23, United States Code, is*
 15 *amended by striking “2013 and 2014” and inserting “2016*
 16 *through 2021”.*

17 ***Subtitle B—Planning and***
 18 ***Performance Management***

19 **SEC. 1201. METROPOLITAN TRANSPORTATION PLANNING.**

20 *Section 134 of title 23, United States Code, is amend-*
 21 *ed—*

22 (1) *in subsection (c)(2), by striking “and bicycle*
 23 *transportation facilities” and inserting “, bicycle*
 24 *transportation facilities, and intermodal facilities*

1 *that support intercity transportation, including inter-*
 2 *city buses and intercity bus facilities”;*

3 *(2) in subsection (d)—*

4 *(A) by redesignating paragraphs (3)*
 5 *through (6) as paragraphs (4) through (7), re-*
 6 *spectively;*

7 *(B) by inserting after paragraph (2) the fol-*
 8 *lowing:*

9 “(3) *REPRESENTATION.*—

10 “(A) *IN GENERAL.*—*Designation or selection*
 11 *of officials or representatives under paragraph*
 12 *(2) shall be determined by the metropolitan*
 13 *planning organization according to the bylaws*
 14 *or enabling statute of the organization.*

15 “(B) *PUBLIC TRANSPORTATION REPRESENT-*
 16 *ATIVE.*—*Subject to the bylaws or enabling statute*
 17 *of the metropolitan planning organization, a*
 18 *representative of a provider of public transpor-*
 19 *tation may also serve as a representative of a*
 20 *local municipality.*

21 “(C) *POWERS OF CERTAIN OFFICIALS.*—*An*
 22 *official described in paragraph (2)(B) shall have*
 23 *responsibilities, actions, duties, voting rights,*
 24 *and any other authority commensurate with*
 25 *other officials described in paragraph (2).”;* and

1 (C) in paragraph (5) as so redesignated by
 2 striking “paragraph (5)” and inserting “para-
 3 graph (6)”;

4 (3) in subsection (e)(4)(B), by striking “sub-
 5 section (d)(5)” and inserting “subsection (d)(6)”;

6 (4) in subsection (g)(3)(A), by inserting “tour-
 7 ism, natural disaster risk reduction,” after “economic
 8 development,”;

9 (5) in subsection (h)—

10 (A) in paragraph (1)—

11 (i) in subparagraph (G), by striking
 12 “and” at the end;

13 (ii) in subparagraph (H) by striking
 14 the period at the end and inserting a semi-
 15 colon; and

16 (iii) by adding at the end the fol-
 17 lowing:

18 “(I) improve the reliance and reliability of
 19 the transportation system and reduce or mitigate
 20 stormwater impacts of surface transportation;
 21 and

22 “(J) enhance travel and tourism.”; and

23 (B) in paragraph (2)(A) by striking “and
 24 in section 5301(c) of title 49” and inserting

1 *“and the general purposes described in section*
2 *5301 of title 49”;*

3 *(6) in subsection (i)—*

4 *(A) in paragraph (2)(A)(i) by striking*
5 *“transit,” and inserting “public transportation*
6 *facilities, intercity bus facilities,”;*

7 *(B) in paragraph (6)(A)—*

8 *(i) by inserting “public ports,” before*
9 *“freight shippers,”; and*

10 *(ii) by inserting “(including intercity*
11 *bus operators, employer-based commuting*
12 *programs, such as a carpool program, van-*
13 *pool program, transit benefit program,*
14 *parking cash-out program, shuttle program,*
15 *or telework program)” after “private pro-*
16 *viders of transportation”; and*

17 *(C) in paragraph (8) by striking “para-*
18 *graph (2)(C)” and inserting “paragraph (2)(E)”*
19 *each place it appears;*

20 *(7) in subsection (k)(3)—*

21 *(A) in subparagraph (A) by inserting “(in-*
22 *cluding intercity bus operators, employer-based*
23 *commuting programs such as a carpool program,*
24 *vanpool program, transit benefit program, park-*
25 *ing cash-out program, shuttle program, or*

telework program), job access projects,” after “reduction”; and

(B) by adding at the end the following:

“(C) *CONGESTION MANAGEMENT PLAN*.—A metropolitan planning organization with a transportation management area may develop a plan that includes projects and strategies that will be considered in the TIP of such metropolitan planning organization. Such plan shall—

“(i) develop regional goals to reduce vehicle miles traveled during peak commuting hours and improve transportation connections between areas with high job concentration and areas with high concentrations of low-income households;

“(ii) identify existing public transportation services, employer-based commuter programs, and other existing transportation services that support access to jobs in the region; and

“(iii) identify proposed projects and programs to reduce congestion and increase job access opportunities.

“(D) *PARTICIPATION*.—In developing the plan under subparagraph (C), a metropolitan

planning organization shall consult with employers, private and nonprofit providers of public transportation, transportation management organizations, and organizations that provide job access reverse commute projects or job-related services to low-income individuals.”;

(8) in subsection (l)—

(A) by adding a period at the end of paragraph (1); and

(B) in paragraph (2)(D) by striking “of less than 200,000” and inserting “with a population of 200,000 or less”;

(9) in subsection (n)(1) by inserting “49” after “chapter 53 of title”; and

(10) in subsection (p) by striking “Funds set aside under section 104(f)” and inserting “Funds apportioned under section 104(b)(5)”.

SEC. 1202. STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.

Section 135 of title 23, United States Code, is amended—

(1) in subsection (a)(2) by striking “and bicycle transportation facilities” and inserting, “, bicycle transportation facilities, and intermodal facilities

1 *that support intercity transportation, including inter-*
 2 *city buses and intercity bus facilities”;*

3 *(2) in subsection (d)—*

4 *(A) in paragraph (1)—*

5 *(i) in subparagraph (G) by striking*
 6 *“and” at the end;*

7 *(ii) in subparagraph (H) by striking*
 8 *the period at the end and inserting a semi-*
 9 *colon; and*

10 *(iii) by adding at the end the fol-*
 11 *lowing:*

12 *“(I) improve the reliance and reliability of*
 13 *the transportation system and reduce or mitigate*
 14 *stormwater impacts of surface transportation;*
 15 *and*

16 *“(J) enhance travel and tourism.”; and*

17 *(B) in paragraph (2)—*

18 *(i) in subparagraph (A) by striking*
 19 *“and in section 5301(c) of title 49” and in-*
 20 *serting “and the general purposes described*
 21 *in section 5301 of title 49”;*

22 *(ii) in subparagraph (B)(ii) by strik-*
 23 *ing “urbanized”; and*

24 *(iii) in subparagraph (C) by striking*
 25 *“urbanized”; and*

1 (3) in subsection (f)—

2 (A) in paragraph (3)(A)(i)—

3 (i) by inserting “public ports,” before
4 “freight shippers,”; and

5 (ii) by inserting “(including intercity
6 bus operators, employer-based commuting
7 programs, such as a carpool program, van-
8 pool program, transit benefit program,
9 parking cash-out program, shuttle program,
10 or telework program)” after “private pro-
11 viders of transportation”; and

12 (B) in paragraph (7), in the matter pre-
13 ceding subparagraph (A), by striking “should”
14 and inserting “shall”.

15 ***Subtitle C—Acceleration of Project***
16 ***Delivery***

17 ***SEC. 1301. SATISFACTION OF REQUIREMENTS FOR CERTAIN***
18 ***HISTORIC SITES.***

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

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

23 “(1) *IN GENERAL*.—The Secretary shall—

24 “(A) align, to the maximum extent prac-
25 ticable, with the requirements of the National

1 *Environmental Policy Act of 1969 (42 U.S.C.*
2 *4231 et seq.) and section 306108 of title 54, in-*
3 *cluding implementing regulations; and*

4 “(B) not later than 90 days after the date
5 of enactment of this subsection, coordinate with
6 the Secretary of the Interior and the Executive
7 Director of the Advisory Council on Historic
8 Preservation (referred to in this subsection as the
9 ‘Council’) to establish procedures to satisfy the
10 requirements described in subparagraph (A) (in-
11 cluding regulations).

12 “(2) AVOIDANCE ALTERNATIVE ANALYSIS.—

13 “(A) IN GENERAL.—If, in an analysis re-
14 quired under the National Environmental Policy
15 Act of 1969 (42 U.S.C. 4231 et seq.), the Sec-
16 retary determines that there is no feasible or
17 prudent alternative to avoid use of a historic
18 site, the Secretary may—

19 “(i) include the determination of the
20 Secretary in the analysis required under
21 that Act;

22 “(ii) provide a notice of the determina-
23 tion to—

1 “(I) each applicable State historic
2 preservation officer and tribal historic
3 preservation officer;

4 “(II) the Council, if the Council is
5 participating in the consultation proc-
6 ess under section 306108 of title 54;
7 and

8 “(III) the Secretary of the Inte-
9 rior; and

10 “(iii) request from the applicable pres-
11 ervation officer, the Council, and the Sec-
12 retary of the Interior a concurrence that the
13 determination is sufficient to satisfy the re-
14 quirement of subsection (a)(1).

15 “(B) CONCURRENCE.—If the applicable
16 preservation officer, the Council, and the Sec-
17 retary of the Interior each provide a concurrence
18 requested under subparagraph (A)(iii), no fur-
19 ther analysis under subsection (a)(1) shall be re-
20 quired.

21 “(C) PUBLICATION.—A notice of a deter-
22 mination, together with each relevant concur-
23 rence to that determination, under subparagraph
24 (A) shall be—

1 “(i) included in the record of decision
2 or finding of no significant impact of the
3 Secretary; and

4 “(ii) posted on an appropriate Federal
5 Web site by not later than 3 days after the
6 date of receipt by the Secretary of all con-
7 currences requested under subparagraph
8 (A)(iii).

9 “(3) *ALIGNING HISTORICAL REVIEWS.*—

10 “(A) *IN GENERAL.*—If the Secretary, the
11 applicable preservation officer, the Council, and
12 the Secretary of the Interior concur that no fea-
13 sible and prudent alternative exists as described
14 in paragraph (2), the Secretary may provide to
15 the applicable preservation officer, the Council,
16 and the Secretary of the Interior notice of the in-
17 tent of the Secretary to satisfy the requirements
18 of subsection (a)(2) through the consultation re-
19 quirements of section 306108 of title 54.

20 “(B) *SATISFACTION OF CONDITIONS.*—To
21 satisfy the requirements of subsection (a)(2), each
22 individual described in paragraph (2)(A)(ii)
23 shall concur in the treatment of the applicable
24 historic site described in the memorandum of

1 *agreement or programmatic agreement developed*
2 *under section 306108 of title 54.”.*

3 **(b) PUBLIC TRANSPORTATION.**—*Section 303 of title*
4 *49, United States Code, is amended by adding at the end*
5 *the following:*

6 **“(e) SATISFACTION OF REQUIREMENTS FOR CERTAIN**
7 **HISTORIC SITES.**—

8 **“(1) IN GENERAL.**—*The Secretary shall—*

9 **“(A)** *align, to the maximum extent prac-*
10 *ticable, the requirements of this section with the*
11 *requirements of the National Environmental Pol-*
12 *icy Act of 1969 (42 U.S.C. 4231 et seq.) and sec-*
13 *tion 306108 of title 54, including implementing*
14 *regulations; and*

15 **“(B)** *not later than 90 days after the date*
16 *of enactment of this subsection, coordinate with*
17 *the Secretary of the Interior and the Executive*
18 *Director of the Advisory Council on Historic*
19 *Preservation (referred to in this subsection as the*
20 *‘Council’) to establish procedures to satisfy the*
21 *requirements described in subparagraph (A) (in-*
22 *cluding regulations).*

23 **“(2) AVOIDANCE ALTERNATIVE ANALYSIS.**—

24 **“(A) IN GENERAL.**—*If, in an analysis re-*
25 *quired under the National Environmental Policy*

1 *Act of 1969 (42 U.S.C. 4231 et seq.), the Sec-*
2 *retary determines that there is no feasible or*
3 *prudent alternative to avoid use of a historic*
4 *site, the Secretary may—*

5 *“(i) include the determination of the*
6 *Secretary in the analysis required under*
7 *that Act;*

8 *“(ii) provide a notice of the determina-*
9 *tion to—*

10 *“(I) each applicable State historic*
11 *preservation officer and tribal historic*
12 *preservation officer;*

13 *“(II) the Council, if the Council is*
14 *participating in the consultation proc-*
15 *ess under section 306108 of title 54;*
16 *and*

17 *“(III) the Secretary of the Inte-*
18 *rior; and*

19 *“(iii) request from the applicable pres-*
20 *ervation officer, the Council, and the Sec-*
21 *retary of the Interior a concurrence that the*
22 *determination is sufficient to satisfy the re-*
23 *quirement of subsection (c)(1).*

24 *“(B) CONCURRENCE.—If the applicable*
25 *preservation officer, the Council, and the Sec-*

retary of the Interior each provide a concurrence requested under subparagraph (A)(iii), no further analysis under subsection (a)(1) shall be required.

“(C) *PUBLICATION*.—A notice of a determination, together with each relevant concurrence to that determination, under subparagraph (A) shall be—

“(i) included in the record of decision or finding of no significant impact of the Secretary; and

“(ii) posted on an appropriate Federal Web site by not later than 3 days after the date of receipt by the Secretary of all concurrences requested under subparagraph (A)(iii).

“(3) *ALIGNING HISTORICAL REVIEWS*.—

“(A) *IN GENERAL*.—If the Secretary, the applicable preservation officer, the Council, and the Secretary of the Interior concur that no feasible and prudent alternative exists as described in paragraph (2), the Secretary may provide to the applicable preservation officer, the Council, and the Secretary of the Interior notice of the intent of the Secretary to satisfy the requirements

1 of subsection (c)(2) through the consultation re-
2 quirements of section 306108 of title 54.

3 “(B) *SATISFACTION OF CONDITIONS.*—To
4 satisfy the requirements of subsection (c)(2), the
5 applicable preservation officer, the Council, and
6 the Secretary of the Interior shall concur in the
7 treatment of the applicable historic site described
8 in the memorandum of agreement or pro-
9 grammatic agreement developed under section
10 306108 of title 54.”.

11 **SEC. 1302. TREATMENT OF IMPROVEMENTS TO RAIL AND**
12 **TRANSIT UNDER PRESERVATION REQUIRE-**
13 **MENTS.**

14 (a) *TITLE 23 AMENDMENT.*—Section 138 of title 23,
15 *United States Code*, as amended by this Act, is further
16 amended by adding at the end the following:

17 “(d) *RAIL AND TRANSIT.*—

18 “(1) *IN GENERAL.*—Improvements to, or the
19 maintenance, rehabilitation, or operation of, railroad
20 or rail transit lines or elements thereof that are in use
21 or were historically used for the transportation of
22 goods or passengers shall not be considered a use of
23 a historic site under subsection (a), regardless of
24 whether the railroad or rail transit line or element

1 *thereof is listed on, or eligible for listing on, the Na-*
 2 *tional Register of Historic Places.*

3 “(2) *EXCEPTIONS.*—

4 “(A) *IN GENERAL.*—Paragraph (1) shall
 5 *not apply to—*

6 “(i) *stations; or*

7 “(ii) *bridges or tunnels located on—*

8 “(I) *railroad lines that have been*
 9 *abandoned; or*

10 “(II) *transit lines that are not in*
 11 *use.*

12 “(B) *CLARIFICATION WITH RESPECT TO*
 13 *CERTAIN BRIDGES AND TUNNELS.*—*The bridges*
 14 *and tunnels referred to in subparagraph (A)(ii)*
 15 *do not include bridges or tunnels located on rail-*
 16 *road or transit lines—*

17 “(i) *over which service has been discon-*
 18 *tinued; or*

19 “(ii) *that have been railbanked or oth-*
 20 *erwise reserved for the transportation of*
 21 *goods or passengers.”.*

22 (b) *TITLE 49 AMENDMENT.*—*Section 303 of title 49,*
 23 *United States Code, as amended by this Act, is further*
 24 *amended—*

1 (1) *in subsection (c), in the matter preceding*
 2 *paragraph (1), by striking “subsection (d)” and in-*
 3 *serting “subsections (d), (e), and (f)”;* and

4 (2) *by adding at the end the following:*

5 “(f) *RAIL AND TRANSIT.—*

6 “(1) *IN GENERAL.—Improvements to, or the*
 7 *maintenance, rehabilitation, or operation of, railroad*
 8 *or rail transit lines or elements thereof that are in use*
 9 *or were historically used for the transportation of*
 10 *goods or passengers shall not be considered a use of*
 11 *a historic site under subsection (c), regardless of*
 12 *whether the railroad or rail transit line or element*
 13 *thereof is listed on, or eligible for listing on, the Na-*
 14 *tional Register of Historic Places.*

15 “(2) *EXCEPTIONS.—*

16 “(A) *IN GENERAL.—Paragraph (1) shall*
 17 *not apply to—*

18 “(i) *stations; or*

19 “(ii) *bridges or tunnels located on—*

20 “(I) *railroad lines that have been*
 21 *abandoned; or*

22 “(II) *transit lines that are not in*
 23 *use.*

24 “(B) *CLARIFICATION WITH RESPECT TO*
 25 *CERTAIN BRIDGES AND TUNNELS.—The bridges*

1 *and tunnels referred to in subparagraph (A)(ii)*
 2 *do not include bridges or tunnels located on rail-*
 3 *road or transit lines—*

4 *“(i) over which service has been discon-*
 5 *tinued; or*

6 *“(ii) that have been railbanked or oth-*
 7 *erwise reserved for the transportation of*
 8 *goods or passengers.”.*

9 **SEC. 1303. CLARIFICATION OF TRANSPORTATION ENVIRON-**
 10 **MENTAL AUTHORITIES.**

11 *(a) TITLE 23 AMENDMENT.—Section 138 of title 23,*
 12 *United States Code, as amended by this Act, is further*
 13 *amended by adding at the end the following:*

14 *“(e) REFERENCES TO PAST TRANSPORTATION ENVI-*
 15 *RONMENTAL AUTHORITIES.—*

16 *“(1) SECTION 4(F) REQUIREMENTS.—The re-*
 17 *quirements of this section are commonly referred to as*
 18 *section 4(f) requirements (see section 4(f) of the De-*
 19 *partment of Transportation Act (Public Law 89–670;*
 20 *80 Stat. 934) as in effect before the repeal of that sec-*
 21 *tion).*

22 *“(2) SECTION 106 REQUIREMENTS.—The require-*
 23 *ments of section 306108 of title 54 are commonly re-*
 24 *ferred to as section 106 requirements (see section 106*
 25 *of the National Historic Preservation Act of 1966*

1 *(Public Law 89–665; 80 Stat. 915) as in effect before*
 2 *the repeal of that section).”.*

3 **(b) TITLE 49 AMENDMENT.**—Section 303 of title 49,
 4 *United States Code, as amended by this Act, is further*
 5 *amended by adding at the end the following:*

6 “(g) *REFERENCES TO PAST TRANSPORTATION ENVI-*
 7 *RONMENTAL AUTHORITIES.*—

8 “(1) *SECTION 4(F) REQUIREMENTS.*—*The re-*
 9 *quirements of this section are commonly referred to as*
 10 *section 4(f) requirements (see section 4(f) of the De-*
 11 *partment of Transportation Act (Public Law 89–670;*
 12 *80 Stat. 934) as in effect before the repeal of that sec-*
 13 *tion).*

14 “(2) *SECTION 106 REQUIREMENTS.*—*The require-*
 15 *ments of section 306108 of title 54 are commonly re-*
 16 *ferred to as section 106 requirements (see section 106*
 17 *of the National Historic Preservation Act of 1966*
 18 *(Public Law 89–665; 80 Stat. 915) as in effect before*
 19 *the repeal of that section).”.*

20 **SEC. 1304. TREATMENT OF CERTAIN BRIDGES UNDER PRES-**
 21 **ERVATION REQUIREMENTS.**

22 **(a) TITLE 23 AMENDMENT.**—Section 138 of title 23,
 23 *United States Code, as amended by this Act, is further*
 24 *amended by adding at the end the following:*

1 “(f) *BRIDGE EXEMPTION*.—A common post-1945 con-
 2 crete or steel bridge or culvert that is exempt from indi-
 3 vidual review under section 306108 of title 54 (as described
 4 in 77 Fed. Reg. 68790) shall be treated under this section
 5 as having a *de minimis* impact on an area.”.

6 (b) *TITLE 49 AMENDMENT*.—Section 303 of title 49,
 7 United States Code, as amended by this Act, is further
 8 amended by adding at the end the following:

9 “(h) *BRIDGE EXEMPTION*.—A common post-1945 con-
 10 crete or steel bridge or culvert that is exempt from indi-
 11 vidual review under section 306108 of title 54 (as described
 12 in 77 Fed. Reg. 68790) shall be treated under this section
 13 as having a *de minimis* impact on an area.”.

14 **SEC. 1305. EFFICIENT ENVIRONMENTAL REVIEWS FOR**
 15 **PROJECT DECISIONMAKING.**

16 (a) *DEFINITIONS*.—Section 139(a) of title 23, United
 17 States Code, is amended—

18 (1) by striking paragraph (5) and inserting the
 19 following:

20 “(5) *MULTIMODAL PROJECT*.—The term
 21 ‘multimodal project’ means a project that requires the
 22 approval of more than 1 Department of Transpor-
 23 tation operating administration or secretarial of-
 24 fice.”;

25 (2) by adding at the end the following:

1 “(9) *SUBSTANTIAL DEFERENCE.*—*The term ‘sub-*
 2 *stantial deference’ means deference by a participating*
 3 *agency to the recommendations and decisions of the*
 4 *lead agency unless it is not possible to defer without*
 5 *violating the participating agency’s statutory respon-*
 6 *sibilities.’.*”

7 *(b) APPLICABILITY.*—*Section 139(b)(3) of title 23,*
 8 *United States Code, is amended—*

9 *(1) in subparagraph (A) in the matter preceding*
 10 *clause (i) by striking “initiate a rulemaking to”; and*

11 *(2) by striking subparagraph (B) and inserting*
 12 *the following:*

13 “(B) *REQUIREMENTS.*—*In carrying out*
 14 *subparagraph (A), the Secretary shall ensure*
 15 *that programmatic reviews—*

16 *“(i) promote transparency, including*
 17 *the transparency of—*

18 *“(I) the analyses and data used*
 19 *in the environmental reviews;*

20 *“(II) the treatment of any de-*
 21 *ferred issues raised by agencies or the*
 22 *public; and*

23 *“(III) the temporal and spatial*
 24 *scales to be used to analyze issues*
 25 *under subclauses (I) and (II);*

1 “(ii) use accurate and timely informa-
2 tion, including through establishment of—

3 “(I) criteria for determining the
4 general duration of the usefulness of
5 the review; and

6 “(II) a timeline for updating an
7 out-of-date review;

8 “(iii) describe—

9 “(I) the relationship between any
10 programmatic analysis and future
11 tiered analysis; and

12 “(II) the role of the public in the
13 creation of future tiered analysis;

14 “(iv) are available to other relevant
15 Federal and State agencies, Indian tribes,
16 and the public; and

17 “(v) provide notice and public com-
18 ment opportunities consistent with applica-
19 ble requirements.”.

20 (c) *FEDERAL LEAD AGENCY*.—Section 139(c)(1)(A) of
21 title 23, United States Code, is amended by inserting “,
22 or an operating administration thereof designated by the
23 Secretary,” after “Department of Transportation”.

24 (d) *PARTICIPATING AGENCIES*.—

1 (1) *INVITATION.*—Section 139(d)(2) of title 23,
 2 *United States Code*, is amended by striking “The lead
 3 agency shall identify, as early as practicable in the
 4 environmental review process for a project,” and in-
 5 serting “Not later than 45 days after the date of pub-
 6 lication of a notice of intent to prepare an environ-
 7 mental impact statement or the initiation of an envi-
 8 ronmental assessment, the lead agency shall identify”.

9 (2) *SINGLE NEPA DOCUMENT.*—Section 139(d) of
 10 *title 23, United States Code*, is amended by adding
 11 at the end the following:

12 “(8) *SINGLE NEPA DOCUMENT.*—

13 “(A) *IN GENERAL.*—Except as inconsistent
 14 with paragraph (7), to the maximum extent
 15 practicable and consistent with Federal law, all
 16 Federal permits and reviews for a project shall
 17 rely on a single environment document prepared
 18 under the National Environmental Policy Act of
 19 1969 (42 U.S.C. 4321 *et seq.*) under the leader-
 20 ship of the lead agency.

21 “(B) *USE OF DOCUMENT.*—

22 “(i) *IN GENERAL.*—To the maximum
 23 extent practicable, the lead agency shall de-
 24 velop an environmental document sufficient
 25 to satisfy the requirements for any Federal

1 *approval or other Federal action required*
 2 *for the project, including permits issued by*
 3 *other Federal agencies.*

4 “(ii) *COOPERATION OF PARTICIPATING*
 5 *AGENCIES.—Other participating agencies*
 6 *shall cooperate with the lead agency and*
 7 *provide timely information to help the lead*
 8 *agency carry out this subparagraph.*

9 “(C) *TREATMENT AS PARTICIPATING AND*
 10 *COOPERATING AGENCIES.—A Federal agency re-*
 11 *quired to make an approval or take an action*
 12 *for a project, as described in subparagraph (B),*
 13 *shall work with the lead agency for the project*
 14 *to ensure that the agency making the approval*
 15 *or taking the action is treated as being both a*
 16 *participating and cooperating agency for the*
 17 *project.”.*

18 *(e) PROJECT INITIATION.—Section 139(e) of title 23,*
 19 *United States Code, is amended by adding at the end the*
 20 *following:*

21 “(3) *ENVIRONMENTAL CHECKLIST.—*

22 “(A) *DEVELOPMENT.—The lead agency for*
 23 *a project, in consultation with participating*
 24 *agencies, shall develop, as appropriate, a check-*
 25 *list to help project sponsors identify potential*

1 *natural, cultural, and historic resources in the*
 2 *area of the project.*

3 “(B) *PURPOSE.*—*The purposes of the check-*
 4 *list are—*

5 “(i) *to identify agencies and organiza-*
 6 *tions that can provide information about*
 7 *natural, cultural, and historic resources;*

8 “(ii) *to develop the information needed*
 9 *to determine the range of alternatives; and*

10 “(iii) *to improve interagency collabo-*
 11 *ration to help expedite the permitting proc-*
 12 *ess for the lead agency and participating*
 13 *agencies.”.*

14 (f) *PURPOSE AND NEED.*—*Section 139(f) of title 23,*
 15 *United States Code, is amended—*

16 (1) *in the subsection heading by inserting “; AL-*
 17 *TERNATIVES ANALYSIS” after “NEED”;*

18 (2) *in paragraph (4)—*

19 (A) *by striking subparagraph (A) and in-*
 20 *serting the following:*

21 “(A) *PARTICIPATION.*—

22 “(i) *IN GENERAL.*—*As early as prac-*
 23 *ticable during the environmental review*
 24 *process, the lead agency shall seek the in-*
 25 *volvement of participating agencies and the*

1 *public for the purpose of reaching agree-*
2 *ment early in the environmental review*
3 *process on a reasonable range of alternatives*
4 *that will satisfy all subsequent Federal en-*
5 *vironmental review and permit require-*
6 *ments.*

7 “(ii) COMMENTS OF PARTICIPATING
8 AGENCIES.—*To the maximum extent prac-*
9 *ticable and consistent with applicable law,*
10 *each participating agency receiving an op-*
11 *portunity for involvement under clause (i)*
12 *shall—*

13 “(I) *limit the agency’s comments*
14 *to subject matter areas within the*
15 *agency’s special expertise or jurisdic-*
16 *tion; and*

17 “(II) *afford substantial deference*
18 *to the range of alternatives rec-*
19 *ommended by the lead agency.*

20 “(iii) EFFECT OF NONPARTICIPATION.—*A participating agency that declines*
21 *to participate in the development of the*
22 *purpose and need and reasonable range of*
23 *alternatives for a project shall be required*
24

1 to comply with the schedule developed under
2 subsection (g)(1)(B).”; and

3 (B) in subparagraph (B)—

4 (i) by striking “Following participa-
5 tion under paragraph (1)” and inserting
6 the following:

7 “(i) *DETERMINATION.*—Following par-
8 ticipation under subparagraph (A)”; and

9 (ii) by adding at the end the following:

10 “(ii) *USE.*—To the maximum extent
11 practicable and consistent with Federal law,
12 the range of alternatives determined for a
13 project under clause (i) shall be used for all
14 Federal environmental reviews and permit
15 processes required for the project unless the
16 alternatives must be modified—

17 “(I) to address significant new in-
18 formation or circumstances, and the
19 lead agency and participating agencies
20 agree that the alternatives must be
21 modified to address the new informa-
22 tion or circumstances; or

23 “(II) for the lead agency or a par-
24 ticipating agency to fulfill its respon-
25 sibilities under the National Environ-

1 *mental Policy Act of 1969 (42 U.S.C.*
 2 *4321 et seq.) in a timely manner.”.*

3 (g) *COORDINATION AND SCHEDULING.*—

4 (1) *COORDINATION PLAN.*—Section 139(g)(1) of
 5 *title 23, United States Code, is amended—*

6 (A) *in subparagraph (A) by striking “The*
 7 *lead agency” and inserting “Not later than 90*
 8 *days after the date of publication of a notice of*
 9 *intent to prepare an environmental impact state-*
 10 *ment or the initiation of an environmental as-*
 11 *essment, the lead agency”;* and

12 (B) *in subparagraph (B)(i) by striking*
 13 *“may establish” and inserting “shall establish”.*

14 (2) *DEADLINES FOR DECISIONS UNDER OTHER*
 15 *LAWS.*—Section 139(g)(3) of title 23, United States
 16 *Code, is amended to read as follows:*

17 “(3) *DEADLINES FOR DECISIONS UNDER OTHER*
 18 *LAWS.*—

19 “(A) *IN GENERAL.*—*In any case in which a*
 20 *decision under any Federal law relating to a*
 21 *project (including the issuance or denial of a*
 22 *permit or license) is required by law, regulation,*
 23 *or Executive order to be made after the date on*
 24 *which the lead agency has issued a categorical*
 25 *exclusion, finding of no significant impact, or*

1 *record of decision with respect to the project, any*
 2 *such later decision shall be made or completed by*
 3 *the later of—*

4 “(i) *the date that is 180 days after the*
 5 *lead agency’s final decision has been made;*
 6 *or*

7 “(ii) *the date that is 180 days after the*
 8 *date on which a completed application was*
 9 *submitted for the permit or license.*

10 “(B) *TREATMENT OF DELAYS.—Following*
 11 *the deadline established by subparagraph (A), the*
 12 *Secretary shall submit to the Committee on*
 13 *Transportation and Infrastructure of the House*
 14 *of Representatives and the Committee on Envi-*
 15 *ronment and Public Works of the Senate, and*
 16 *publish on the Department’s Internet Web site—*

17 “(i) *as soon as practicable after the*
 18 *180-day period, an initial notice of the fail-*
 19 *ure of the Federal agency to make the deci-*
 20 *sion; and*

21 “(ii) *every 60 days thereafter, until*
 22 *such date as all decisions of the Federal*
 23 *agency relating to the project have been*
 24 *made by the Federal agency, an additional*
 25 *notice that describes the number of decisions*

1 *of the Federal agency that remain out-*
 2 *standing as of the date of the additional no-*
 3 *tice.”.*

4 (3) *ADOPTION OF DOCUMENTS; ACCELERATED*
 5 *DECISIONMAKING IN ENVIRONMENTAL REVIEWS.—*

6 (A) *IN GENERAL.—Section 139(g) of title*
 7 *23, United States Code, is amended—*

8 (i) *by redesignating paragraph (4) as*
 9 *paragraph (5); and*

10 (ii) *by inserting after paragraph (3)*
 11 *the following:*

12 “(4) *ACCELERATED DECISIONMAKING IN ENVI-*
 13 *RONMENTAL REVIEWS.—*

14 “(A) *IN GENERAL.—In preparing a final*
 15 *environmental impact statement under the Na-*
 16 *tional Environmental Policy Act of 1969 (42*
 17 *U.S.C. 4321 et seq.), if the lead agency modifies*
 18 *the statement in response to comments that are*
 19 *minor and are confined to factual corrections or*
 20 *explanations of why the comments do not war-*
 21 *rant additional agency response, the lead agency*
 22 *may write on errata sheets attached to the state-*
 23 *ment instead of rewriting the draft statement,*
 24 *subject to the condition that the errata sheets—*

1 “(i) cite the sources, authorities, and
2 reasons that support the position of the
3 agency; and

4 “(ii) if appropriate, indicate the cir-
5 cumstances that would trigger agency re-
6 appraisal or further response.

7 “(B) SINGLE DOCUMENT.—To the max-
8 imum extent practicable, the lead agency shall
9 expeditiously develop a single document that con-
10 sists of a final environmental impact statement
11 and a record of decision, unless—

12 “(i) the final environmental impact
13 statement makes substantial changes to the
14 proposed action that are relevant to envi-
15 ronmental or safety concerns; or

16 “(ii) there is a significant new cir-
17 cumstance or information relevant to envi-
18 ronmental concerns that bears on the pro-
19 posed action or the impacts of the proposed
20 action.”.

21 (B) CONFORMING AMENDMENT.—Section
22 1319 of MAP-21 (42 U.S.C. 4332a), and the
23 item relating to that section in the table of con-
24 tents contained in section 1(c) of that Act, are
25 repealed.

1 (h) *ISSUE IDENTIFICATION AND RESOLUTION.*—

2 (1) *ISSUE RESOLUTION.*—Section 139(h) of title
3 23, *United States Code*, is amended—

4 (A) by redesignating paragraphs (4)
5 through (7) as paragraphs (5) through (8), re-
6 spectively; and

7 (B) by inserting after paragraph (3) the fol-
8 lowing:

9 “(4) *ISSUE RESOLUTION.*—Any issue resolved by
10 the lead agency and participating agencies may not
11 be reconsidered unless significant new information or
12 circumstances arise.”.

13 (2) *FAILURE TO ASSURE.*—Section 139(h)(5)(C)
14 of title 23, *United States Code*, (as redesignated by
15 paragraph (1)(A) of this subsection) is amended by
16 striking “paragraph (5) and” and inserting “para-
17 graph (6)”.

18 (3) *ACCELERATED ISSUE RESOLUTION AND RE-*
19 *FERRAL.*—Section 139(h)(6) of title 23, *United States*
20 *Code*, (as redesignated by paragraph (1)(A) of this
21 subsection) is amended by striking subparagraph (C)
22 and inserting the following:

23 “(C) *REFERRAL TO COUNCIL ON ENVIRON-*
24 *MENTAL QUALITY.*—

1 “(i) *IN GENERAL.*—If issue resolution
 2 for a project is not achieved on or before the
 3 30th day after the date of a meeting under
 4 subparagraph (B), the Secretary shall refer
 5 the matter to the Council on Environmental
 6 Quality.

7 “(ii) *MEETING.*—Not later than 30
 8 days after the date of receipt of a referral
 9 from the Secretary under clause (i), the
 10 Council on Environmental Quality shall
 11 hold an issue resolution meeting with—

12 “(I) the head of the lead agency;

13 “(II) the heads of relevant partici-
 14 pating agencies; and

15 “(III) the project sponsor (includ-
 16 ing the Governor only if the initial
 17 issue resolution meeting request came
 18 from the Governor).

19 “(iii) *RESOLUTION.*—The Council on
 20 Environmental Quality shall work with the
 21 lead agency, relevant participating agen-
 22 cies, and the project sponsor until all issues
 23 are resolved.”.

24 (4) *FINANCIAL PENALTY PROVISIONS.*—Section
 25 139(h)(7)(B)(i)(I) of title 23, United States Code, (as

1 redesignated by paragraph (1)(A) of this subsection)
 2 is amended by striking “under section 106(i) is re-
 3 quired” and inserting “is required under subsection
 4 (h) or (i) of section 106”.

5 (i) ASSISTANCE TO AFFECTED STATE AND FEDERAL
 6 AGENCIES.—

7 (1) IN GENERAL.—Section 139(j)(1) of title 23,
 8 United States Code, is amended to read as follows:

9 “(1) IN GENERAL.—

10 “(A) AUTHORITY TO PROVIDE FUNDS.—The
 11 Secretary may allow a public entity receiving fi-
 12 nancial assistance from the Department of
 13 Transportation under this title or chapter 53 of
 14 title 49 to provide funds to Federal agencies (in-
 15 cluding the Department), State agencies, and In-
 16 dian tribes participating in the environmental
 17 review process for the project or program.

18 “(B) USE OF FUNDS.—Funds referred to in
 19 subparagraph (A) may be provided only to sup-
 20 port activities that directly and meaningfully
 21 contribute to expediting and improving permit-
 22 ting and review processes, including planning,
 23 approval, and consultation processes for the
 24 project or program.”.

1 (2) *ACTIVITIES ELIGIBLE FOR FUNDING.*—Sec-
 2 tion 139(j)(2) of title 23, United States Code, is
 3 amended by inserting “activities directly related to
 4 the environmental review process,” before “dedicated
 5 staffing,”.

6 (3) *AGREEMENT.*—Section 139(j)(6) of title 23,
 7 United States Code, is amended to read as follows:

8 “(6) *AGREEMENT.*—Prior to providing funds ap-
 9 proved by the Secretary for dedicated staffing at an
 10 affected agency under paragraphs (1) and (2), the af-
 11 fected agency and the requesting public entity shall
 12 enter into an agreement that establishes the projects
 13 and priorities to be addressed by the use of the
 14 funds.”.

15 (j) *IMPLEMENTATION OF PROGRAMMATIC COMPLI-*
 16 *ANCE.*—

17 (1) *RULEMAKING.*—Not later than 1 year after
 18 the date of enactment of this Act, the Secretary shall
 19 complete a rulemaking to implement the provisions of
 20 section 139(b)(3) of title 23, United States Code, as
 21 amended by this section.

22 (2) *CONSULTATION.*—Before initiating the rule-
 23 making under paragraph (1), the Secretary shall con-
 24 sult with relevant Federal agencies, relevant State re-
 25 source agencies, State departments of transportation,

1 *Indian tribes, and the public on the appropriate use*
 2 *and scope of the programmatic approaches.*

3 (3) *REQUIREMENTS.*—*In carrying out this sub-*
 4 *section, the Secretary shall ensure that the rulemaking*
 5 *meets the requirements of section 139(b)(3)(B) of title*
 6 *23, United States Code, as amended by this section.*

7 (4) *COMMENT PERIOD.*—*The Secretary shall—*

8 (A) *allow not fewer than 60 days for public*
 9 *notice and comment on the proposed rule; and*

10 (B) *address any comments received under*
 11 *this subsection.*

12 **SEC. 1306. IMPROVING TRANSPARENCY IN ENVIRON-**
 13 **MENTAL REVIEWS.**

14 (a) *IN GENERAL.*—*Not later than 18 months after the*
 15 *date of enactment of this Act, the Secretary shall—*

16 (1) *maintain and use a searchable Internet Web*
 17 *site—*

18 (A) *to make publicly available the status*
 19 *and progress of projects, as defined in section*
 20 *139 of title 23, United States Code, requiring an*
 21 *environmental assessment or an environmental*
 22 *impact statement with respect to compliance*
 23 *with applicable requirements of the National En-*
 24 *vironmental Policy Act of 1969 (42 U.S.C. 4321*

1 *et seq.) and any other Federal, State, or local*
 2 *approval required for such projects; and*

3 *(B) to make publicly available the names of*
 4 *participating agencies not participating in the*
 5 *development of a project purpose and need and*
 6 *range of alternatives under section 139(f) of title*
 7 *23, United States Code; and*

8 *(2) in coordination with agencies described in*
 9 *subsection (b) and State agencies, issue reporting*
 10 *standards to meet the requirements of paragraph (1).*

11 *(b) FEDERAL, STATE, AND LOCAL AGENCY PARTICIPA-*
 12 *TION.—A Federal, State, or local agency participating in*
 13 *the environmental review or permitting process for a*
 14 *project, as defined in section 139 of title 23, United States*
 15 *Code, shall provide to the Secretary information regarding*
 16 *the status and progress of the approval of the project for*
 17 *publication on the Internet Web site maintained under sub-*
 18 *section (a), consistent with the standards established under*
 19 *subsection (a).*

20 *(c) STATES WITH DELEGATED AUTHORITY.—A State*
 21 *with delegated authority for responsibilities under the Na-*
 22 *tional Environmental Policy Act of 1969 (42 U.S.C. 4321*
 23 *et seq.) pursuant to section 327 of title 23, United States*
 24 *Code, shall be responsible for supplying project development*

1 *and compliance status to the Secretary for all applicable*
 2 *projects.*

3 **SEC. 1307. INTEGRATION OF PLANNING AND ENVIRON-**
 4 **MENTAL REVIEW.**

5 *(a) DEFINITIONS.—Section 168(a) of title 23, United*
 6 *States Code, is amended—*

7 *(1) by striking paragraph (1) and inserting the*
 8 *following:*

9 *“(1) ENVIRONMENTAL REVIEW PROCESS.—The*
 10 *term ‘environmental review process’ has the meaning*
 11 *given that term in section 139(a).”;*

12 *(2) by redesignating paragraphs (2) through (4)*
 13 *as paragraphs (3) through (5), respectively;*

14 *(3) by inserting after paragraph (1) the fol-*
 15 *lowing:*

16 *“(2) LEAD AGENCY.—The term ‘lead agency’ has*
 17 *the meaning given that term in section 139(a).”; and*

18 *(4) by striking paragraph (3) (as redesignated*
 19 *by paragraph (2) of this subsection) and inserting the*
 20 *following:*

21 *“(3) PLANNING PRODUCT.—The term ‘planning*
 22 *product’ means a decision, analysis, study, or other*
 23 *documented information that is the result of an eval-*
 24 *uation or decisionmaking process carried out by a*
 25 *metropolitan planning organization or a State, as*

1 *appropriate, during metropolitan or statewide trans-*
 2 *portation planning under section 134 or section 135,*
 3 *respectively.”.*

4 ***(b) ADOPTION OF PLANNING PRODUCTS FOR USE IN***
 5 ***NEPA PROCEEDINGS.—Section 168(b) of title 23, United***
 6 ***States Code, is amended—***

7 *(1) in the subsection heading by inserting “OR*
 8 ***INCORPORATION BY REFERENCE” after “ADOPTION”;***

9 *(2) in paragraph (1) by striking “the Federal*
 10 *lead agency for a project may adopt” and inserting*
 11 *“and to the maximum extent practicable and appro-*
 12 *priate, the lead agency for a project may adopt or in-*
 13 *corporate by reference”;*

14 *(3) by striking paragraph (2) and redesignating*
 15 *paragraphs (3) and (4) as paragraphs (2) and (3),*
 16 *respectively;*

17 *(4) by striking paragraph (2) (as so redesign-*
 18 *ated) and inserting the following:*

19 ***“(2) PARTIAL ADOPTION OR INCORPORATION BY***
 20 ***REFERENCE OF PLANNING PRODUCTS.—The lead***
 21 ***agency may adopt or incorporate by reference a plan-***
 22 ***ning product under paragraph (1) in its entirety or***
 23 ***may select portions for adoption or incorporation by***
 24 ***reference.”; and***

(5) in paragraph (3) (as so redesignated) by inserting “or incorporation by reference” after “adoption”.

(c) *APPLICABILITY.*—

(1) *PLANNING DECISIONS.*—Section 168(c)(1) of title 23, United States Code, is amended—

(A) in the matter preceding subparagraph (A) by striking “adopted” and inserting “adopted or incorporated by reference by the lead agency”;

(B) by redesignating subparagraphs (A) through (E) as subparagraphs (B) through (F), respectively;

(C) by inserting before subparagraph (B) (as so redesignated) the following:

“(A) the project purpose and need;”;

(D) by striking subparagraph (B) (as so redesignated) and inserting the following:

“(B) the preliminary screening of alternatives and elimination of unreasonable alternatives;”;

(E) in subparagraph (C) (as so redesignated) by inserting “and general travel corridor” after “modal choice”;

1 (F) in subparagraph (E) (as so redesign-
2 nated) by striking “and” at the end;

3 (G) in subparagraph (F) (as so redesign-
4 nated)—

5 (i) in the matter preceding clause (i)
6 by striking “potential impacts” and all that
7 follows through “resource agencies,” and in-
8 serting “potential impacts of a project, in-
9 cluding a programmatic mitigation plan
10 developed in accordance with section 169,
11 that the lead agency”; and

12 (ii) in clause (ii) by striking the pe-
13 riod at the end and inserting “; and”; and
14 (H) by adding at the end the following:

15 “(G) whether tolling, private financial as-
16 sistance, or other special financial measures are
17 necessary to implement the project.”.

18 (2) *PLANNING ANALYSES*.—Section 168(c)(2) of
19 title 23, United States Code, is amended—

20 (A) in the matter preceding subparagraph
21 (A) by striking “adopted” and inserting “adopt-
22 ed or incorporated by reference by the lead agen-
23 cy”;

24 (B) in subparagraph (G)—

1 (i) by inserting “direct, indirect, and”
2 before “cumulative effects”; and

3 (ii) by striking “, identified as a result
4 of a statewide or regional cumulative effects
5 assessment”; and

6 (C) in subparagraph (H)—

7 (i) by striking “proposed action” and
8 inserting “proposed project”; and

9 (ii) by striking “Federal lead agency”
10 and inserting “lead agency”.

11 (d) *CONDITIONS.*—Section 168(d) of title 23, United
12 States Code, is amended—

13 (1) in the matter preceding paragraph (1) by
14 striking “Adoption and use” and all that follows
15 through “Federal lead agency, that” and inserting
16 “The lead agency in the environmental review process
17 may adopt or incorporate by reference and use a
18 planning product under this section if the lead agency
19 determines that”;

20 (2) in paragraph (2) by striking “by engaging
21 in active consultation” and inserting “in consulta-
22 tion”;

23 (3) by striking paragraphs (4) and (5) and in-
24 serting the following:

1 “(4) *The planning process included public notice*
 2 *that the planning products may be adopted or incor-*
 3 *porated by reference during a subsequent environ-*
 4 *mental review process in accordance with this section.*

5 “(5) *During the environmental review process,*
 6 *but prior to determining whether to rely on and use*
 7 *the planning product, the lead agency has—*

8 “(A) *made the planning documents avail-*
 9 *able for review and comment by members of the*
 10 *general public and Federal, State, local, and*
 11 *tribal governments that may have an interest in*
 12 *the proposed action;*

13 “(B) *provided notice of the lead agency’s in-*
 14 *tent to adopt the planning product or incor-*
 15 *porate the planning product by reference; and*

16 “(C) *considered any resulting comments.”;*
 17 (4) *in paragraph (9)—*

18 (A) *by inserting “or incorporation by ref-*
 19 *erence” after “adoption”; and*

20 (B) *by inserting “and is sufficient to meet*
 21 *the requirements of the National Environmental*
 22 *Policy Act of 1969 (42 U.S.C. 4321 et seq.)”*
 23 *after “for the project”; and*

24 (5) *in paragraph (10) by striking “not later*
 25 *than 5 years prior to date on which the information*

1 *is adopted” and inserting “within the 5-year period*
 2 *ending on the date on which the information is adopt-*
 3 *ed or incorporated by reference”.*

4 *(e) EFFECT OF ADOPTION OR INCORPORATION BY REF-*
 5 *ERENCE.—Section 168(e) of title 23, United States Code,*
 6 *is amended—*

7 *(1) in the subsection heading by inserting “OR*
 8 *INCORPORATION BY REFERENCE” after “ADOPTION”;*
 9 *and*

10 *(2) by striking “adopted by the Federal lead*
 11 *agency” and inserting “adopted or incorporated by*
 12 *reference by the lead agency”.*

13 **SEC. 1308. DEVELOPMENT OF PROGRAMMATIC MITIGATION**
 14 **PLANS.**

15 *Section 169(f) of title 23, United States Code, is*
 16 *amended by striking “may use” and inserting “shall give*
 17 *substantial weight to”.*

18 **SEC. 1309. DELEGATION OF AUTHORITIES.**

19 *(a) IN GENERAL.—The Secretary shall use the author-*
 20 *ity under section 106(c) of title 23, United States Code, to*
 21 *the maximum extent practicable, to delegate responsibility*
 22 *to the States for project design, plans, specifications, esti-*
 23 *mates, contract awards, and inspection of projects, on both*
 24 *a project-specific and programmatic basis.*

1 (b) *SUBMISSION OF RECOMMENDATIONS.*—Not later
 2 than 18 months after the date of enactment of this Act, the
 3 Secretary, in cooperation with the States, shall submit to
 4 the Committee on Transportation and Infrastructure of the
 5 House of Representatives and the Committee on Environ-
 6 ment and Public Works of the Senate recommendations for
 7 legislation to permit the delegation of additional authorities
 8 to the States, including with respect to real estate acquisi-
 9 tion and project design.

10 **SEC. 1310. CATEGORICAL EXCLUSION FOR PROJECTS OF**
 11 **LIMITED FEDERAL ASSISTANCE.**

12 (a) *ADJUSTMENT FOR INFLATION.*—Section 1317 of
 13 MAP–21 (23 U.S.C. 109 note) is amended—

14 (1) in paragraph (1)(A) by inserting “(as ad-
 15 justed annually by the Secretary to reflect any in-
 16 creases in the Consumer Price Index prepared by the
 17 Department of Labor)” after “\$5,000,000”; and

18 (2) in paragraph (1)(B) by inserting “(as ad-
 19 justed annually by the Secretary to reflect any in-
 20 creases in the Consumer Price Index prepared by the
 21 Department of Labor)” after “\$30,000,000”.

22 (b) *RETROACTIVE APPLICATION.*—The first adjustment
 23 made pursuant to the amendments made by subsection (a)
 24 shall—

1 (1) *be carried out not later than 60 days after*
 2 *the date of enactment of this Act; and*

3 (2) *reflect the increase in the Consumer Price*
 4 *Index since July 1, 2012.*

5 **SEC. 1311. APPLICATION OF CATEGORICAL EXCLUSIONS**
 6 **FOR MULTIMODAL PROJECTS.**

7 *Section 304 of title 49, United States Code, is amend-*
 8 *ed—*

9 (1) *in subsection (a)—*

10 (A) *in paragraph (1)—*

11 (i) *by striking “operating authority*
 12 *that” and inserting “operating administra-*
 13 *tion or secretarial office that has expertise*
 14 *but”; and*

15 (ii) *by inserting “proposed*
 16 *multimodal” after “with respect to a”; and*

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

19 “(2) *LEAD AUTHORITY.—The term ‘lead author-*
 20 *ity’ means a Department of Transportation operating*
 21 *administration or secretarial office that has the lead*
 22 *responsibility for compliance with the National Envi-*
 23 *ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)*
 24 *with respect to a proposed multimodal project.”;*

1 (2) *in subsection (b) by inserting “or title 23”*
 2 *after “under this title”;*

3 (3) *by striking subsection (c) and inserting the*
 4 *following:*

5 “(c) *APPLICATION OF CATEGORICAL EXCLUSIONS FOR*
 6 *MULTIMODAL PROJECTS.—In considering the environ-*
 7 *mental impacts of a proposed multimodal project, a lead*
 8 *authority may apply categorical exclusions designated*
 9 *under the National Environmental Policy Act of 1969 (42*
 10 *U.S.C. 4321 et seq.) in implementing regulations or proce-*
 11 *dures of a cooperating authority for a proposed multimodal*
 12 *project, subject to the conditions that—*

13 “(1) *the lead authority makes a determination,*
 14 *with the concurrence of the cooperating authority—*

15 “(A) *on the applicability of a categorical*
 16 *exclusion to a proposed multimodal project; and*

17 “(B) *that the project satisfies the conditions*
 18 *for a categorical exclusion under the National*
 19 *Environmental Policy Act of 1969 (42 U.S.C.*
 20 *4321 et seq.) and this section;*

21 “(2) *the lead authority follows the cooperating*
 22 *authority’s implementing regulations or procedures*
 23 *under such Act; and*

24 “(3) *the lead authority determines that—*

9 (4) by striking subsection (d) and inserting the
10 following:

15 **SEC. 1312. SURFACE TRANSPORTATION PROJECT DELIVERY**
16 **PROGRAM.**

19 (1) in subsection (a)(2)(B)(iii) by striking “(42
20 U.S.C. 13 4321 et seq.)” and inserting “(42 U.S.C.
21 4321 et seq.)”;

24 (3) in subsection (e) by inserting “and without
25 further approval of” after “in lieu of”;

1 (4) in subsection (g)—

2 (A) by striking paragraph (1) and inserting
3 the following:

4 “(1) *IN GENERAL.*—To ensure compliance by a
5 State with any agreement of the State under sub-
6 section (c) (including compliance by the State with
7 all Federal laws for which responsibility is assumed
8 under subsection (a)(2)), for each State participating
9 in the program under this section, the Secretary
10 shall—

11 “(A) not later than 6 months after execution
12 of the agreement, meet with the State to review
13 implementation of the agreement and discuss
14 plans for the first annual audit;

15 “(B) conduct annual audits during each of
16 the first 4 years of State participation; and

17 “(C) ensure that the time period for com-
18 pleting an annual audit, from initiation to com-
19 pletion (including public comment and responses
20 to those comments), does not exceed 180 days.”;
21 and

22 (B) by adding at the end the following:

23 “(3) *AUDIT TEAM.*—An audit conducted under
24 paragraph (1) shall be carried out by an audit team
25 determined by the Secretary, in consultation with the

1 *State. Such consultation shall include a reasonable*
 2 *opportunity for the State to review and provide com-*
 3 *ments on the proposed members of the audit team.”;*
 4 *and*

5 *(5) by adding at the end the following:*

6 “(k) *CAPACITY BUILDING.*—*The Secretary, in coopera-*
 7 *tion with representatives of State officials, may carry out*
 8 *education, training, peer-exchange, and other initiatives as*
 9 *appropriate—*

10 “(1) *to assist States in developing the capacity*
 11 *to participate in the assignment program under this*
 12 *section; and*

13 “(2) *to promote information sharing and collabo-*
 14 *ration among States that are participating in the as-*
 15 *signment program under this section.*

16 “(l) *RELATIONSHIP TO LOCALLY ADMINISTERED*
 17 *PROJECTS.*—*A State granted authority under this section*
 18 *may, as appropriate and at the request of a local govern-*
 19 *ment—*

20 “(1) *exercise such authority on behalf of the local*
 21 *government for a locally administered project; or*

22 “(2) *provide guidance and training on consoli-*
 23 *dating and minimizing the documentation and envi-*
 24 *ronmental analyses necessary for sponsors of a locally*
 25 *administered project to comply with the National En-*

1 *vironmental Policy Act of 1969 (42 U.S.C. 4321 et*
 2 *seq.) and any comparable requirements under State*
 3 *law.”.*

4 **SEC. 1313. PROGRAM FOR ELIMINATING DUPLICATION OF**
 5 **ENVIRONMENTAL REVIEWS.**

6 (a) *PURPOSE.*—*The purpose of this section is to elimi-*
 7 *nate duplication of environmental reviews and approvals*
 8 *under State and Federal laws.*

9 (b) *IN GENERAL.*—*Chapter 3 of title 23, United States*
 10 *Code, is amended by adding at the end the following:*

11 **“§ 330. Program for eliminating duplication of envi-**
 12 **ronmental reviews**

13 “(a) *ESTABLISHMENT.*—

14 “(1) *IN GENERAL.*—*The Secretary shall establish*
 15 *a pilot program to authorize States that are approved*
 16 *to participate in the program to conduct environ-*
 17 *mental reviews and make approvals for projects under*
 18 *State environmental laws and regulations instead of*
 19 *Federal environmental laws and regulations, con-*
 20 *sistent with the requirements of this section.*

21 “(2) *PARTICIPATING STATES.*—*The Secretary*
 22 *may select not more than 5 States to participate in*
 23 *the program.*

1 “(3) *ALTERNATIVE REVIEW AND APPROVAL PRO-*
2 *CEDURES.—In this section, the term ‘alternative envi-*
3 *ronmental review and approval procedures’ means—*

4 “(A) *substitution of 1 or more State envi-*
5 *ronmental laws for—*

6 “(i) *the National Environmental Pol-*
7 *icy Act of 1969 (42 U.S.C. 4321 et seq.);*

8 “(ii) *such provisions of sections 109(h),*
9 *128, and 139 related to the application of*
10 *that Act that are under the authority of the*
11 *Secretary, as the Secretary, in consultation*
12 *with the State, considers appropriate; and*

13 “(iii) *related regulations and Execu-*
14 *tive orders; and*

15 “(B) *substitution of 1 or more State envi-*
16 *ronmental regulations for—*

17 “(i) *the National Environmental Pol-*
18 *icy Act of 1969;*

19 “(ii) *such provisions of sections 109(h),*
20 *128, and 139 related to the application of*
21 *that Act that are under the authority of the*
22 *Secretary, as the Secretary, in consultation*
23 *with the State, considers appropriate; and*

24 “(iii) *related regulations and Execu-*
25 *tive orders.*

1 “(b) *APPLICATION.—To be eligible to participate in the*
2 *program, a State shall submit to the Secretary an applica-*
3 *tion containing such information as the Secretary may re-*
4 *quire, including—*

5 “(1) *a full and complete description of the pro-*
6 *posed alternative environmental review and approval*
7 *procedures of the State;*

8 “(2) *each Federal law described in subsection*
9 *(a)(3) that the State is seeking to substitute;*

10 “(3) *each State law and regulation that the*
11 *State intends to substitute for such Federal law, Fed-*
12 *eral regulation, or Executive order;*

13 “(4) *an explanation of the basis for concluding*
14 *that the State law or regulation is substantially*
15 *equivalent to the Federal law described in subsection*
16 *(a)(3);*

17 “(5) *a description of the projects or classes of*
18 *projects for which the State anticipates exercising the*
19 *authority that may be granted under the program;*

20 “(6) *verification that the State has the financial*
21 *resources necessary to carry out the authority that*
22 *may be granted under the program;*

23 “(7) *evidence of having sought, received, and ad-*
24 *dressed comments on the proposed application from*
25 *the public; and*

1 “(8) *any such additional information as the Sec-*
 2 *retary, or, with respect to section (d)(1)(A), the Sec-*
 3 *retary in consultation with the Chair, may require.*

4 “(c) *REVIEW OF APPLICATION.—In accordance with*
 5 *subsection (d), the Secretary shall—*

6 “(1) *review an application submitted under sub-*
 7 *section (b);*

8 “(2) *approve or disapprove the application not*
 9 *later than 90 days after the date of receipt of the ap-*
 10 *plication; and*

11 “(3) *transmit to the State notice of the approval*
 12 *or disapproval, together with a statement of the rea-*
 13 *sons for the approval or disapproval.*

14 “(d) *APPROVAL OF APPLICATION.—*

15 “(1) *IN GENERAL.—The Secretary shall approve*
 16 *an application submitted under subsection (b) only*
 17 *if—*

18 “(A) *the Secretary, with the concurrence of*
 19 *the Chair, determines that the laws and regula-*
 20 *tions of the State described in the application*
 21 *are substantially equivalent to the Federal laws*
 22 *that the State is seeking to substitute;*

23 “(B) *the Secretary determines that the State*
 24 *has the capacity, including financial and per-*
 25 *sonnel, to assume the responsibility; and*

1 “(C) *the State has executed an agreement*
2 *with the Secretary, in accordance with section*
3 *327, providing for environmental review, con-*
4 *sultation, or other action under Federal environ-*
5 *mental laws pertaining to the review or approval*
6 *of a specific project.*

7 “(2) *EXCLUSION.—The National Environmental*
8 *Policy Act of 1969 shall not apply to a decision by*
9 *the Secretary to approve or disapprove an applica-*
10 *tion submitted under this section.*

11 “(e) *JUDICIAL REVIEW.—*

12 “(1) *IN GENERAL.—The United States district*
13 *courts shall have exclusive jurisdiction over any civil*
14 *action against a State—*

15 “(A) *for failure of the State to meet the re-*
16 *quirements of this section; or*

17 “(B) *if the action involves the exercise of*
18 *authority by the State under this section and*
19 *section 327.*

20 “(2) *STATE JURISDICTION.—A State court shall*
21 *have exclusive jurisdiction over any civil action*
22 *against a State if the action involves the exercise of*
23 *authority by the State under this section not covered*
24 *by paragraph (1).*

1 “(f) *ELECTION.*—*At its discretion, a State partici-*
 2 *pating in the programs under this section and section 327*
 3 *may elect to apply the National Environmental Protection*
 4 *Act of 1969 instead of the State’s alternative environmental*
 5 *review and approval procedures.*

6 “(g) *TREATMENT OF STATE LAWS AND REGULA-*
 7 *TIONS.*—*To the maximum extent practicable and consistent*
 8 *with Federal law, other Federal agencies with authority*
 9 *over a project subject to this section shall use documents*
 10 *produced by a participating State under this section to sat-*
 11 *isfy the requirements of the National Environmental Policy*
 12 *Act of 1969.*

13 “(h) *RELATIONSHIP TO LOCALLY ADMINISTERED*
 14 *PROJECTS.*—

15 “(1) *IN GENERAL.*—*A State with an approved*
 16 *program under this section, at the request of a local*
 17 *government, may exercise authority under that pro-*
 18 *gram on behalf of up to 25 local governments for lo-*
 19 *cally administered projects.*

20 “(2) *SCOPE.*—*For up to 25 local governments se-*
 21 *lected by a State with an approved program under*
 22 *this section, the State shall be responsible for ensuring*
 23 *that any environmental review, consultation, or other*
 24 *action required under the National Environmental*

1 *Policy Act of 1969 or the State program, or both,*
2 *meets the requirements of such Act or program.*

3 “(i) *REVIEW AND TERMINATION.*—

4 “(1) *IN GENERAL.*—*A State program approved*
5 *under this section shall at all times be in accordance*
6 *with the requirements of this section.*

7 “(2) *REVIEW.*—*The Secretary shall review each*
8 *State program approved under this section not less*
9 *than once every 5 years.*

10 “(3) *PUBLIC NOTICE AND COMMENT.*—*In con-*
11 *ducting the review process under paragraph (2), the*
12 *Secretary shall provide notice and an opportunity for*
13 *public comment.*

14 “(4) *WITHDRAWAL OF APPROVAL.*—*If the Sec-*
15 *retary, in consultation with the Chair, determines at*
16 *any time that a State is not administering a State*
17 *program approved under this section in accordance*
18 *with the requirements of this section, the Secretary*
19 *shall so notify the State, and if appropriate corrective*
20 *action is not taken within a reasonable time, not to*
21 *exceed 90 days, the Secretary shall withdraw ap-*
22 *proval of the State program.*

23 “(5) *EXTENSIONS AND TERMINATIONS.*—*At the*
24 *conclusion of the review process under paragraph (2),*
25 *the Secretary may extend for an additional 5-year pe-*

1 *riod or terminate the authority of a State under this*
 2 *section to substitute that State’s laws and regulations*
 3 *for Federal laws.*

4 “(j) *REPORT TO CONGRESS.*—*Not later than 2 years*
 5 *after the date of enactment of this section, and annually*
 6 *thereafter, the Secretary shall submit to the Committee on*
 7 *Transportation and Infrastructure of the House of Rep-*
 8 *resentatives and the Committee on Environment and Public*
 9 *Works of the Senate a report that describes the administra-*
 10 *tion of the program, including—*

11 “(1) *the number of States participating in the*
 12 *program;*

13 “(2) *the number and types of projects for which*
 14 *each State participating in the program has used al-*
 15 *ternative environmental review and approval proce-*
 16 *dures; and*

17 “(3) *any recommendations for modifications to*
 18 *the program.*

19 “(k) *DEFINITIONS.*—*In this section, the following defi-*
 20 *nitions apply:*

21 “(1) *CHAIR.*—*The term ‘Chair’ means the Chair*
 22 *of the Council on Environmental Quality.*

23 “(2) *MULTIMODAL PROJECT.*—*The term*
 24 *‘multimodal project’ has the meaning given that term*
 25 *in section 139(a).*

1 “(3) *PROGRAM*.—The term ‘program’ means the
2 *pilot program established under this section.*

3 “(4) *PROJECT*.—The term ‘project’ means—

4 “(A) a project requiring approval under
5 *this title, chapter 53 of subtitle III of title 49, or*
6 *subtitle V of title 49; and*

7 “(B) a multimodal project.”.

8 (c) *RULEMAKING*.—

9 (1) *IN GENERAL*.—Not later than 270 days after
10 *the date of enactment of this Act, the Secretary of*
11 *Transportation, in consultation with the Chair of the*
12 *Council on Environmental Quality, shall promulgate*
13 *regulations to implement the requirements of section*
14 *330 of title 23, United States Code, as added by this*
15 *section.*

16 (2) *DETERMINATION OF SUBSTANTIALLY EQUIVA-*
17 *LENT*.—As part of the rulemaking required under this
18 *subsection, the Chair shall—*

19 (A) *establish the criteria necessary to deter-*
20 *mine that a State law or regulation is substan-*
21 *tially equivalent to a Federal law described in*
22 *section 330(a)(3) of title 23, United States Code;*

23 (B) *ensure that such criteria, at a min-*
24 *imum—*

1 (i) provide for protection of the envi-
2 ronment;

3 (ii) provide opportunity for public
4 participation and comment, including ac-
5 cess to the documentation necessary to re-
6 view the potential impact of a project; and

7 (iii) ensure a consistent review of
8 projects that would otherwise have been cov-
9 ered under Federal law.

10 (d) *CLERICAL AMENDMENT.*—*The analysis for chapter*
11 *3 of title 23, United States Code, is amended by adding*
12 *at the end the following:*

“330. Program for eliminating duplication of environmental reviews.”.

13 **SEC. 1314. ASSESSMENT OF PROGRESS ON ACCELERATING**
14 **PROJECT DELIVERY.**

15 (a) *IN GENERAL.*—*Not later than 2 years after the*
16 *date of enactment of this Act, the Comptroller General of*
17 *the United States shall assess the progress made under this*
18 *Act, MAP-21 (Public Law 112-141), and SAFETEA-LU*
19 *(Public Law 109-59), including the amendments made by*
20 *those Acts, to accelerate the delivery of Federal-aid highway*
21 *and highway safety construction projects and public trans-*
22 *portation capital projects by streamlining the environ-*
23 *mental review and permitting process.*

24 (b) *CONTENTS.*—*The assessment required under sub-*
25 *section (a) shall evaluate—*

1 (1) *how often the various streamlining provi-*
2 *sions have been used;*

3 (2) *which of the streamlining provisions have*
4 *had the greatest impact on streamlining the environ-*
5 *mental review and permitting process;*

6 (3) *what, if any, impact streamlining of the*
7 *process has had on environmental protection;*

8 (4) *how, and the extent to which, streamlining*
9 *provisions have improved and accelerated the process*
10 *for permitting under the Federal Water Pollution*
11 *Control Act (33 U.S.C. 1251 et seq.), the Endangered*
12 *Species Act of 1973 (16 U.S.C. 1531 et seq.), and*
13 *other applicable Federal laws;*

14 (5) *what impact actions by the Council on Envi-*
15 *ronmental Quality have had on accelerating Federal-*
16 *aid highway and highway safety construction projects*
17 *and public transportation capital projects;*

18 (6) *the number and percentage of projects that*
19 *proceed under a traditional environmental assessment*
20 *or environmental impact statement, and the number*
21 *and percentage of projects that proceed under categor-*
22 *ical exclusions;*

23 (7) *the extent to which the environmental review*
24 *and permitting process remains a significant source*
25 *of project delay and the sources of delays; and*

1 (8) *the costs of conducting environmental reviews*
2 *and issuing permits or licenses for a project, includ-*
3 *ing the cost of contractors and dedicated agency staff.*

4 (c) *RECOMMENDATIONS.—The assessment required*
5 *under subsection (a) shall include recommendations with*
6 *respect to—*

7 (1) *additional opportunities for streamlining the*
8 *environmental review process, including regulatory or*
9 *statutory changes to accelerate the processes of Federal*
10 *agencies (other than the Department) with responsi-*
11 *bility for reviewing Federal-aid highway and high-*
12 *way safety construction projects and public transpor-*
13 *tation capital projects without negatively impacting*
14 *the environment; and*

15 (2) *best practices of other Federal agencies that*
16 *should be considered for adoption by the Department.*

17 (d) *REPORT TO CONGRESS.—The Comptroller General*
18 *of the United States shall submit to the Committee on*
19 *Transportation and Infrastructure of the House of Rep-*
20 *resentatives and the Committee on Environment and Public*
21 *Works of the Senate a report containing the assessment and*
22 *recommendations required under this section.*

1 **SEC. 1315. IMPROVING STATE AND FEDERAL AGENCY EN-**
 2 **GAGEMENT IN ENVIRONMENTAL REVIEWS.**

3 (a) *IN GENERAL.*—Title 49, United States Code, is
 4 amended by inserting after section 306 the following:

5 **“§ 307. Improving State and Federal agency engage-**
 6 **ment in environmental reviews**

7 “(a) *IN GENERAL.*—

8 “(1) *REQUESTS TO PROVIDE FUNDS.*—A public
 9 entity receiving financial assistance from the Depart-
 10 ment of Transportation for 1 or more projects, or for
 11 a program of projects, for a public purpose may re-
 12 quest that the Secretary allow the public entity to
 13 provide funds to Federal agencies, including the De-
 14 partment, State agencies, and Indian tribes partici-
 15 pating in the environmental planning and review
 16 process for the project, projects, or program.

17 “(2) *USE OF FUNDS.*—The funds may be pro-
 18 vided only to support activities that directly and
 19 meaningfully contribute to expediting and improving
 20 permitting and review processes, including planning,
 21 approval, and consultation processes for the project,
 22 projects, or program.

23 “(b) *ACTIVITIES ELIGIBLE FOR FUNDING.*—Activities
 24 for which funds may be provided under subsection (a) in-
 25 clude transportation planning activities that precede the
 26 initiation of the environmental review process, activities di-

1 rectly related to the environmental review process, dedicated
 2 staffing, training of agency personnel, information gath-
 3 ering and mapping, and development of programmatic
 4 agreements.

5 “(c) AMOUNTS.—Requests under subsection (a) may be
 6 approved only for the additional amounts that the Sec-
 7 retary determines are necessary for the Federal agencies,
 8 State agencies, or Indian tribes participating in the envi-
 9 ronmental review process to timely conduct their review.

10 “(d) AGREEMENTS.—Prior to providing funds ap-
 11 proved by the Secretary for dedicated staffing at an affected
 12 Federal agency under subsection (a), the affected Federal
 13 agency and the requesting public entity shall enter into an
 14 agreement that establishes a process to identify projects or
 15 priorities to be addressed by the use of the funds.

16 “(e) RULEMAKING.—

17 “(1) IN GENERAL.—Not later than 180 days
 18 after the date of enactment of this section, the Sec-
 19 retary shall initiate a rulemaking to implement this
 20 section.

21 “(2) FACTORS.—As part of the rulemaking car-
 22 ried out under paragraph (1), the Secretary shall en-
 23 sure—

24 “(A) to the maximum extent practicable,
 25 that expediting and improving the process of en-

1 *vironmental review and permitting through the*
 2 *use of funds accepted and expended under this*
 3 *section does not adversely affect the timeline for*
 4 *review and permitting by Federal agencies, State*
 5 *agencies, or Indian tribes of other entities that*
 6 *have not contributed funds under this section;*

7 *“(B) that the use of funds accepted under*
 8 *this section will not impact impartial decision-*
 9 *making with respect to environmental reviews or*
 10 *permits, either substantively or procedurally;*
 11 *and*

12 *“(C) that the Secretary maintains, and*
 13 *makes publicly available, including on the Inter-*
 14 *net, a list of projects or programs for which such*
 15 *review or permits have been carried out using*
 16 *funds authorized under this section.*

17 *“(f) EXISTING AUTHORITY.—Nothing in this section*
 18 *may be construed to conflict with section 139(j) of title 23.”.*

19 *(b) CONFORMING AMENDMENT.—The analysis for*
 20 *chapter 3 of title 49, United States Code, is amended by*
 21 *inserting after the item relating to section 306 the following:*

“307. Improving State and Federal agency engagement in environmental re-
views.”.

1 **SEC. 1316. ACCELERATED DECISIONMAKING IN ENVIRON-**
2 **MENTAL REVIEWS.**

3 (a) *IN GENERAL.*—Title 49, United States Code, is
4 amended by inserting after section 304 the following:

5 **“§ 304a. Accelerated decisionmaking in environmental**
6 **reviews**

7 “(a) *IN GENERAL.*—In preparing a final environ-
8 mental impact statement under the National Environ-
9 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if the
10 lead agency modifies the statement in response to comments
11 that are minor and are confined to factual corrections or
12 explanations of why the comments do not warrant addi-
13 tional agency response, the lead agency may write on errata
14 sheets attached to the statement, instead of rewriting the
15 draft statement, subject to the condition that the errata
16 sheets—

17 “(1) cite the sources, authorities, and reasons
18 that support the position of the agency; and

19 “(2) if appropriate, indicate the circumstances
20 that would trigger agency reappraisal or further re-
21 sponse.

22 “(b) *SINGLE DOCUMENT.*—To the maximum extent
23 practicable, the lead agency shall expeditiously develop a
24 single document that consists of a final environmental im-
25 pact statement and a record of decision, unless—

1 “(1) *the final environmental impact statement*
2 *makes substantial changes to the proposed action that*
3 *are relevant to environmental or safety concerns; or*

4 “(2) *there is a significant new circumstance or*
5 *information relevant to environmental concerns that*
6 *bears on the proposed action or the impacts of the*
7 *proposed action.*

8 “(c) *ADOPTION OF DOCUMENTS.—*

9 “(1) *AVOIDING DUPLICATION.—To prevent dupli-*
10 *cation of analyses and support expeditious and effi-*
11 *cient decisions, the operating administrations of the*
12 *Department of Transportation shall use adoption and*
13 *incorporation by reference in accordance with this*
14 *paragraph.*

15 “(2) *ADOPTION OF DOCUMENTS OF OTHER OPER-*
16 *ATING ADMINISTRATIONS.—An operating administra-*
17 *tion or a secretarial office within the Department of*
18 *Transportation may adopt a draft environmental im-*
19 *pect statement, an environmental assessment, or a*
20 *final environmental impact statement of another op-*
21 *erating administration for the adopting operating ad-*
22 *ministration’s use when preparing an environmental*
23 *assessment or final environmental impact statement*
24 *for a project without recirculating the document for*
25 *public review, if—*

1 “(A) the adopting operating administration
2 certifies that its proposed action is substantially
3 the same as the project considered in the docu-
4 ment to be adopted;

5 “(B) the other operating administration
6 concurs with such decision; and

7 “(C) such actions are consistent with the re-
8 quirements of the National Environmental Pol-
9 icy Act of 1969 (42 U.S.C. 4321 et seq.).

10 “(3) *INCORPORATION BY REFERENCE.*—An oper-
11 ating administration or secretarial office within the
12 Department of Transportation may incorporate by
13 reference all or portions of a draft environmental im-
14 pact statement, an environmental assessment, or a
15 final environmental impact statement for the adopt-
16 ing operating administration’s use when preparing
17 an environmental assessment or final environmental
18 impact statement for a project if—

19 “(A) the incorporated material is cited in
20 the environmental assessment or final environ-
21 mental impact statement and the contents of the
22 incorporated material is briefly described;

23 “(B) the incorporated material is reason-
24 ably available for inspection by potentially in-

1 *terested persons within the time allowed for re-*
 2 *view and comment; and*

3 *“(C) the incorporated material does not in-*
 4 *clude proprietary data that is not available for*
 5 *review and comment.”.*

6 (b) *CONFORMING AMENDMENT.—The analysis for*
 7 *chapter 3 of title 49, United States Code, is amended by*
 8 *inserting after the item relating to section 304 the following:*
 “304a. Accelerated decisionmaking in environmental reviews.”.

9 **SEC. 1317. ALIGNING FEDERAL ENVIRONMENTAL REVIEWS.**

10 (a) *IN GENERAL.—Title 49, United States Code, is*
 11 *amended by inserting after section 309 the following:*

12 **“§ 310. Aligning Federal environmental reviews**

13 *“(a) COORDINATED AND CONCURRENT ENVIRON-*
 14 *MENTAL REVIEWS.—Not later than 1 year after the date*
 15 *of enactment of this section, the Department of Transpor-*
 16 *tation, in coordination with the heads of Federal agencies*
 17 *likely to have substantive review or approval responsibil-*
 18 *ities under Federal law, shall develop a coordinated and*
 19 *concurrent environmental review and permitting process*
 20 *for transportation projects when initiating an environ-*
 21 *mental impact statement under the National Environ-*
 22 *mental Policy Act of 1969 (42 U.S.C. 4321 et seq.; in this*
 23 *section referred to as ‘NEPA’).*

24 *“(b) CONTENTS.—The coordinated and concurrent en-*
 25 *vironmental review and permitting process shall—*

1 “(1) ensure that the Department and agencies of
2 jurisdiction possess sufficient information early in the
3 review process to determine a statement of a transpor-
4 tation project’s purpose and need and range of alter-
5 natives for analysis that the lead agency and agencies
6 of jurisdiction will rely on for concurrent environ-
7 mental reviews and permitting decisions required for
8 the proposed project;

9 “(2) achieve early concurrence or issue resolution
10 during the NEPA scoping process on the Department
11 of Transportation’s statement of a project’s purpose
12 and need, and during development of the environ-
13 mental impact statement on the range of alternatives
14 for analysis, that the lead agency and agencies of ju-
15 risdiction will rely on for concurrent environmental
16 reviews and permitting decisions required for the pro-
17 posed project absent circumstances that require recon-
18 sideration in order to meet an agency of jurisdiction’s
19 obligations under a statute or Executive order; and

20 “(3) achieve concurrence or issue resolution in
21 an expedited manner if circumstances arise that re-
22 quire a reconsideration of the purpose and need or
23 range of alternatives considered during any Federal
24 agency’s environmental or permitting review in order

1 to meet an agency of jurisdiction’s obligations under
2 a statute or Executive order.

3 “(c) *ENVIRONMENTAL CHECKLIST.*—

4 “(1) *IN GENERAL.*—Not later than 90 days after
5 the date of enactment of this section, the Secretary of
6 Transportation and Federal agencies of jurisdiction
7 likely to have substantive review or approval respon-
8 sibilities on transportation projects shall jointly de-
9 velop a checklist to help project sponsors identify po-
10 tential natural, cultural, and historic resources in the
11 area of a proposed project.

12 “(2) *PURPOSE.*—The purpose of the checklist
13 shall be to—

14 “(A) identify agencies of jurisdiction and
15 cooperating agencies;

16 “(B) develop the information needed for the
17 purpose and need and alternatives for analysis;
18 and

19 “(C) improve interagency collaboration to
20 help expedite the permitting process for the lead
21 agency and agencies of jurisdiction.

22 “(d) *INTERAGENCY COLLABORATION.*—

23 “(1) *IN GENERAL.*—Consistent with Federal en-
24 vironmental statutes, the Secretary shall facilitate an-
25 nual interagency collaboration sessions at the appro-

1 *priate jurisdictional level to coordinate business plans*
 2 *and facilitate coordination of workload planning and*
 3 *workforce management.*

4 “(2) *PURPOSE OF COLLABORATION SESSIONS.—*
 5 *The interagency collaboration sessions shall ensure*
 6 *that agency staff is—*

7 “(A) *fully engaged;*

8 “(B) *utilizing the flexibility of existing reg-*
 9 *ulations, policies, and guidance; and*

10 “(C) *identifying additional actions to fa-*
 11 *cilitate high quality, efficient, and targeted envi-*
 12 *ronmental reviews and permitting decisions.*

13 “(3) *FOCUS OF COLLABORATION SESSIONS.—The*
 14 *interagency collaboration sessions, and the inter-*
 15 *agency collaborations generated by the sessions, shall*
 16 *focus on methods to—*

17 “(A) *work with State and local transpor-*
 18 *tation entities to improve project planning,*
 19 *siting, and application quality; and*

20 “(B) *consult and coordinate with relevant*
 21 *stakeholders and Federal, tribal, State, and local*
 22 *representatives early in permitting processes.*

23 “(e) *PERFORMANCE MEASUREMENT.—Not later than*
 24 *1 year after the date of enactment of this section, the Sec-*
 25 *retary, in coordination with relevant Federal agencies, shall*

1 *establish a program to measure and report on progress to-*
 2 *wards aligning Federal reviews as outlined in this sec-*
 3 *tion.”.*

4 (b) *CONFORMING AMENDMENT.—The analysis for*
 5 *chapter 3 of title 49, United States Code, is amended by*
 6 *inserting after the item relating to section 309 the following:*

“310. Aligning Federal environmental reviews.”.

7 ***Subtitle D—Miscellaneous***

8 ***SEC. 1401. TOLLING; HOV FACILITIES; INTERSTATE RECON-***
 9 ***STRUCTION AND REHABILITATION.***

10 (a) *TOLLING.—Section 129(a) of title 23, United*
 11 *States Code, is amended—*

12 (1) *in paragraph (1)—*

13 (A) *in subparagraph (B) by striking “,*
 14 *bridge, or tunnel” each place it appears;*

15 (B) *in subparagraph (C) by striking “,*
 16 *bridge, or tunnel” each place it appears;*

17 (C) *by striking subparagraph (G);*

18 (D) *by redesignating subparagraphs (H)*
 19 *and (I) as subparagraphs (G) and (H); and*

20 (E) *in subparagraph (G) as redesignated—*

21 (i) *by inserting “(HOV)” after “high*
 22 *occupancy vehicle”; and*

23 (ii) *by inserting “under section 166 of*
 24 *this title” after “facility”;*

25 (2) *in paragraph (3)(A)—*

1 (A) by striking “shall use” and inserting
2 “shall ensure that”; and

3 (B) by inserting “are used” after “toll facil-
4 ity” the second place it appears; and

5 (3) by striking paragraph (4) and redesignating
6 paragraphs (5) through (10) as paragraphs (4)
7 through (9), respectively.

8 (b) *HOV FACILITIES*.—Section 166 of title 23, United
9 States Code, is amended—

10 (1) in subsection (a)(1)—

11 (A) by striking the paragraph heading and
12 inserting “**AUTHORITY OF PUBLIC AUTHORI-**
13 **TIES**”; and

14 (B) by striking “State agency” and insert-
15 ing “public authority”;

16 (2) in subsection (b)—

17 (A) by striking “State agency” each place it
18 appears and inserting “public authority”;

19 (B) in paragraph (3)—

20 (i) by striking “and” at the end of sub-
21 paragraph (A);

22 (ii) by striking the period at the end of
23 subparagraph (B) and inserting “; and”;
24 and

1 (iii) by inserting at the end the fol-
2 lowing:

3 “(C) provides equal access for all public
4 transportation vehicles and over-the-road buses.”;
5 and

6 (C) in paragraph (5)—

7 (i) in subparagraph (A) by striking
8 “2017” and inserting “2021”; and

9 (ii) in subparagraph (B) by striking
10 “2017” and inserting “2021”;

11 (3) in subsection (c)—

12 (A) by amending paragraph (1) to read as
13 follows:

14 “(1) *IN GENERAL.*—Notwithstanding section 301,
15 tolls may be charged under paragraphs (4) and (5)
16 of subsection (b), subject to the requirements of section
17 129.”;

18 (B) by striking paragraph (2) and redesignig-
19 nating paragraph (3) as paragraph (2); and

20 (C) by inserting after paragraph (2), as re-
21 designated, the following:

22 “(3) *EXEMPTION FROM TOLLS.*—In levying tolls
23 on a facility under this section, a public authority
24 may designate classes of vehicles that are exempt from
25 the tolls or charge different toll rates for different

1 *classes of vehicles, if equal rates are charged for all*
 2 *public transportation vehicles and over-the-road buses,*
 3 *whether publicly or privately owned.”;*

4 *(4) in subsection (d)—*

5 *(A) by striking “State agency” each place it*
 6 *appears and inserting “public authority”;*

7 *(B) in paragraph (1)—*

8 *(i) by redesignating subparagraphs (D)*
 9 *and (E) as subparagraphs (E) and (F), re-*
 10 *spectively;*

11 *(ii) by inserting after subparagraph*
 12 *(C) the following:*

13 *“(D) CONSULTATION OF MPO.—If the facil-*
 14 *ity is on the Interstate System and located in a*
 15 *metropolitan planning area established in ac-*
 16 *cordance with section 134, consulting with the*
 17 *metropolitan planning organization for the area*
 18 *concerning the placement and amount of tolls on*
 19 *the facility.”;*

20 *(iii) in subparagraph (F), as redesign-*
 21 *ated—*

22 *(I) by striking “State” the first*
 23 *place it appears and inserting “public*
 24 *authority”; and*

1 (II) by striking “subparagraph
2 (D)” and inserting “subparagraph
3 (E)”; and

4 (iv) by adding at the end the following:
5 “(G) WAIVER.—

6 “(i) IN GENERAL.—Upon the request of
7 a public authority, the Secretary may
8 waive the requirements of subparagraph (E)
9 for a facility, and the corresponding pro-
10 gram sanctions under subparagraph (F), if
11 the Secretary determines that—

12 “(I) the waiver is in the best in-
13 terest of the traveling public; and

14 “(II) the public authority has
15 made a good faith effort to improve the
16 performance of the facility.

17 “(ii) CONDITION.—The Secretary may
18 require, as a condition of issuance of a
19 waiver under this subparagraph, that a
20 public authority take additional actions, de-
21 termined by the Secretary, to improve the
22 performance of the facility.”; and

23 (5) in subsection (f)—

1 (A) in paragraph (4)(B)(iii) by striking
2 “State agency” and inserting “public authority”;
3 and

4 (B) by striking paragraph (5) and inserting
5 after paragraph (4) the following:

6 “(5) *OVER-THE-ROAD BUS.*—The term ‘over-the-
7 road bus’ means a vehicle as defined in section 301(5)
8 of the Americans with Disabilities Act of 1990 (42
9 U.S.C. 12181(5)).

10 “(6) *PUBLIC AUTHORITY.*—The term ‘public au-
11 thority’ as used with respect to a HOV facility, means
12 a State, interstate compact of States, public entity
13 designated by a State, or local government having ju-
14 risdiction over the operation of the facility.”.

15 (c) *INTERSTATE SYSTEM RECONSTRUCTION AND RE-*
16 *HABILITATION PILOT PROGRAM.*—Section 1216(b) of the
17 *Transportation Equity Act for the 21st Century* (Public
18 *Law 105–178*) is amended—

19 (1) in paragraph (4)—

20 (A) in subparagraph (D) by striking “and”
21 at the end;

22 (B) in subparagraph (E) by striking the pe-
23 riod and inserting “; and”; and

24 (C) by adding at the end the following:

1 “(F) the State has approved enabling legis-
2 lation required for the project to proceed.”;

3 (2) by redesignating paragraphs (6) through (8)
4 as paragraphs (8) through (10), respectively; and

5 (3) by inserting after paragraph (5) the fol-
6 lowing:

7 “(6) *REQUIREMENTS FOR PROJECT COMPLE-*
8 *TION.—*

9 “(A) *GENERAL TERM FOR EXPIRATION OF*
10 *PROVISIONAL APPLICATION.—An application*
11 *provisionally approved by the Secretary under*
12 *this subsection shall expire 3 years after the date*
13 *on which the application was provisionally ap-*
14 *proved if the State has not—*

15 “(i) submitted a complete application
16 to the Secretary that fully satisfies the eligi-
17 bility criteria under paragraph (3) and the
18 selection criteria under paragraph (4);

19 “(ii) completed the environmental re-
20 view and permitting process under the Na-
21 tional Environmental Policy Act of 1969
22 (42 U.S.C. 4321 et seq.) for the pilot project;
23 and

24 “(iii) executed a toll agreement with
25 the Secretary.

1 “(B) *EXCEPTIONS TO EXPIRATION.*—Not-
2 withstanding subparagraph (A), the Secretary
3 may extend the provisional approval for not
4 more than 1 additional year if the State dem-
5 onstrates material progress toward implementa-
6 tion of the project as evidenced by—

7 “(i) substantial progress in completing
8 the environmental review and permitting
9 process for the pilot project under the Na-
10 tional Environmental Policy Act of 1969;

11 “(ii) funding and financing commit-
12 ments for the pilot project;

13 “(iii) expressions of support for the
14 pilot project from State and local govern-
15 ments, community interests, and the public;
16 and

17 “(iv) submission of a facility manage-
18 ment plan pursuant to paragraph (3)(D).

19 “(C) *CONDITIONS FOR PREVIOUSLY PROVI-*
20 *SIONALLY APPROVED APPLICATIONS.*—A State
21 with a provisionally approved application for a
22 pilot project as of the date of enactment of the
23 Surface Transportation Reauthorization and Re-
24 form Act of 2015 shall have 1 year after such
25 date of enactment to meet the requirements of

1 *subparagraph (A) or receive an extension from*
2 *the Secretary under subparagraph (B), or the*
3 *application will expire.*

4 “(7) *DEFINITION.—In this subsection, the term*
5 *‘provisional approval’ or ‘provisionally approved’*
6 *means the approval by the Secretary of a partial ap-*
7 *plication under this subsection, including the reserva-*
8 *tion of a slot in the pilot program.’”.*

9 (d) APPROVAL OF APPLICATIONS.—The Secretary may
10 approve an application submitted under section 1604(c) of
11 SAFETEA-LU (Public Law 109–59; 119 Stat. 1253) if the
12 application, or any part of the application, was submitted
13 before the deadline specified in section 1604(c)(8) of that
14 Act.

15 **SEC. 1402. PROHIBITION ON THE USE OF FUNDS FOR AUTO-**
16 **MATED TRAFFIC ENFORCEMENT.**

(a) *PROHIBITION.—Except as provided in subsection*
(b), for fiscal years 2016 through 2021, funds apportioned
to a State under section 104(b)(3) of title 23, United States
Code, may not be used to purchase, operate, or maintain
an automated traffic enforcement system.

22 (b) *EXCEPTION.*—Subsection (a) does not apply to an
23 automated traffic enforcement system located in a school
24 zone.

1 (c) *AUTOMATED TRAFFIC ENFORCEMENT SYSTEM DE-*
 2 *FINED.*—*In this section, the term “automated traffic en-*
 3 *forcement system” means any camera that captures an*
 4 *image of a vehicle for the purposes of traffic law enforce-*
 5 *ment.*

6 **SEC. 1403. MINIMUM PENALTIES FOR REPEAT OFFENDERS**
 7 **FOR DRIVING WHILE INTOXICATED OR DRIV-**
 8 **ING UNDER THE INFLUENCE.**

9 (a) *IN GENERAL.*—Section 164(a)(4) of title 23,
 10 *United States Code, is amended—*

11 (1) *in the matter preceding subparagraph (A) by*
 12 *inserting “, or a combination of State laws,” after “a*
 13 *State law”; and*

14 (2) *by striking subparagraph (A) and inserting*
 15 *the following:*

16 “(A) receive, for not less than 1 year—

17 “(i) a suspension of all driving privi-

18 *leges;*

19 “(ii) a restriction on driving privileges

20 *that limits the individual to operating only*

21 *motor vehicles with an ignition interlock*

22 *system installed (allowing for limited excep-*

23 *tions for circumstances when the individual*

24 *is required to operate an employer’s motor*

25 *vehicle in the course and scope of employ-*

1 *ment and the business entity that owns the*
 2 *vehicle is not owned or controlled by the in-*
 3 *dividual); or*

4 *“(iii) a combination of both clauses (i)*
 5 *and (ii);”.*

6 *(b) APPLICATION.—The amendments made by this sec-*
 7 *tion shall apply with respect to fiscal years beginning after*
 8 *the date of enactment of this Act.*

9 **SEC. 1404. HIGHWAY TRUST FUND TRANSPARENCY AND AC-**
 10 **COUNTABILITY.**

11 *(a) IN GENERAL.—Section 104 of title 23, United*
 12 *States Code, is amended by striking subsection (g) and in-*
 13 *serting the following:*

14 *“(g) HIGHWAY TRUST FUND TRANSPARENCY AND AC-*
 15 *COUNTABILITY REPORTS.—*

16 *“(1) COMPILATION OF DATA.—The Secretary*
 17 *shall compile data in accordance with this subsection*
 18 *on the use of Federal-aid highway funds made avail-*
 19 *able under this title.*

20 *“(2) REQUIREMENTS.—The Secretary shall en-*
 21 *sure that the reports required under this subsection*
 22 *are made available in a user-friendly manner on the*
 23 *public Internet Web site of the Department and can*
 24 *be searched and downloaded by users of the Web site.*

25 *“(3) CONTENTS OF REPORTS.—*

1 “(A) *APPORTIONED AND ALLOCATED PRO-*
2 *GRAMS.—On a semiannual basis, the Secretary*
3 *shall make available a report on funding appor-*
4 *tioned and allocated to the States under this title*
5 *that describes—*

6 “(i) *the amount of funding obligated*
7 *by each State, year-to-date, for the current*
8 *fiscal year;*

9 “(ii) *the amount of funds remaining*
10 *available for obligation by each State;*

11 “(iii) *changes in the obligated, unex-*
12 *pended balance for each State, year-to-date,*
13 *during the current fiscal year, including the*
14 *obligated, unexpended balance at the end of*
15 *the preceding fiscal year and current fiscal*
16 *year expenditures;*

17 “(iv) *the amount and program cat-*
18 *egory of unobligated funding, year-to-date,*
19 *available for expenditure at the discretion of*
20 *the Secretary;*

21 “(v) *the rates of obligation on and off*
22 *the National Highway System, year-to-date,*
23 *for the current fiscal year of funds appor-*
24 *tioned, allocated, or set aside under this sec-*
25 *tion, according to—*

- 1 “(I) program;
- 2 “(II) funding category or sub-
- 3 category;
- 4 “(III) type of improvement;
- 5 “(IV) State; and
- 6 “(V) sub-State geographical area,
- 7 including urbanized and rural areas,
- 8 on the basis of the population of each
- 9 such area; and
- 10 “(vi) the amount of funds transferred
- 11 by each State, year-to-date, for the current
- 12 fiscal year between programs under section
- 13 126.
- 14 “(B) PROJECT DATA.—On an annual basis,
- 15 the Secretary shall make available a report that,
- 16 to the maximum extent possible, provides project-
- 17 specific data describing—
- 18 “(i) for all projects funded under this
- 19 title (excluding projects for which funds are
- 20 transferred to agencies other than the Fed-
- 21 eral Highway Administration)—
- 22 “(I) the specific location of the
- 23 project;
- 24 “(II) the total cost of the project;

1 “(III) the amount of Federal
2 funding obligated for the project;

3 “(IV) the program or programs
4 from which Federal funds have been
5 obligated for the project;

6 “(V) the type of improvement
7 being made; and

8 “(VI) the ownership of the high-
9 way or bridge; and

10 “(ii) for any project funded under this
11 title (excluding projects for which funds are
12 transferred to agencies other than the Fed-
13 eral Highway Administration) with an esti-
14 mated total cost as of the start of construc-
15 tion in excess of \$100,000,000, the data
16 specified under clause (i) and additional
17 data describing—

18 “(I) whether the project is located
19 in an area of the State with a popu-
20 lation of—

21 “(aa) less than 5,000 indi-
22 viduals;

23 “(bb) 5,000 or more individ-
24 uals but less than 50,000 individ-
25 uals;

1 “(cc) 50,000 or more individ-
 2 uals but less than 200,000 indi-
 3 viduals; or

4 “(dd) 200,000 or more indi-
 5 viduals;

6 “(II) the estimated cost of the
 7 project as of the start of project con-
 8 struction, or the revised cost estimate
 9 based on a description of revisions to
 10 the scope of work or other factors af-
 11 fecting project cost other than cost
 12 overruns; and

13 “(III) the amount of non-Federal
 14 funds obligated for the project.”.

15 (b) *CONFORMING AMENDMENT.*—Section 1503 of
 16 *MAP-21* (23 U.S.C. 104 note; Public Law 112-141) is
 17 amended by striking subsection (c).

18 **SEC. 1405. HIGH PRIORITY CORRIDORS ON NATIONAL HIGH-**
 19 **WAY SYSTEM.**

20 (a) *IDENTIFICATION OF HIGH PRIORITY CORRIDORS*
 21 *ON NATIONAL HIGHWAY SYSTEM.*—Section 1105(c) of the
 22 *Intermodal Surface Transportation Efficiency Act of 1991*
 23 is amended—

24 (1) by striking paragraph (13) and inserting the
 25 following:

1 “(13) *Raleigh-Norfolk Corridor from Raleigh,*
 2 *North Carolina, through Rocky Mount, Williamston,*
 3 *and Elizabeth City, North Carolina, to Norfolk, Vir-*
 4 *ginia.*”;

5 (2) *in paragraph (18)(D)—*

6 *(A) in clause (ii) by striking “and” at the*
 7 *end;*

8 *(B) in clause (iii) by striking the period at*
 9 *the end and inserting “; and”; and*

10 *(C) by adding at the end the following:*

11 *“(iv) include Texas State Highway 44*
 12 *from United States Route 59 at Freer,*
 13 *Texas, to Texas State Highway 358.”;*

14 (3) *by striking paragraph (68) and inserting the*
 15 *following:*

16 *“(68) The Washoe County Corridor and the*
 17 *Intermountain West Corridor, which shall generally*
 18 *follow—*

19 *“(A) for the Washoe County Corridor, along*
 20 *Interstate Route 580/United States Route 95/*
 21 *United States Route 95A from Reno, Nevada, to*
 22 *Las Vegas, Nevada; and*

23 *“(B) for the Intermountain West Corridor,*
 24 *from the vicinity of Las Vegas, Nevada, north*

1 *along United States Route 95 terminating at*
2 *Interstate Route 80.”; and*

3 *(4) by adding at the end the following:*

4 “(81) *United States Route 117/Interstate Route*
5 *795 from United States Route 70 in Goldsboro,*
6 *Wayne County, North Carolina, to Interstate Route*
7 *40 west of Faison, Sampson County, North Carolina.*

8 “(82) *United States Route 70 from its intersec-*
9 *tion with Interstate Route 40 in Garner, Wake Coun-*
10 *ty, North Carolina, to the Port at Morehead City,*
11 *Carteret County, North Carolina.*

12 “(83) *The Sonoran Corridor along State Route*
13 *410 connecting Interstate Route 19 and Interstate*
14 *Route 10 south of the Tucson International Airport.*

15 “(84) *The Central Texas Corridor commencing*
16 *at the logical terminus of Interstate Route 10, gen-*
17 *erally following portions of United States Route 190*
18 *eastward, passing in the vicinity Fort Hood, Killeen,*
19 *Belton, Temple, Bryan, College Station, Huntsville,*
20 *Livingston, and Woodville, to the logical terminus of*
21 *Texas Highway 63 at the Sabine River Bridge at*
22 *Burrs Crossing.*

23 “(85) *Interstate Route 81 in New York from its*
24 *intersection with Interstate Route 86 to the United*
25 *States-Canadian border.*

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

3 “(87) *The Oregon 99W Newberg-Dundee Bypass*
4 *Route between Newberg, Oregon, and Dayton, Oregon.*

5 “(88) *Interstate Route 205 in Oregon from its*
6 *intersection with Interstate Route 5 to the Columbia*
7 *River.”.*

8 **(b) INCLUSION OF CERTAIN ROUTE SEGMENTS ON**
9 **INTERSTATE SYSTEM.**—*Section 1105(e)(5)(A) of the Inter-*
10 *modal Surface Transportation Efficiency Act of 1991 is*
11 *amended—*

12 *(1) by inserting “subsection (c)(13),” after “sub-*
13 *section (c)(9),”;*

14 *(2) by striking “subsections (c)(18)” and all that*
15 *follows through “subsection (c)(36)” and inserting*
16 *“subsection (c)(18), subsection (c)(20), subparagraphs*
17 *(A) and (B)(i) of subsection (c)(26), subsection*
18 *(c)(36)”;* *and*

19 *(3) by striking “and subsection (c)(57)” and in-*
20 *serting “subsection (c)(57), subsection (c)(68)(B), sub-*
21 *section (c)(81), subsection (c)(82), and subsection*
22 *(c)(83)”.*

23 **(c) DESIGNATION.**—*Section 1105(e)(5)(C)(i) of the*
24 *Intermodal Surface Transportation Efficiency Act of 1991*
25 *is amended by striking the final sentence and inserting the*

1 following: “The routes referred to in subparagraphs (A) and
 2 (B)(i) of subsection (c)(26) and in subsection (c)(68)(B) are
 3 designated as Interstate Route I–11. The route referred to
 4 in subsection (c)(84) is designated as Interstate Route I–
 5 14.”.

6 (d) *FUTURE INTERSTATE DESIGNATION*.—Section
 7 119(a) of the *SAFETEA–LU Technical Corrections Act of*
 8 *2008* is amended by striking “and, as a future Interstate
 9 Route 66 Spur, the Natcher Parkway in Owensboro, Ken-
 10 tucky” and inserting “between Henderson, Kentucky, and
 11 Owensboro, Kentucky, and, as a future Interstate Route 65
 12 and 66 Spur, the William H. Natcher Parkway between
 13 Bowling Green, Kentucky, and Owensboro, Kentucky”.

14 **SEC. 1406. FLEXIBILITY FOR PROJECTS.**

15 (a) *AUTHORITY*.—With respect to projects eligible for
 16 funding under title 23, United States Code, subject to sub-
 17 section (b) and on request by a State, the Secretary may—

18 (1) exercise all existing flexibilities under and
 19 exceptions to—

20 (A) the requirements of title 23, United
 21 States Code; and

22 (B) other requirements administered by the
 23 Secretary, in whole or part; and

1 (2) *otherwise provide additional flexibility or ex-*
 2 *pedited processing with respect to the requirements*
 3 *described in paragraph (1).*

4 (b) *MAINTAINING PROTECTIONS.—Nothing in this sec-*
 5 *tion—*

6 (1) *waives the requirements of section 113 or 138*
 7 *of title 23, United States Code;*

8 (2) *supersedes, amends, or modifies—*

9 (A) *the National Environmental Policy Act*
 10 *of 1969 (42 U.S.C. 4321 et seq.) or any other*
 11 *Federal environmental law; or*

12 (B) *any requirement of title 23 or title 49,*
 13 *United States Code; or*

14 (3) *affects the responsibility of any Federal offi-*
 15 *cer to comply with or enforce any law or requirement*
 16 *described in this subsection.*

17 **SEC. 1407. PRODUCTIVE AND TIMELY EXPENDITURE OF**
 18 **FUNDS.**

19 (a) *IN GENERAL.—Not later than 1 year after the date*
 20 *of enactment of this Act, the Secretary shall develop guid-*
 21 *ance that encourages the use of programmatic approaches*
 22 *to project delivery, expedited and prudent procurement*
 23 *techniques, and other best practices to facilitate productive,*
 24 *effective, and timely expenditure of funds for projects eligi-*
 25 *ble for funding under title 23, United States Code.*

1 (b) *IMPLEMENTATION.*—*The Secretary shall work with*
 2 *States to ensure that any guidance developed under sub-*
 3 *section (a) is consistently implemented by States and the*
 4 *Federal Highway Administration to—*

5 (1) *avoid unnecessary delays in completing*
 6 *projects;*

7 (2) *minimize cost overruns; and*

8 (3) *ensure the effective use of Federal funding.*

9 **SEC. 1408. CONSOLIDATION OF PROGRAMS.**

10 *Section 1519(a) of MAP–21 (126 Stat. 574) is amend-*
 11 *ed by striking “From administrative funds” and all that*
 12 *follows through “shall be made available” and inserting*
 13 *“For each of fiscal years 2016 through 2021, before making*
 14 *an apportionment under section 104(b)(3) of title 23,*
 15 *United States Code, the Secretary shall set aside, from*
 16 *amounts made available to carry out the highway safety*
 17 *improvement program under section 148 of such title for*
 18 *the fiscal year, \$3,500,000”.*

19 **SEC. 1409. FEDERAL SHARE PAYABLE.**

20 (a) *INNOVATIVE PROJECT DELIVERY METHODS.*—*Sec-*
 21 *tion 120(c)(3)(A)(ii) of title 23, United States Code, is*
 22 *amended by inserting “engineering or design approaches,”*
 23 *after “technologies,”.*

24 (b) *EMERGENCY RELIEF.*—*Section 120(e)(2) of title*
 25 *23, United States Code, is amended by striking “Federal*

1 *land access transportation facilities,” and inserting “other*
 2 *federally owned roads that are open to public travel,”.*

3 **SEC. 1410. ELIMINATION OR MODIFICATION OF CERTAIN**
 4 **REPORTING REQUIREMENTS.**

5 (a) *FUNDAMENTAL PROPERTIES OF ASPHALTS RE-*
 6 *PORT.—Section 6016(e) of the Intermodal Surface Trans-*
 7 *portation Efficiency Act of 1991 (105 Stat. 2183) is re-*
 8 *pealed.*

9 (b) *EXPRESS LANES DEMONSTRATION PROGRAM RE-*
 10 *PORTS.—Section 1604(b)(7)(B) of SAFETEA-LU (23*
 11 *U.S.C. 129 note) is repealed.*

12 **SEC. 1411. TECHNICAL CORRECTIONS.**

13 (a) *TITLE 23.—Title 23, United States Code, is*
 14 *amended as follows:*

15 (1) *Section 150(c)(3)(B) is amended by striking*
 16 *the semicolon at the end and inserting a period.*

17 (2) *Section 154(c) is amended—*

18 (A) *in paragraph (3)(A) by striking “trans-*
 19 *ferred” and inserting “reserved”; and*

20 (B) *in paragraph (5)—*

21 (i) *in the matter preceding subpara-*
 22 *graph (A) by inserting “or released” after*
 23 *“transferred”; and*

1 (ii) in subparagraph (A) by striking
2 “under section 104(b)(l)” and inserting
3 “under section 104(b)(1)”.

4 (3) Section 164(b) is amended—

5 (A) in paragraph (3)(A) by striking “trans-
6 ferred” and inserting “reserved”; and

7 (B) in paragraph (5) by inserting “or re-
8 leased” after “transferred”.

9 (b) MAP-21.—Effective as of July 6, 2012, and as if
10 included therein as enacted, MAP-21 (Public Law 112-
11 141) is amended as follows:

12 (1) Section 1109(a)(2) (126 Stat. 444) is amend-
13 ed by striking “fourth” and inserting “fifth”.

14 (2) Section 1203 (126 Stat. 524) is amended—

15 (A) in subsection (a) by striking “Section
16 150 of title 23, United States Code, is amended
17 to read as follows” and inserting “Title 23,
18 United States Code, is amended by inserting
19 after section 149 the following”; and

20 (B) in subsection (b) by striking “by strik-
21 ing the item relating to section 150 and insert-
22 ing” and inserting “by inserting after the item
23 relating to section 149”.

24 (3) Section 1313(a)(1) (126 Stat. 545) is amend-
25 ed to read as follows:

1 “(1) in the section heading by striking **‘pilot’**;
2 and”.

3 (4) Section 1314(b) (126 Stat. 549) is amend-
4 ed—

5 (A) by inserting “chapter 3 of” after “anal-
6 ysis for”; and

7 (B) by inserting a period at the end of the
8 matter proposed to be inserted.

9 (5) Section 1519(c) (126 Stat. 575) is amend-
10 ed—

11 (A) by striking paragraph (3);

12 (B) by redesignating paragraphs (4)
13 through (12) as paragraphs (3) through (11), re-
14 spectively;

15 (C) in paragraph (7), as redesignated by
16 subparagraph (B) of this paragraph—

17 (i) by striking the period at the end of
18 the matter proposed to be struck; and

19 (ii) by adding a period at the end; and

20 (D) in paragraph (8)(A)(i)(I), as redesign-
21 ated by subparagraph (B) of this paragraph, by
22 striking “than rail” in the matter proposed to be
23 struck and inserting “than on rail”.

24 (6) Section 1528 is amended—

1 (A) in subsection (b) by inserting “(or a
2 lower percentage if so requested by a State with
3 respect to a project)” after “100 percent”; and

4 (B) in subsection (c) by inserting “(or a
5 lower percentage if so requested by a State with
6 respect to a project)” after “100 percent”.

7 **SEC. 1412. SAFETY FOR USERS.**

8 (a) *IN GENERAL.*—The Secretary shall encourage each
9 State and metropolitan planning organization to adopt
10 standards for the design of Federal surface transportation
11 projects that provide for the safe and adequate accommoda-
12 tion (as determined by the State) in all phases of project
13 planning, development, and operation, of all users of the
14 surface transportation network, including motorized and
15 nonmotorized users.

16 (b) *REPORT.*—Not later than 2 years after the date
17 of enactment of this section, the Secretary shall make avail-
18 able to the public a report cataloging examples of State law
19 or State transportation policy that provides for the safe and
20 adequate accommodation, in all phases of project planning,
21 development, and operation of all users of the surface trans-
22 portation network.

23 (c) *BEST PRACTICES.*—Based on the report required
24 under subsection (b), the Secretary shall identify and dis-
25 seminate examples of best practices where States have

1 *adopted measures that have successfully provided for the*
 2 *safe and adequate accommodation of all users of the trans-*
 3 *portation network in all phases of project development and*
 4 *operation.*

5 **SEC. 1413. DESIGN STANDARDS.**

6 (a) *IN GENERAL.*—Section 109 of title 23, United
 7 States Code, is amended—

8 (1) *in subsection (c)*—

9 (A) *in paragraph (1)*—

10 (i) *by striking “may take into ac-*
 11 *count” and inserting “shall consider”;*

12 (ii) *in subparagraph (B) by striking*
 13 *“and” at the end;*

14 (iii) *by redesignating subparagraph*
 15 *(C) as subparagraph (D); and*

16 (iv) *by inserting after subparagraph*
 17 *(B) the following:*

18 “(C) *cost savings by utilizing flexibility*
 19 *that exists in current design guidance and regu-*
 20 *lations; and”;* and

21 (B) *in paragraph (2)*—

22 (i) *in subparagraph (C) by striking*
 23 *“and” at the end;*

24 (ii) *by redesignating subparagraph (D)*
 25 *as subparagraph (F); and*

1 (iii) by inserting after subparagraph
2 (C) the following:

3 “(D) the publication entitled ‘Highway
4 Safety Manual’ of the American Association of
5 State Highway and Transportation Officials;

6 “(E) the publication entitled ‘Urban Street
7 Design Guide’ of the National Association of
8 City Transportation Officials; and”;

9 (2) in subsection (f) by inserting “pedestrian
10 walkways,” after “bikeways,”.

11 (b) *DESIGN STANDARD FLEXIBILITY.*—Notwith-
12 standing section 109(o) of title 23, United States Code, a
13 State may allow a local jurisdiction to use a roadway de-
14 sign publication that is different from the roadway design
15 publication used by the State in which the local jurisdiction
16 is located for the design of a project on a roadway under
17 the ownership of the local jurisdiction (other than a high-
18 way on the Interstate System) if—

19 (1) the local jurisdiction is a direct recipient of
20 Federal funds for the project;

21 (2) the roadway design publication—

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

24 (B) is adopted by the local jurisdiction; and

1 (3) *the design complies with all other applicable*
2 *Federal laws.*

3 **SEC. 1414. RESERVE FUND.**

4 (a) *LIMITATION.—*

5 (1) *IN GENERAL.—Notwithstanding funding, au-*
6 *thorizations of appropriations, and contract authority*
7 *described in sections 1101, 1102, 3017, 4001, 5101,*
8 *and 6002 of this Act, including the amendments made*
9 *by such sections, sections 125 and 147 of title 23,*
10 *United States Code, and section 5338(a) of title 49,*
11 *United States Code, no funding, authorization of ap-*
12 *propriations, and contract authority described in*
13 *those sections for fiscal years 2019 through 2021 shall*
14 *exist unless and only to the extent that a subsequent*
15 *Act of Congress causes additional monies to be depos-*
16 *ited in the Highway Trust Fund.*

17 (2) *ADMINISTRATIVE EXPENSES.—The limitation*
18 *on funds provided in paragraph (1) shall not apply*
19 *to—*

20 (A) *administrative expenses of the Federal*
21 *Highway Administration under sections 104(a)*
22 *and 608(a)(6) of title 23, United States Code;*

23 (B) *administrative expenses of the National*
24 *Highway Traffic Safety Administration under*
25 *section 4001(a)(6) of this Act;*

1 (C) *administrative expenses of the Federal*
 2 *Motor Carrier Safety Administration under sec-*
 3 *tion 5103 of this Act; and*

4 (D) *administrative expenses of the Federal*
 5 *Transit Administration under section 5338(h) of*
 6 *title 49, United States Code.*

7 (b) *ADJUSTMENTS TO CONTRACT AUTHORITY.—*

8 (1) *IN GENERAL.—Chapter 1 of title 23, United*
 9 *States Code, is amended by inserting after section 104*
 10 *the following:*

11 **“§ 105. Adjustments to contract authority**

12 “(a) *CALCULATION.—*

13 “(1) *IN GENERAL.—The President shall include*
 14 *in each of the fiscal year 2017 through 2021 budget*
 15 *submissions to Congress under section 1105(a) of title*
 16 *31, for each of the Highway Account and the Mass*
 17 *Transit Account, a calculation of the difference be-*
 18 *tween—*

19 “(A) *the actual level of monies deposited in*
 20 *that account for the most recently completed fis-*
 21 *cal year; and*

22 “(B) *the estimated level of receipts for that*
 23 *account for the most recently completed fiscal*
 24 *year, as specified in paragraph (2).*

1 “(2) *ESTIMATE*.—*The estimated level of receipts*
2 *specified in this paragraph are—*

3 “(A) *for the Highway Account—*

4 “(i) *for fiscal year 2015,*
5 *\$35,740,259,248;*

6 “(ii) *for fiscal year 2016,*
7 *\$35,498,000,000;*

8 “(iii) *for fiscal year 2017,*
9 *\$35,879,000,000;*

10 “(iv) *for fiscal year 2018,*
11 *\$36,084,000,000; and*

12 “(v) *for fiscal year 2019,*
13 *\$36,117,000,000; and*

14 “(B) *for the Mass Transit Account—*

15 “(i) *for fiscal year 2015,*
16 *\$5,048,527,972;*

17 “(ii) *for fiscal year 2016,*
18 *\$5,020,000,000;*

19 “(iii) *for fiscal year 2017,*
20 *\$5,024,000,000;*

21 “(iv) *for fiscal year 2018,*
22 *\$5,011,000,000; and*

23 “(v) *for fiscal year 2019,*
24 *\$4,981,000,000.*

1 “(3) *TECHNICAL CORRECTION.*—For purposes of
 2 *paragraph (1)(A), the term ‘actual level of monies de-*
 3 *posited in that account’ shall not include funding of*
 4 *the Highway Trust Fund provided by section 2002 of*
 5 *Public Law 114–41.*

6 “(b) *ADJUSTMENTS TO CONTRACT AUTHORITY.*—

7 “(1) *ADDITIONAL AMOUNTS.*—If the difference
 8 *determined in a budget submission under subsection*
 9 *(a) for a fiscal year for the Highway Account or the*
 10 *Mass Transit Account is greater than zero, the Sec-*
 11 *retary shall on October 1 of the budget year of that*
 12 *submission—*

13 “(A) *make available for programs author-*
 14 *ized from such account for the budget year a*
 15 *total amount equal to—*

16 “(i) *the amount otherwise authorized*
 17 *to be appropriated for such programs for*
 18 *such budget year; plus*

19 “(ii) *an amount equal to such dif-*
 20 *ference; and*

21 “(B) *distribute the additional amount*
 22 *under subparagraph (A)(ii) to each of such pro-*
 23 *grams in accordance with subsection (c).*

24 “(2) *REDUCTION.*—If the difference determined
 25 *in a budget submission under subsection (a) for a fis-*

1 *cal year for the Highway Account or the Mass Tran-*
 2 *sit Account is less than zero, the Secretary shall on*
 3 *October 1 of the budget year of that submission—*

4 *“(A) make available for programs author-*
 5 *ized from such account for the budget year a*
 6 *total amount equal to—*

7 *“(i) the amount otherwise authorized*
 8 *to be appropriated for such programs for*
 9 *such budget year; minus*

10 *“(ii) an amount equal to such dif-*
 11 *ference; and*

12 *“(B) apply the total adjustment under sub-*
 13 *paragraph (A)(ii) to each of such programs in*
 14 *accordance with subsection (c).*

15 *“(c) DISTRIBUTION OF ADJUSTMENT AMONG PRO-*
 16 *GRAMS.—*

17 *“(1) IN GENERAL.—In making an adjustment*
 18 *for the Highway Account or the Mass Transit Ac-*
 19 *count for a budget year under subsection (b), the Sec-*
 20 *retary shall—*

21 *“(A) determine the ratio that—*

22 *“(i) the amount authorized to be ap-*
 23 *propriated for a program from the account*
 24 *for the budget year; bears to*

1 “(ii) the total amount authorized to be
2 appropriated for such budget year for all
3 programs under such account;

4 “(B) multiply the ratio determined under
5 subparagraph (A) by the applicable difference
6 calculated under subsection (a); and

7 “(C) adjust the amount that the Secretary
8 would otherwise have allocated for the program
9 for such budget year by the amount calculated
10 under subparagraph (B).

11 “(2) *FORMULA PROGRAMS.*—For a program for
12 which funds are distributed by formula, the Secretary
13 shall add or subtract the adjustment to the amount
14 authorized for the program but for this section and
15 make available the adjusted program amount for such
16 program in accordance with such formula.

17 “(3) *AVAILABILITY FOR OBLIGATION.*—Adjusted
18 amounts under this subsection shall be available for
19 obligation and administered in the same manner as
20 other amounts made available for the program for
21 which the amount is adjusted.

22 “(d) *EXCLUSION OF EMERGENCY RELIEF PROGRAM*
23 *AND COVERED ADMINISTRATIVE EXPENSES.*—The Sec-
24 retary shall exclude the emergency relief program under sec-
25 tion 125 and covered administrative expenses from—

1 “(1) *an adjustment of funding under subsection*
 2 *(c)(1); and*

3 “(2) *any calculation under subsection (b) or (c)*
 4 *related to such an adjustment.*

5 “(e) *AUTHORIZATION OF APPROPRIATIONS.—There is*
 6 *authorized to be appropriated from the appropriate account*
 7 *or accounts of the Highway Trust Fund an amount equal*
 8 *to the amounts calculated under subsection (a) for each of*
 9 *fiscal years 2017 through 2021.*

10 “(f) *REVISION TO OBLIGATION LIMITATIONS.—*

11 “(1) *IN GENERAL.—If the Secretary makes an*
 12 *adjustment under subsection (b) for a fiscal year to*
 13 *an amount subject to a limitation on obligations im-*
 14 *posed by section 1102 or 3017 of the Surface Trans-*
 15 *portation Reauthorization and Reform Act of 2015—*

16 “(A) *such limitation on obligations for such*
 17 *fiscal year shall be revised by an amount equal*
 18 *to such adjustment; and*

19 “(B) *the Secretary shall distribute such lim-*
 20 *itation on obligations, as revised under subpara-*
 21 *graph (A), in accordance with such sections.*

22 “(2) *EXCLUSION OF COVERED ADMINISTRATIVE*
 23 *EXPENSES.—The Secretary shall exclude covered ad-*
 24 *ministrative expenses from—*

1 “(A) any calculation relating to a revision
2 of a limitation on obligations under paragraph
3 (1)(A); and

4 “(B) any distribution of a revised limita-
5 tion on obligations under paragraph (1)(B).

6 “(g) *DEFINITIONS.*—In this section, the following defi-
7 nitions apply:

8 “(1) *BUDGET YEAR.*—The term ‘budget year’
9 means the fiscal year for which a budget submission
10 referenced in subsection (a)(1) is submitted.

11 “(2) *COVERED ADMINISTRATIVE EXPENSES.*—The
12 term ‘covered administrative expenses’ means the ad-
13 ministrative expenses of—

14 “(A) the Federal Highway Administration,
15 as authorized under section 104(a);

16 “(B) the National Highway Traffic Safety
17 Administration, as authorized under section
18 4001(a)(6) of the Surface Transportation Reau-
19 thorization and Reform Act of 2015; and

20 “(C) the Federal Motor Carrier Safety Ad-
21 ministration, as authorized under section 31110
22 of title 49.

23 “(3) *HIGHWAY ACCOUNT.*—The term ‘Highway
24 Account’ means the portion of the Highway Trust
25 Fund that is not the Mass Transit Account.

1 “(4) *MASS TRANSIT ACCOUNT*.—The term ‘Mass
2 *Transit Account*’ means the Mass Transit Account of
3 the Highway Trust Fund established under section
4 9503(e)(1) of the Internal Revenue Code of 1986.”.

5 (2) *CLERICAL AMENDMENT*.—The analysis for
6 chapter 1 of title 23, United States Code, is amended
7 by inserting after the item relating to section 104 the
8 following:

 “105. *Adjustments to contract authority*.”.

9 **SEC. 1415. ADJUSTMENTS.**

10 (a) *IN GENERAL*.—On July 1, 2018, of the unobligated
11 balances of funds apportioned among the States under
12 chapter 1 of title 23, United States Code, a total of
13 \$6,000,000,000 is permanently rescinded.

14 (b) *EXCLUSIONS FROM RESCISSION*.—The rescission
15 under subsection (a) shall not apply to funds distributed
16 in accordance with—

17 (1) sections 104(b)(3) and 130(f) of title 23,
18 United States Code;

19 (2) sections 133(d)(1)(A) of such title;

20 (3) the first sentence of section 133(d)(3)(A) of
21 such title, as in effect on the day before the date of
22 enactment of MAP–21 (Public Law 112–141);

23 (4) sections 133(d)(1) and 163 of such title, as
24 in effect on the day before the date of enactment of
25 SAFETEA–LU (Public Law 109–59); and

1 (5) *section 104(b)(5) of such title, as in effect on*
2 *the day before the date of enactment of MAP-21 (Pub-*
3 *lic Law 112-141).*

4 (c) *DISTRIBUTION AMONG STATES.—The amount to be*
5 *rescinded under this section from a State shall be deter-*
6 *mined by multiplying the total amount of the rescission in*
7 *subsection (a) by the ratio that—*

8 (1) *the unobligated balances subject to the rescis-*
9 *sion as of September 30, 2017, for the State; bears to*

10 (2) *the unobligated balances subject to the rescis-*
11 *sion as of September 30, 2017, for all States.*

12 (d) *DISTRIBUTION WITHIN EACH STATE.—The*
13 *amount to be rescinded under this section from each pro-*
14 *gram to which the rescission applies within a State shall*
15 *be determined by multiplying the required rescission*
16 *amount calculated under subsection (c) for such State by*
17 *the ratio that—*

18 (1) *the unobligated balance as of September 30,*
19 *2017, for such program in such State; bears to*

20 (2) *the unobligated balances as of September 30,*
21 *2017, for all programs to which the rescission applies*
22 *in such State.*

1 **SEC. 1416. NATIONAL ELECTRIC VEHICLE CHARGING, HY-**
2 **DROGEN, PROPANE, AND NATURAL GAS FUEL-**
3 **ING CORRIDORS.**

4 (a) *IN GENERAL.*—Chapter 1 of title 23, United States
5 Code, is amended by inserting after section 150 the fol-
6 lowing:

7 **“§ 151. National electric vehicle charging, hydrogen,**
8 **propane, and natural gas fueling cor-**
9 **ridors**

10 “(a) *IN GENERAL.*—Not later than 1 year after the
11 date of enactment of the Surface Transportation Reauthor-
12 ization and Reform Act of 2015, the Secretary shall des-
13 ignate national electric vehicle charging, hydrogen, pro-
14 pane, and natural gas fueling corridors that identify the
15 near- and long-term need for, and location of, electric vehi-
16 cle charging infrastructure, hydrogen infrastructure, pro-
17 pane fueling infrastructure, and natural gas fueling infra-
18 structure at strategic locations along major national high-
19 ways to improve the mobility of passenger and commercial
20 vehicles that employ electric, hydrogen fuel cell, propane,
21 and natural gas fueling technologies across the United
22 States.

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

25 “(1) solicit nominations from State and local of-
26 ficials for facilities to be included in the corridors;

1 “(2) *incorporate existing electric vehicle charging*
2 *stations, hydrogen fueling stations, propane fueling*
3 *stations, and natural gas fueling corridors designated*
4 *by a State or group of States; and*

5 “(3) *consider the demand for, and location of,*
6 *existing electric vehicle charging stations, hydrogen*
7 *fueling stations, propane fueling stations, and nat-*
8 *ural gas fueling infrastructure.*

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

12 “(1) *the heads of other Federal agencies;*

13 “(2) *State and local officials;*

14 “(3) *representatives of—*

15 “(A) *energy utilities;*

16 “(B) *the electric, fuel cell electric, propane,*
17 *and natural gas vehicle industries;*

18 “(C) *the freight and shipping industry;*

19 “(D) *clean technology firms;*

20 “(E) *the hospitality industry;*

21 “(F) *the restaurant industry;*

22 “(G) *highway rest stop vendors; and*

23 “(H) *industrial gas and hydrogen manufac-*
24 *turers; and*

1 “(4) such other stakeholders as the Secretary de-
2 termines to be necessary.

3 “(d) *REDESIGNATION*.—Not later than 5 years after
4 the date of establishment of the corridors under subsection
5 (a), and every 5 years thereafter, the Secretary shall update
6 and redesignate the corridors.

7 “(e) *REPORT*.—During designation and redesignation
8 of the corridors under this section, the Secretary shall issue
9 a report that—

10 “(1) identifies electric vehicle charging infra-
11 structure, hydrogen infrastructure, propane fueling
12 infrastructure, and natural gas fueling infrastructure
13 and standardization needs for electricity providers,
14 industrial gas providers, natural gas providers, infra-
15 structure providers, vehicle manufacturers, electricity
16 purchasers, and natural gas purchasers; and

17 “(2) establishes an aspirational goal of achieving
18 strategic deployment of electric vehicle charging infra-
19 structure, hydrogen infrastructure, propane fueling
20 infrastructure, and natural gas fueling infrastructure
21 in those corridors by the end of fiscal year 2021.”.

22 “(b) *CONFORMING AMENDMENT*.—The analysis for
23 chapter 1 of title 23, United States Code, is amended by
24 inserting after the item relating to section 150 the following:

“151. National electric vehicle charging, hydrogen, propane, and natural gas fuel-
ing corridors.”.

1 (c) *OPERATION OF BATTERY RECHARGING STATIONS*
2 *IN PARKING AREAS USED BY FEDERAL EMPLOYEES.—*

3 (1) *AUTHORIZATION.—*

4 (A) *IN GENERAL.—The Administrator of*
5 *General Services may install, construct, operate,*
6 *and maintain on a reimbursable basis a battery*
7 *recharging station in a parking area that is in*
8 *the custody, control, or administrative jurisdic-*
9 *tion of the General Services Administration for*
10 *the use of only privately owned vehicles of em-*
11 *ployees of the General Services Administration,*
12 *tenant Federal agencies, and others who are au-*
13 *thorized to park in such area to the extent such*
14 *use by only privately owned vehicles does not*
15 *interfere with or impede access to the equipment*
16 *by Federal fleet vehicles.*

17 (B) *DELEGATION.—The Administrator of*
18 *General Services may install, construct, operate,*
19 *and maintain on a reimbursable basis a battery*
20 *recharging station in a parking area that is in*
21 *the custody, control, or administrative jurisdic-*
22 *tion of another Federal agency, at the request of*
23 *such agency, or delegate such authority to an-*
24 *other Federal agency to the extent such use by*
25 *only privately owned vehicles does not interfere*

1 *with or impede access to the equipment by Fed-*
2 *eral fleet vehicles.*

3 (C) *USE OF VENDORS.—The Administrator*
4 *of General Services, with respect to subpara-*
5 *graphs (A) and (B), or the head of a Federal*
6 *agency delegated authority, with respect to sub-*
7 *paragraph (B), may carry such subparagraph*
8 *through a contract with a vendor, under such*
9 *terms and conditions (including terms relating*
10 *to the allocation between the Federal agency and*
11 *the vendor of the costs of carrying out the con-*
12 *tract) as the Administrator or the head of the*
13 *Federal agency, as the case may be, and the ven-*
14 *dor may agree to.*

15 (2) *IMPOSITION OF FEES TO COVER COSTS.—*

16 (A) *FEES.—The Administrator of General*
17 *Services or the head of the Federal agency dele-*
18 *gated authority under paragraph (1)(B) shall*
19 *charge fees to the individuals who use the battery*
20 *recharging station in such amount as is nec-*
21 *essary to ensure that the respective agency recov-*
22 *ers all of the costs such agency incurs in install-*
23 *ing, constructing, operating, and maintaining*
24 *the station.*

1 (B) *DEPOSIT AND AVAILABILITY OF FEES.*—

2 *Any fees collected by the Administrator of Gen-*
 3 *eral Services or the Federal agency, as the case*
 4 *may be, under this paragraph shall be—*

5 (i) *deposited monthly in the Treasury*
 6 *to the credit of the respective agency's ap-*
 7 *propriations account for the operations of*
 8 *the building where the battery recharging*
 9 *station is located; and*

10 (ii) *available for obligation without*
 11 *further appropriation during—*

12 (I) *the fiscal year collected; and*

13 (II) *the fiscal year following the*
 14 *fiscal year collected.*

15 (3) *NO EFFECT ON EXISTING PROGRAMS FOR*
 16 *HOUSE AND SENATE.*—*Nothing in this subsection may*
 17 *be construed to affect the installation, construction,*
 18 *operation, or maintenance of battery recharging sta-*
 19 *tions by the Architect of the Capitol—*

20 (A) *under Public Law 112–170 (2 U.S.C.*
 21 *2171), relating to employees of the House of Rep-*
 22 *resentatives and individuals authorized to park*
 23 *in any parking area under the jurisdiction of the*
 24 *House of Representatives on the Capitol*
 25 *Grounds; or*

1 (B) under Public Law 112–167 (2 U.S.C.
2 2170), relating to employees of the Senate and
3 individuals authorized to park in any parking
4 area under the jurisdiction of the Senate on the
5 Capitol Grounds.

6 (4) NO EFFECT ON SIMILAR AUTHORITIES.—
7 Nothing in this subsection may be construed as re-
8 pealing or limiting any existing authorities of a Fed-
9 eral agency to install, construct, operate, or maintain
10 battery recharging stations.

11 (5) ANNUAL REPORT TO CONGRESS.—Not later
12 than 2 years after the date of enactment of this Act,
13 and annually thereafter for 10 years, the Adminis-
14 trator of General Services shall submit to the House
15 Committee on Transportation and Infrastructure and
16 the Senate Committee on Environment and Public
17 Works a report describing—

18 (A) the number of battery recharging sta-
19 tions installed by the Administrator on its own
20 initiative under this subsection;

21 (B) requests from other Federal agencies to
22 install battery recharging stations;

23 (C) delegations of authority to other Federal
24 agencies under this subsection; and

1 (D) *the status and disposition of requests*
 2 *from other Federal agencies.*

3 (6) *FEDERAL AGENCY DEFINED.*—*In this sub-*
 4 *section, the term “Federal agency” has the meaning*
 5 *given that term in section 102 of title 40, United*
 6 *States Code.*

7 (7) *EFFECTIVE DATE.*—*This subsection shall*
 8 *apply with respect to fiscal year 2016 and each suc-*
 9 *ceeding fiscal year.*

10 **SEC. 1417. FERRIES.**

11 *Section 147 of title 23, United States Code, is amended*
 12 *by adding at the end the following:*

13 “(h) *REDISTRIBUTION OF UNOBLIGATED AMOUNTS.*—
 14 *The Secretary shall—*

15 *“(1) withdraw amounts allocated to eligible enti-*
 16 *ties under this section that remain unobligated by the*
 17 *end of the third fiscal year following the fiscal year*
 18 *for which the amounts were allocated; and*

19 *“(2) in the fiscal year beginning after a fiscal*
 20 *year in which a withdrawal is made under para-*
 21 *graph (1), redistribute the funds withdrawn, in ac-*
 22 *cordance with the formula specified under subsection*
 23 *(d), among eligible entities with respect to which no*
 24 *amounts were withdrawn under paragraph (1).”.*

1 **SEC. 1418. STUDY ON PERFORMANCE OF BRIDGES.**

2 (a) *IN GENERAL.*—Subject to subsection (c), the Ad-
3 ministrator of the Federal Highway Administration shall
4 commission the Transportation Research Board of the Na-
5 tional Academy of Sciences to conduct a study on the per-
6 formance of bridges that are at least 15 years old and re-
7 ceived funding under the innovative bridge research and
8 construction program (in this section referred to as the
9 “program”) under section 503(b) of title 23, United States
10 Code (as in effect on the day before the date of enactment
11 of SAFETEA-LU (Public Law 109–59) in meeting the
12 goals of that program, which included—

13 (1) *the development of new, cost-effective innova-*
14 *tive material highway bridge applications;*

15 (2) *the reduction of maintenance costs and*
16 *lifecycle costs of bridges, including the costs of new*
17 *construction, replacement, or rehabilitation of defi-*
18 *cient bridges;*

19 (3) *the development of construction techniques to*
20 *increase safety and reduce construction time and traf-*
21 *fic congestion;*

22 (4) *the development of engineering design cri-*
23 *teria for innovative products and materials for use in*
24 *highway bridges and structures;*

1 (5) *the development of cost-effective and innova-*
2 *tive techniques to separate vehicle and pedestrian*
3 *traffic from railroad traffic;*

4 (6) *the development of highway bridges and*
5 *structures that will withstand natural disasters, in-*
6 *cluding alternative processes for the seismic retrofit of*
7 *bridges; and*

8 (7) *the development of new nondestructive bridge*
9 *evaluation technologies and techniques.*

10 (b) *CONTENTS.—The study commissioned under sub-*
11 *section (a) shall include—*

12 (1) *an analysis of the performance of bridges*
13 *that received funding under the program in meeting*
14 *the goals described in paragraphs (1) through (7) of*
15 *subsection (a);*

16 (2) *an analysis of the utility, compared to con-*
17 *ventional materials and technologies, of each of the*
18 *innovative materials and technologies used in projects*
19 *for bridges under the program in meeting the needs*
20 *of the United States in 2015 and in the future for a*
21 *sustainable and low lifecycle cost transportation sys-*
22 *tem;*

23 (3) *recommendations to Congress on how the in-*
24 *stalled and lifecycle costs of bridges could be reduced*
25 *through the use of innovative materials and tech-*

1 nologies, including, as appropriate, any changes in
 2 the design and construction of bridges needed to
 3 maximize the cost reductions; and

4 (4) a summary of any additional research that
 5 may be needed to further evaluate innovative ap-
 6 proaches to reducing the installed and lifecycle costs
 7 of highway bridges.

8 (c) *PUBLIC COMMENT.*—Before commissioning the
 9 study under subsection (a), the Administrator shall provide
 10 an opportunity for public comment on the study proposal.

11 (d) *DATA FROM STATES.*—Each State that received
 12 funds under the program shall provide to the Transpor-
 13 tation Research Board any relevant data needed to carry
 14 out the study commissioned under subsection (a).

15 (e) *DEADLINE.*—The Administrator shall submit to
 16 Congress a report on the results of the study commissioned
 17 under subsection (a) not later than 3 years after the date
 18 of enactment of this Act.

19 **SEC. 1419. RELINQUISHMENT OF PARK-AND-RIDE LOT FA-**
 20 **CILITIES.**

21 A State transportation agency may relinquish park-
 22 and-ride lot facilities or portions of park-and-ride lot facili-
 23 ties to a local government agency for highway purposes if
 24 authorized to do so under State law if the agreement pro-
 25 viding for the relinquishment provides that—

1 (1) *rights-of-way on the Interstate System will*
2 *remain available for future highway improvements;*
3 *and*

4 (2) *modifications to the facilities that could im-*
5 *pair the highway or interfere with the free and safe*
6 *flow of traffic are subject to the approval of the Sec-*
7 *retary.*

8 **SEC. 1420. PILOT PROGRAM.**

9 (a) *IN GENERAL.*—*The Secretary may establish a pilot*
10 *program that allows a State to utilize innovative ap-*
11 *proaches to maintain the right-of-way of Federal-aid high-*
12 *ways within such State.*

13 (b) *LIMITATION.*—*A pilot program established under*
14 *subsection (a) shall—*

15 (1) *terminate after not more than 6 years;*

16 (2) *include not more than 5 States; and*

17 (3) *be subject to guidelines published by the Sec-*
18 *retary.*

19 (c) *REPORT.*—*If the Secretary establishes a pilot pro-*
20 *gram under subsection (a), the Secretary shall, not more*
21 *than 1 year after the completion of the pilot program, sub-*
22 *mit to the Committee on Transportation and Infrastructure*
23 *of the House of Representatives and the Committee on Envi-*
24 *ronment and Public Works of the Senate a report on the*
25 *results of the pilot program.*

1 **SEC. 1421. INNOVATIVE PROJECT DELIVERY EXAMPLES.**

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

4 *(1) in clause (iv) by striking “or” at the end;*

5 *(2) by redesignating clause (v) as clause (vi);*

6 *and*

7 *(3) by inserting after clause (iv) the following:*

8 *“(v) innovative pavement materials*
 9 *that have a demonstrated life cycle of 75 or*
 10 *more years, are manufactured with reduced*
 11 *greenhouse gas emissions, and reduce con-*
 12 *struction-related congestion by rapidly cur-*
 13 *ing; or”.*

14 **SEC. 1422. ADMINISTRATIVE PROVISIONS TO ENCOURAGE**
 15 **POLLINATOR HABITAT AND FORAGE ON**
 16 **TRANSPORTATION RIGHTS-OF-WAY.**

17 *(a) IN GENERAL.—Section 319 of title 23, United*
 18 *States Code, is amended—*

19 *(1) in subsection (a) by inserting “(including the*
 20 *enhancement of habitat and forage for pollinators)”*
 21 *before “adjacent”; and*

22 *(2) by adding at the end the following:*

23 *“(c) ENCOURAGEMENT OF POLLINATOR HABITAT AND*
 24 *FORAGE DEVELOPMENT AND PROTECTION ON TRANSPOR-*
 25 *TATION RIGHTS-OF-WAY.—In carrying out any program*

1 administered by the Secretary under this title, the Secretary
 2 shall, in conjunction with willing States, as appropriate—

3 “(1) encourage integrated vegetation manage-
 4 ment practices on roadsides and other transportation
 5 rights-of-way, including reduced mowing; and

6 “(2) encourage the development of habitat and
 7 forage for Monarch butterflies, other native polli-
 8 nators, and honey bees through plantings of native
 9 forbs and grasses, including noninvasive, native milk-
 10 weed species that can serve as migratory way stations
 11 for butterflies and facilitate migrations of other polli-
 12 nators.”.

13 (b) *PROVISION OF HABITAT, FORAGE, AND MIGRATORY*
 14 *WAY STATIONS FOR MONARCH BUTTERFLIES, OTHER NA-*
 15 *TIVE POLLINATORS, AND HONEY BEES.*—Section 329(a)(1)
 16 of title 23, United States Code, is amended by inserting
 17 “provision of habitat, forage, and migratory way stations
 18 for Monarch butterflies, other native pollinators, and honey
 19 bees,” before “and aesthetic enhancement”.

20 **SEC. 1423. MILK PRODUCTS.**

21 Section 127(a) of title 23, United States Code, is
 22 amended by adding at the end the following:

23 “(13) *MILK PRODUCTS.*—A vehicle carrying
 24 fluid milk products shall be considered a load that
 25 cannot be easily dismantled or divided.”.

1 **SEC. 1424. INTERSTATE WEIGHT LIMITS FOR EMERGENCY**
2 **VEHICLES.**

3 *Section 127(a) of title 23, United States Code, as*
4 *amended by this Act, is further amended by adding at the*
5 *end the following:*

6 “(14) *EMERGENCY VEHICLES.*—

7 “(A) *IN GENERAL.*—With respect to an
8 *emergency vehicle, the following weight limits*
9 *shall apply in lieu of the maximum and min-*
10 *imum weight limits specified in this subsection:*

11 “(i) *24,000 pounds on a single steering*
12 *axle.*

13 “(ii) *33,500 pounds on a single drive*
14 *axle.*

15 “(iii) *62,000 pounds on a tandem axle.*

16 “(iv) *A maximum gross vehicle weight*
17 *of 86,000 pounds.*

18 “(B) *EMERGENCY VEHICLE DEFINED.*—In
19 *this paragraph, the term ‘emergency vehicle’*
20 *means a vehicle designed—*

21 “(i) *to be used under emergency condi-*
22 *tions to transport personnel and equipment;*
23 *and*

24 “(ii) *to support the suppression of fires*
25 *and mitigation of other hazardous situa-*
26 *tions.”.*

1 **SEC. 1425. VEHICLE WEIGHT LIMITATIONS—INTERSTATE**
 2 **SYSTEM.**

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

5 “(m) *COVERED HEAVY-DUTY TOW AND RECOVERY VE-*
 6 *HICLES.*—

7 “(1) *IN GENERAL.*—*The vehicle weight limita-*
 8 *tions set forth in this section do not apply to a cov-*
 9 *ered heavy-duty tow and recovery vehicle.*

10 “(2) *COVERED HEAVY-DUTY TOW AND RECOVERY*
 11 *VEHICLE DEFINED.*—*In this subsection, the term ‘cov-*
 12 *ered heavy-duty tow and recovery vehicle’ means a ve-*
 13 *hicle that—*

14 “(A) *is transporting a disabled vehicle from*
 15 *the place where the vehicle became disabled to the*
 16 *nearest appropriate repair facility; and*

17 “(B) *has a gross vehicle weight that is equal*
 18 *to or exceeds the gross vehicle weight of the dis-*
 19 *abled vehicle being transported.*

20 “(n) *OPERATION OF VEHICLES ON CERTAIN TEXAS*
 21 *HIGHWAYS.*—*If any segment in Texas of United States*
 22 *Route 59, United States Route 77, United States Route 281,*
 23 *United States Route 84, Texas State Highway 44, or an-*
 24 *other roadway is designated as Interstate Route 69, a vehi-*
 25 *cle that could operate legally on that segment before the date*

1 of such designation may continue to operate on that seg-
 2 ment, without regard to any requirement under this section.

3 “(o) *CERTAIN LOGGING VEHICLES IN WISCONSIN.*—

4 “(1) *IN GENERAL.*—The Secretary shall waive,
 5 with respect to a covered logging vehicle, the applica-
 6 tion of any vehicle weight limit established under this
 7 section.

8 “(2) *COVERED LOGGING VEHICLE DEFINED.*—In
 9 this subsection, the term ‘covered logging vehicle’
 10 means a vehicle that—

11 “(A) is transporting raw or unfinished for-
 12 est products, including logs, pulpwood, biomass,
 13 or wood chips;

14 “(B) has a gross vehicle weight of not more
 15 than 98,000 pounds;

16 “(C) has not less than 6 axles; and

17 “(D) is operating on a segment of Interstate
 18 Route 39 in Wisconsin from mile marker 175.8
 19 to mile marker 189.”.

20 **SEC. 1426. NEW NATIONAL GOAL, PERFORMANCE MEASURE,**
 21 **AND PERFORMANCE TARGET.**

22 (a) *NATIONAL GOAL.*—Section 150(b) of title 23,
 23 United States Code, is amended by adding at the end the
 24 following:

1 “(8) *INTEGRATED ECONOMIC DEVELOPMENT.*—
 2 *To improve road conditions in economically dis-*
 3 *tressed urban communities and increase access to jobs,*
 4 *markets, and economic opportunities for people who*
 5 *live in such communities.”.*

6 **(b) *PERFORMANCE MEASURE.***—*Section 150(c) of such*
 7 *title is amended by adding at the end the following:*

8 “(7) *INTEGRATED ECONOMIC DEVELOPMENT.*—
 9 *The Secretary shall establish measures for States to*
 10 *use to assess the conditions, accessibility, and reli-*
 11 *ability of roads in economically distressed urban com-*
 12 *munities.”.*

13 **(c) *PERFORMANCE TARGET.***—*Section 150(d)(1) of*
 14 *such title is amended by striking “and (6)” and inserting*
 15 *“(6), and (7)”.*

16 **SEC. 1427. SERVICE CLUB, CHARITABLE ASSOCIATION, OR**
 17 **RELIGIOUS SERVICE SIGNS.**

18 *Notwithstanding section 131 of title 23, United States*
 19 *Code, and part 750 of title 23, Code of Federal Regulations*
 20 *(or successor regulations), a State may allow the mainte-*
 21 *nance of a sign of a service club, charitable association, or*
 22 *religious service that was erected as of the date of enactment*
 23 *of this Act and the area of which is less than or equal to*
 24 *32 square feet, if the State notifies the Federal Highway*
 25 *Administration.*

1 **SEC. 1428. WORK ZONE AND GUARD RAIL SAFETY TRAINING.**

2 (a) *IN GENERAL.*—Section 1409 of SAFETEA-LU
3 (23 U.S.C. 401 note) is amended—

4 (1) by striking the section heading and inserting
5 “**WORK ZONE AND GUARD RAIL SAFETY TRAIN-**
6 **ING**”; and

7 (2) in subsection (b) by adding at the end the
8 following:

9 “(4) Development, updating, and delivery of
10 training courses on guard rail installation, mainte-
11 nance, and inspection.”.

12 (b) *CLERICAL AMENDMENT.*—The table of contents in
13 section 1(b) of such Act is amended by striking the item
14 relating to section 1409 and inserting the following:

“Sec. 1409. Work zone and guard rail safety training.”.

15 **SEC. 1429. MOTORCYCLIST ADVISORY COUNCIL.**

16 (a) *IN GENERAL.*—The Secretary, acting through the
17 Administrator of the Federal Highway Administration,
18 and in consultation with the Committee on Transportation
19 and Infrastructure of the House of Representatives and the
20 Committee on Environment and Public Works of the Sen-
21 ate, shall appoint a Motorcyclist Advisory Council to co-
22 ordinate with and advise the Administrator on infrastruc-
23 ture issues of concern to motorcyclists, including—

24 (1) barrier design;

1 (2) *road design, construction, and maintenance*
2 *practices; and*

3 (3) *the architecture and implementation of intel-*
4 *ligent transportation system technologies.*

5 (b) *COMPOSITION.—The Council shall consist of not*
6 *more than 10 members of the motorcycling community with*
7 *professional expertise in national motorcyclist safety advo-*
8 *cacy, including—*

9 (1) *at least—*

10 (A) *1 member recommended by a national*
11 *motorcyclist association;*

12 (B) *1 member recommended by a national*
13 *motorcycle riders foundation;*

14 (C) *1 representative of the National Asso-*
15 *ciation of State Motorcycle Safety Administra-*
16 *tors;*

17 (D) *2 members of State motorcyclists' orga-*
18 *nizations;*

19 (E) *1 member recommended by a national*
20 *organization that represents the builders of high-*
21 *way infrastructure;*

22 (F) *1 member recommended by a national*
23 *association that represents the traffic safety sys-*
24 *tems industry; and*

1 (G) 1 member of a national safety organiza-
2 tion; and

3 (2) at least 1, but not more than 2, motorcyclists
4 who are traffic system design engineers or State
5 transportation department officials.

6 **SEC. 1430. IMPROVEMENT OF DATA COLLECTION ON CHILD**
7 **OCCUPANTS IN VEHICLE CRASHES.**

8 (a) *IN GENERAL.*—Not later than 1 year after the date
9 of enactment of this Act, the Secretary shall revise the crash
10 investigation data collection system of the National High-
11 way Traffic Safety Administration to include the collection
12 of the following data in connection with vehicle crashes
13 whenever a child restraint system was in use in a vehicle
14 involved in a crash:

15 (1) *The type or types of child restraint systems*
16 *in use during the crash in any vehicle involved in the*
17 *crash, including whether a five-point harness or belt-*
18 *positioning booster.*

19 (2) *If a five-point harness child restraint system*
20 *was in use during the crash, whether the child re-*
21 *straint system was forward-facing or rear-facing in*
22 *the vehicle concerned.*

23 (b) *CONSULTATION.*—In implementing subsection (a),
24 the Secretary shall work with law enforcement officials,
25 safety advocates, the medical community, and research or-

ganizations to improve the recordation of data described in subsection (a) in police and other applicable incident reports.

(c) *REPORT.*—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on child occupant crash data collection in the crash investigation data collection system of the National Highway Traffic Safety Administration pursuant to the revision required by subsection (a).

SEC. 1431. HIGHWAY WORK ZONES.

It is the sense of the House of Representatives that the Federal Highway Administration should—

(1) *do all within its power to protect workers in highway work zones; and*

(2) *move rapidly to finalize regulations, as directed in section 1405 of MAP–21 (126 Stat. 560), to protect the lives and safety of construction workers in highway work zones from vehicle intrusions.*

SEC. 1432. STUDY ON STATE PROCUREMENT OF CULVERT AND STORM SEWER MATERIALS.

(a) *IN GENERAL.*—The Secretary shall evaluate the methods in which States procure culvert and storm sewer

1 *materials and the impact of those methods on project costs,*
2 *including the extent to which such methods take into ac-*
3 *count environmental principles, engineering principles, and*
4 *the varying needs of projects based on geographic location.*

5 *(b) REPORT.—Not later than 1 year after the date of*
6 *enactment of this Act, the Secretary shall submit to the*
7 *Committee on Transportation and Infrastructure of the*
8 *House of Representatives and the Committee on Environ-*
9 *ment and Public Works of the Senate a report on the find-*
10 *ings of the study conducted under subsection (a).*

11 **SEC. 1433. USE OF DURABLE, RESILIENT, AND SUSTAINABLE**
12 **MATERIALS AND PRACTICES.**

13 *To the extent practicable, the Secretary shall encourage*
14 *the use of durable, resilient, and sustainable materials and*
15 *practices, including the use of geosynthetic materials and*
16 *other innovative technologies, in carrying out the activities*
17 *of the Federal Highway Administration.*

18 **SEC. 1434. STRATEGY TO ADDRESS STRUCTURALLY DEFICI-**
19 **ENT BRIDGES.**

20 *The Secretary shall develop a comprehensive strategy*
21 *to address structurally deficient and functionally obsolete*
22 *bridges, as defined by the National Bridge Inventory, to*
23 *identify the unique challenges posed by bridges in each of*
24 *these respective categories, and to address such separate*
25 *challenges and improve the condition of such bridges. Not*

1 *later than 180 days after the date of enactment of this Act,*
2 *the Secretary shall transmit a report containing initial rec-*
3 *ommendations to the Committee on Transportation and In-*
4 *frastructure of the House of Representatives and the Com-*
5 *mittee on Commerce, Science, and Transportation of the*
6 *Senate. Not later than 1 year after such date of enactment,*
7 *the Secretary shall transmit to such committees the final*
8 *strategy required by this section.*

9 **SEC. 1435. SENSE OF CONGRESS.**

10 *It is the sense of Congress that the Nation's engineering*
11 *industry continues to provide critical technical expertise,*
12 *innovation, and local knowledge to Federal and State agen-*
13 *cies in order to efficiently deliver surface transportation*
14 *projects to the public, and Congress recognizes the valuable*
15 *contributions made by the Nation's engineering industry*
16 *and urges the Secretary to reinforce those partnerships by*
17 *encouraging State and local agencies to take full advantage*
18 *of engineering industry capabilities to strengthen project*
19 *performance, improve domestic competitiveness, and create*
20 *jobs.*

21 **SEC. 1436. IDENTIFICATION OF ROADSIDE HIGHWAY SAFE-**
22 **TY HARDWARE DEVICES.**

23 *(a) STUDY.—The Secretary shall conduct a study on*
24 *methods for identifying roadside highway safety hardware*

1 *devices to improve the data collected on the devices, as nec-*
 2 *essary for in-service evaluation of the devices.*

3 (b) *CONTENTS.—In conducting the study, the Sec-*
 4 *retary shall evaluate identification methods based on the*
 5 *ability of the method to—*

6 (1) *convey information on the devices, including*
 7 *manufacturing date, factory of origin, product brand,*
 8 *and model;*

9 (2) *withstand roadside conditions; and*

10 (3) *connect to State and regional inventories of*
 11 *similar devices.*

12 (c) *IDENTIFICATION METHODS.—The identification*
 13 *methods to be studied under this section include stamped*
 14 *serial numbers, radio-frequency identification, and such*
 15 *other methods as the Secretary determines appropriate.*

16 (d) *REPORT TO CONGRESS.—Not later than January*
 17 *1, 2018, the Secretary shall submit to Congress a report*
 18 *on the results of the study.*

19 **SEC. 1437. USE OF MODELING AND SIMULATION TECH-**
 20 **NOLOGY.**

21 *It is the sense of Congress that the Department should*
 22 *utilize, to the fullest and most economically feasible extent*
 23 *practicable, modeling and simulation technology to analyze*
 24 *highway and public transportation projects authorized by*
 25 *this Act to ensure that these projects—*

1 (1) *will increase transportation capacity and*
2 *safety, alleviate congestion, and reduce travel time*
3 *and environmental impacts; and*

4 (2) *are as cost effective as practicable.*

5 **SEC. 1438. NATIONAL ADVISORY COMMITTEE ON TRAVEL**
6 **AND TOURISM INFRASTRUCTURE.**

7 (a) *FINDINGS.—Congress finds that—*

8 (1) *1 out of every 9 jobs in the United States de-*
9 *pends on travel and tourism, and the industry sup-*
10 *ports 15,000,000 jobs in the United States;*

11 (2) *the travel and tourism industry employs in-*
12 *dividuals in all 50 States, the District of Columbia,*
13 *and all of the territories of the United States;*

14 (3) *international travel to the United States is*
15 *the single largest export industry in the Nation, gen-*
16 *erating a trade surplus balance of approximately*
17 *\$74,000,000,000;*

18 (4) *travel and tourism provide significant eco-*
19 *nomie benefits to the United States by generating*
20 *nearly \$2,100,000,000,000 in annual economic out-*
21 *put; and*

22 (5) *the United States intermodal transportation*
23 *network facilitates the large-scale movement of busi-*
24 *ness and leisure travelers, and is the most important*
25 *asset of the travel industry.*

1 (b) *ESTABLISHMENT*.—Not later than 180 days after
2 the date of enactment of this Act, the Secretary shall estab-
3 lish an advisory committee to be known as the National
4 Advisory Committee on Travel and Tourism Infrastructure
5 (in this section referred to as the “Committee”) to provide
6 information, advice, and recommendations to the Secretary
7 on matters relating to the role of intermodal transportation
8 in facilitating mobility related to travel and tourism activi-
9 ties.

10 (c) *MEMBERSHIP*.—The Committee shall—

11 (1) be composed of members appointed by the
12 Secretary for terms of not more than 3 years; and

13 (2) include a representative cross-section of pub-
14 lic and private sector stakeholders involved in the
15 travel and tourism industry, including representa-
16 tives of—

17 (A) the travel and tourism industry, prod-
18 uct and service providers, and travel and tour-
19 ism-related associations;

20 (B) travel, tourism, and destination mar-
21 keting organizations;

22 (C) the travel and tourism-related work-
23 force;

24 (D) State tourism offices;

25 (E) State departments of transportation;

1 (F) regional and metropolitan planning or-
2 ganizations; and

3 (G) local governments.

4 (d) *ROLE OF COMMITTEE.*—*The Committee shall—*

5 (1) *advise the Secretary on current and emerging*
6 *priorities, issues, projects, and funding needs related*
7 *to the use of the Nation’s intermodal transportation*
8 *network to facilitate travel and tourism;*

9 (2) *serve as a forum for discussion for travel and*
10 *tourism stakeholders on transportation issues affect-*
11 *ing interstate and interregional mobility of pas-*
12 *sengers;*

13 (3) *promote the sharing of information between*
14 *the private and public sectors on transportation*
15 *issues impacting travel and tourism;*

16 (4) *gather information, develop technical advise,*
17 *and make recommendations to the Secretary on poli-*
18 *cies that improve the condition and performance of*
19 *an integrated national transportation system that is*
20 *safe, economical, and efficient, and that maximizes*
21 *the benefits to the Nation generated through the*
22 *United States travel and tourism industry;*

23 (5) *identify critical transportation facilities and*
24 *corridors that facilitate and support the interstate*

1 *and interregional transportation of passengers for*
 2 *tourism, commercial, and recreational activities;*

3 *(6) provide for development of measures of condi-*
 4 *tion, safety, and performance for transportation re-*
 5 *lated to travel and tourism;*

6 *(7) provide for development of transportation in-*
 7 *vestment, data, and planning tools to assist Federal,*
 8 *State, and local officials in making investment deci-*
 9 *sions relating to transportation projects that improve*
 10 *travel and tourism; and*

11 *(8) address other issues of transportation policy*
 12 *and programs impacting the movement of travelers*
 13 *for tourism and recreational purposes, including by*
 14 *making legislative recommendations.*

15 *(e) NATIONAL TRAVEL AND TOURISM INFRASTRUC-*
 16 *TURE STRATEGIC PLAN.—*

17 *(1) INITIAL DEVELOPMENT OF NATIONAL TRAVEL*
 18 *AND TOURISM INFRASTRUCTURE STRATEGIC PLAN.—*

19 *Not later than 3 years after the date of enactment of*
 20 *this act, the Secretary shall, in consultation with the*
 21 *Committee, State departments of transportation, and*
 22 *other appropriate public and private transportation*
 23 *stakeholders, develop and post on the Department's*
 24 *public Internet Web site a national travel and tour-*
 25 *ism infrastructure strategic plan that includes—*

1 (A) an assessment of the condition and per-
2 formance of the national transportation network;

3 (B) an identification of the issues on the
4 national transportation network that create sig-
5 nificant congestion problems and barriers to
6 long-haul passenger travel and tourism,

7 (C) forecasts of long-haul passenger travel
8 and tourism volumes for the 20-year period be-
9 ginning in the year during which the plan is
10 issued;

11 (D) an identification of the major transpor-
12 tation facilities and corridors for current and
13 forecasted long-haul travel and tourism volumes,
14 the identification of which shall be revised, as
15 appropriate, in subsequent plans;

16 (E) an assessment of statutory, regulatory,
17 technological, institutional, financial, and other
18 barriers to improved long-haul passenger travel
19 performance (including opportunities for over-
20 coming the barriers);

21 (F) best practices for improving the per-
22 formance of the national transportation network;
23 and

1 (G) strategies to improve intermodal
2 connectivity for long-haul passenger travel and
3 tourism.

4 **SEC. 1439. REGULATION OF MOTOR CARRIERS OF PROP-**
5 **ERTY.**

6 Section 14501(c)(2)(C) of title 49, United States Code,
7 is amended by striking “the price of” and all that follows
8 through “transportation is” and inserting “the regulation
9 of tow truck operations”.

10 **SEC. 1440. EMERGENCY EXEMPTIONS.**

11 Any road, highway, railway, bridge, or transit facility
12 that is damaged by an emergency that is declared by the
13 Governor of the State and concurred in by the Secretary
14 of Homeland Security or declared as an emergency by the
15 President pursuant to the Robert T. Stafford Disaster Relief
16 and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and
17 that is in operation or under construction on the date on
18 which the emergency occurs—

19 (1) may be reconstructed in the same location
20 with the same capacity, dimensions, and design as be-
21 fore the emergency; and

22 (2) shall be exempt from any environmental re-
23 views, approvals, licensing, and permit requirements
24 under—

1 (A) *the National Environmental Policy Act*
2 *of 1969 (42 U.S.C. 4321 et seq.);*

3 (B) *sections 402 and 404 of the Federal*
4 *Water Pollution Control Act (33 U.S.C. 1342,*
5 *1344);*

6 (C) *division A of subtitle III of title 54,*
7 *United States Code;*

8 (D) *the Migratory Bird Treaty Act (16*
9 *U.S.C. 703 et seq.);*

10 (E) *the Wild and Scenic Rivers Act (16*
11 *U.S.C. 1271 et seq.);*

12 (F) *the Fish and Wildlife Coordination Act*
13 *(16 U.S.C. 661 et seq.);*

14 (G) *the Endangered Species Act of 1973 (16*
15 *U.S.C. 1531 et seq.), except when the reconstruc-*
16 *tion occurs in designated critical habitat for*
17 *threatened and endangered species;*

18 (H) *Executive Order 11990 (42 U.S.C. 4321*
19 *note; relating to the protection of wetland); and*

20 (I) *any Federal law (including regulations)*
21 *requiring no net loss of wetland.*

22 **SEC. 1441. PROGRAM TO ASSIST VETERANS TO ACQUIRE**
23 **COMMERCIAL DRIVER'S LICENSES.**

24 *Not later than 1 year after the date of enactment of*
25 *this Act, the Secretary, in coordination with the Secretary*

1 of Defense, shall fully implement the recommendations con-
2 tained in the report submitted under section 32308 of
3 MAP-21 (49 U.S.C. 31301 note).

4 **SEC. 1442. OPERATION OF CERTAIN SPECIALIZED VEHICLES**
5 **ON CERTAIN HIGHWAYS IN THE STATE OF AR-**
6 **KANSAS.**

7 *If any segment of United States Route 63 between the*
8 *exits for highways 14 and 75 in the State of Arkansas is*
9 *designated as part of the Interstate System, the single axle*
10 *weight, tandem axle weight, gross vehicle weight, and bridge*
11 *formula limits under section 127(a) of title 23, United*
12 *States Code, and the width limitation under section*
13 *31113(a) of title 49, United States Code, shall not apply*
14 *to that segment with respect to the operation of any vehicle*
15 *that may have legally operated on that segment before the*
16 *date of the designation.*

17 **SEC. 1443. PROJECTS FOR PUBLIC SAFETY RELATING TO**
18 **IDLING TRAINS.**

19 *Section 130(a) of title 23, United States Code, is*
20 *amended by striking “and the relocation of highways to*
21 *eliminate grade crossings” and inserting “the relocation of*
22 *highways to eliminate grade crossings, and projects to*
23 *eliminate hazards posed by blocked grade crossings due to*
24 *idling trains”.*

1 **SEC. 1444. EXEMPTIONS FROM REQUIREMENTS FOR CER-**
2 **TAIN WELDING TRUCKS USED IN PIPELINE**
3 **INDUSTRY.**

4 (a) *COVERED MOTOR VEHICLE DEFINED.*—In this sec-
5 tion, the term “covered motor vehicle” means a motor vehi-
6 cle that—

7 (1) *is traveling in the State in which the vehicle*
8 *is registered or another State;*

9 (2) *is owned by a welder;*

10 (3) *is a pick-up style truck;*

11 (4) *is equipped with a welding rig that is used*
12 *in the construction or maintenance of pipelines; and*

13 (5) *has a gross vehicle weight and combination*
14 *weight rating and weight of 15,000 pounds or less.*

15 (b) *FEDERAL REQUIREMENTS.*—A covered motor vehi-
16 cle, including the individual operating such vehicle and the
17 employer of such individual, shall be exempt from the fol-
18 lowing:

19 (1) *Any requirement relating to registration as*
20 *a motor carrier, including the requirement to obtain*
21 *and display a Department of Transportation number,*
22 *established under chapters 139 and 311 of title 49,*
23 *United States Code.*

24 (2) *Any requirement relating to driver qualifica-*
25 *tions established under chapter 311 of title 49, United*
26 *States Code.*

1 (3) *Any requirement relating to driving of com-*
 2 *mercial motor vehicles established under chapter 311*
 3 *of title 49, United States Code.*

4 (4) *Any requirement relating to parts and acces-*
 5 *sories and inspection, repair, and maintenance of*
 6 *commercial motor vehicles established under chapter*
 7 *311 of title 49, United States Code.*

8 (5) *Any requirement relating to hours of service*
 9 *of drivers, including maximum driving and on duty*
 10 *time, established under chapter 315 of title 49, United*
 11 *States Code.*

12 **SEC. 1445. WAIVER.**

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

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

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

23 (2) *has a gross vehicle weight of not more than*
 24 *99,000 pounds;*

25 (3) *has not less than 6 axles; and*

1 (4) is operating on a segment of Interstate Route
 2 35 in Minnesota from mile marker 235.4 to mile
 3 marker 259.552.

4 **SEC. 1446. FEDERAL AUTHORITY.**

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

7 (1) in paragraph (1), by striking “paragraphs
 8 (2) and (3)” and inserting “paragraphs (3) and (4)”;
 9 (2) by redesignating paragraphs (2) through (5)
 10 as paragraphs (3) through (6) respectively;

11 (3) by inserting after paragraph (1) the fol-
 12 lowing:

13 “(2) *ADDITIONAL LIMITATIONS.*—

14 “(A) A State, political subdivision of a
 15 State, or political authority of 2 or more States
 16 may not enact or enforce a law, regulation, or
 17 other provision having the force and effect of law
 18 prohibiting employees whose hours of service are
 19 subject to regulation by the Secretary under sec-
 20 tion 31502 from working to the full extent per-
 21 mitted or at such times as permitted under such
 22 section, or imposing any additional obligations
 23 on motor carriers if such employees work to the
 24 full extent or at such times as permitted under
 25 such section, including any related activities reg-

1 *ulated under part 395 of title 49, Code of Fed-*
2 *eral Regulations.*

3 *“(B) A State, political subdivision of a*
4 *State, or political authority of 2 or more States*
5 *may not enact or enforce a law, regulation, or*
6 *other provision having the force and effect of law*
7 *that requires a motor carrier that compensates*
8 *employees on a piece-rate basis to pay those em-*
9 *ployees separate or additional compensation,*
10 *provided that the motor carrier pays the em-*
11 *ployee a total sum that when divided by the total*
12 *number of hours worked during the cor-*
13 *responding work period is equal to or greater*
14 *than the applicable hourly minimum wage of the*
15 *State, political subdivision of the State, or polit-*
16 *ical authority of 2 or more States.*

17 *“(C) Nothing in this paragraph shall be*
18 *construed to limit the provisions of paragraph*
19 *(1).”.*

20 *(4) in paragraph (3) (as redesignated) by strik-*
21 *ing “Paragraph (1)—” and inserting “Paragraphs*
22 *(1) and (2)—”; and*

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

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

5 ***TITLE II—INNOVATIVE PROJECT***
 6 ***FINANCE***

7 ***SEC. 2001. TRANSPORTATION INFRASTRUCTURE FINANCE***
 8 ***AND INNOVATION ACT OF 1998 AMENDMENTS.***

9 (a) *DEFINITIONS.*—

10 (1) *MASTER CREDIT AGREEMENT.*—*Section*
 11 *601(a)(10) of title 23, United States Code, is amended*
 12 *to read as follows:*

13 “(10) *MASTER CREDIT AGREEMENT.*—*The term*
 14 *‘master credit agreement’ means a conditional agree-*
 15 *ment to extend credit assistance for a program of re-*
 16 *lated projects secured by a common security pledge*
 17 *(which shall receive an investment grade rating from*
 18 *a rating agency prior to the Secretary entering into*
 19 *such master credit agreement) under section*
 20 *602(b)(2)(A), or for a single project covered under sec-*
 21 *tion 602(b)(2)(B) that does not provide for a current*
 22 *obligation of Federal funds, and that would—*

23 “(A) *make contingent commitments of 1 or*
 24 *more secured loans or other Federal credit in-*
 25 *struments at future dates, subject to the avail-*

1 *ability of future funds being made available to*
2 *carry out this chapter and subject to the satisfac-*
3 *tion of all the conditions for the provision of*
4 *credit assistance under this chapter, including*
5 *section 603(b)(1);*

6 *“(B) establish the maximum amounts and*
7 *general terms and conditions of the secured loans*
8 *or other Federal credit instruments;*

9 *“(C) identify the 1 or more dedicated non-*
10 *Federal revenue sources that will secure the re-*
11 *payment of the secured loans or secured Federal*
12 *credit instruments;*

13 *“(D) provide for the obligation of funds for*
14 *the secured loans or secured Federal credit in-*
15 *struments after all requirements have been met*
16 *for the projects subject to the master credit agree-*
17 *ment, including—*

18 *“(i) completion of an environmental*
19 *impact statement or similar analysis re-*
20 *quired under the National Environmental*
21 *Policy Act of 1969 (42 U.S.C. 4321 et seq.);*

22 *“(ii) compliance with such other re-*
23 *quirements as are specified in this chapter,*
24 *including sections 602(c) and 603(b)(1);*
25 *and*

1 “(iii) the availability of funds to carry
2 out this chapter; and

3 “(E) require that contingent commitments
4 result in a financial close and obligation of cred-
5 it assistance not later than 3 years after the date
6 of entry into the master credit agreement, or re-
7 lease of the commitment, unless otherwise ex-
8 tended by the Secretary.”.

9 (2) *RURAL INFRASTRUCTURE PROJECT*.—Section
10 601(a)(15) of title 23, United States Code, is amended
11 to read as follows:

12 “(15) *RURAL INFRASTRUCTURE PROJECT*.—The
13 term ‘rural infrastructure project’ means a surface
14 transportation infrastructure project located outside
15 of a Census-Bureau-defined urbanized area.”.

16 (b) *MASTER CREDIT AGREEMENTS*.—Section
17 602(b)(2) of title 23, United States Code is amended to read
18 as follows:

19 “(2) *MASTER CREDIT AGREEMENTS*.—

20 “(A) *PROGRAM OF RELATED PROJECTS*.—
21 The Secretary may enter into a master credit
22 agreement for a program of related projects se-
23 cured by a common security pledge on terms ac-
24 ceptable to the Secretary.

1 “(B) *ADEQUATE FUNDING NOT AVAIL-*
 2 *ABLE.—If the Secretary fully obligates funding*
 3 *to eligible projects in a fiscal year, and adequate*
 4 *funding is not available to fund a credit instru-*
 5 *ment, a project sponsor of an eligible project*
 6 *may elect to enter into a master credit agreement*
 7 *and wait to execute a credit instrument until the*
 8 *fiscal year during which additional funds are*
 9 *available to receive credit assistance.”.*

10 (c) *ELIGIBLE PROJECT COSTS.—Section 602(a)(5) of*
 11 *title 23, United States Code, is amended—*

12 (1) *in subparagraph (A) by inserting “and (C)”*
 13 *after “(B)”;* and

14 (2) *by adding at the end the following:*

15 “(C) *LOCAL INFRASTRUCTURE PROJECTS.—*
 16 *Eligible project costs shall be reasonably antici-*
 17 *pated to equal or exceed \$10,000,000 in the case*
 18 *of a project or program of projects—*

19 “(i) *in which the applicant is a local*
 20 *government, public authority, or instrumen-*
 21 *tality of local government;*

22 “(ii) *located on a facility owned by a*
 23 *local government; or*

24 “(iii) *for which the Secretary deter-*
 25 *mines that a local government is substan-*

1 tially involved in the development of the
2 project.”.

3 (d) *LIMITATION ON REFINANCING OF INTERIM CON-*
4 *STRUCTION FINANCING.*—Section 603(a)(2) of title 23,
5 *United States Code*, is amended to read as follows:

6 “(2) *LIMITATION ON REFINANCING OF INTERIM*
7 *CONSTRUCTION FINANCING.*—A loan under paragraph
8 (1) shall not refinance interim construction financing
9 under paragraph (1)(B)—

10 “(A) if the maturity of such interim con-
11 struction financing is later than 1 year after the
12 substantial completion of the project; and

13 “(B) later than 1 year after the date of sub-
14 stantial completion of the project.”.

15 (e) *FUNDING.*—Section 608(a) of title 23, *United*
16 *States Code*, is amended—

17 (1) by striking paragraph (4); and

18 (2) by striking paragraph (6) and inserting the
19 following:

20 “(6) *ADMINISTRATIVE COSTS.*—Of the amounts
21 made available to carry out this chapter, the Sec-
22 retary may use not more than \$5,000,000 for fiscal
23 year 2016, \$5,150,000 for fiscal year 2017,
24 \$5,304,500 for fiscal year 2018, \$5,463,500 for fiscal
25 year 2019, \$5,627,500 for fiscal year 2020, and

1 \$5,760,500 for fiscal year 2021 for the administration
2 of this chapter.”.

3 **SEC. 2002. STATE INFRASTRUCTURE BANK PROGRAM.**

4 Section 610 of title 23, United States Code, is amend-
5 ed—

6 (1) in subsection (d)—

7 (A) in paragraph (1) by striking subpara-
8 graph (A) and inserting the following:

9 “(A) 10 percent of the funds apportioned to
10 the State for each of fiscal years 2016 through
11 2021 under each of sections 104(b)(1) and
12 104(b)(2); and”;

13 (B) in paragraph (2) by striking “fiscal
14 years 2005 through 2009” and inserting “fiscal
15 years 2016 through 2021”;

16 (C) in paragraph (3) by striking “fiscal
17 years 2005 through 2009” and inserting “fiscal
18 years 2016 through 2021”; and

19 (D) in paragraph (5) by striking “section
20 133(d)(3)” and inserting “section
21 133(d)(1)(A)(i)”; and

22 (2) in subsection (k) by striking “fiscal years
23 2005 through 2009” and inserting “fiscal years 2016
24 through 2021”.

1 **SEC. 2003. AVAILABILITY PAYMENT CONCESSION MODEL.**

2 (a) *PAYMENT TO STATES FOR CONSTRUCTION.*—Sec-
3 *tion 121(a) of title 23, United States Code, is amended by*
4 *inserting “(including payments made pursuant to a long-*
5 *term concession agreement, such as availability payments)”*
6 *after “a project”.*

7 (b) *PROJECT APPROVAL AND OVERSIGHT.*—Section
8 *106(b)(1) of title 23, United States Code, is amended by*
9 *inserting “(including payments made pursuant to a long-*
10 *term concession agreement, such as availability payments)”*
11 *after “construction of the project”.*

12 **SEC. 2004. STREAMLINED APPLICATION PROCESS.**

13 *Section 603 of title 23, United States Code, is amended*
14 *by adding at the end the following:*

15 “(f) *STREAMLINED APPLICATION PROCESS.*—

16 “(1) *IN GENERAL.*—Not later than 180 days
17 *after the date of enactment of the Surface Transpor-*
18 *tation Reauthorization and Reform Act of 2015, the*
19 *Secretary shall make available an expedited applica-*
20 *tion process or processes available at the request of en-*
21 *tities seeking secured loans under this chapter that*
22 *use a set or sets of conventional terms established pur-*
23 *suant to this section.*

24 “(2) *TERMS.*—In establishing the streamlined
25 *application process required by this subsection, the*
26 *Secretary may include terms commonly included in*

1 *prior credit agreements and allow for an expedited*
 2 *application period, including—*

3 *“(A) the secured loan is in an amount of*
 4 *not greater than \$100,000,000;*

5 *“(B) the secured loan is secured and pay-*
 6 *able from pledged revenues not affected by project*
 7 *performance, such as a tax-backed revenue*
 8 *pledge, tax increment financing, or a system-*
 9 *backed pledge of project revenues; and*

10 *“(C) repayment of the loan commence not*
 11 *later than 5 years after disbursement.”.*

12 ***TITLE III—PUBLIC*** 13 ***TRANSPORTATION***

14 ***SEC. 3001. SHORT TITLE.***

15 *This title may be cited as the “Federal Public Trans-*
 16 *portation Act of 2015”.*

17 ***SEC. 3002. DEFINITIONS.***

18 *Section 5302 of title 49, United States Code, is amend-*
 19 *ed—*

20 *(1) in paragraph (1)(C) by striking “land-*
 21 *scaping and”;*

22 *(2) by amending paragraph (3)(I) to read as fol-*
 23 *lows:*

24 *“(I) the provision of nonfixed route para-*
 25 *transit transportation services in accordance*

1 *with section 223 of the Americans with Disabil-*
2 *ities Act of 1990 (42 U.S.C. 12143), but only for*
3 *grant recipients that are in compliance with ap-*
4 *plicable requirements of that Act, including both*
5 *fixed route and demand responsive service, and*
6 *only for amounts—*

7 *“(i) not to exceed 10 percent of such re-*
8 *cipient’s annual formula apportionment*
9 *under sections 5307 and 5311; or*

10 *“(ii) not to exceed 20 percent of such*
11 *recipient’s annual formula apportionment*
12 *under sections 5307 and 5311, if consistent*
13 *with guidance issued by the Secretary, the*
14 *recipient demonstrates that the recipient*
15 *meets at least one of the following require-*
16 *ments:*

17 *“(I) Provides an active fixed route*
18 *travel training program that is avail-*
19 *able for riders with disabilities.*

20 *“(II) Provides that all fixed route*
21 *and paratransit operators participate*
22 *in a passenger safety, disability aware-*
23 *ness, and sensitivity training class on*
24 *at least a biennial basis.*

1 “(III) *Has memoranda of under-*
 2 *standing in place with employers and*
 3 *American Job Centers to increase ac-*
 4 *cess to employment opportunities for*
 5 *people with disabilities.”; and*

6 (3) *by adding at the end the following:*

7 “(24) *VALUE CAPTURE.—The term ‘value cap-*
 8 *ture’ means recovering the increased property value to*
 9 *property located near public transportation resulting*
 10 *from investments in public transportation.*

11 “(25) *BASE-MODEL BUS.—The term ‘base-model*
 12 *bus’ means a heavy-duty public transportation bus*
 13 *manufactured to meet, but not exceed, transit-specific*
 14 *minimum performance criteria developed by the Sec-*
 15 *retary.”.*

16 **SEC. 3003. METROPOLITAN AND STATEWIDE TRANSPOR-**
 17 **TATION PLANNING.**

18 (a) *IN GENERAL.—Section 5303 of title 49, United*
 19 *States Code, is amended—*

20 (1) *in subsection (c)(2) by striking “and bicycle*
 21 *transportation facilities” and inserting “, bicycle*
 22 *transportation facilities, and intermodal facilities*
 23 *that support intercity transportation, including inter-*
 24 *city buses and intercity bus facilities”;*

25 (2) *in subsection (d)—*

1 (A) by redesignating paragraphs (3)
2 through (6) as paragraphs (4) through (7), re-
3 spectively; and

4 (B) by inserting after paragraph (2) the fol-
5 lowing:

6 “(3) REPRESENTATION.—

7 “(A) IN GENERAL.—Designation or selection
8 of officials or representatives under paragraph
9 (2) shall be determined by the metropolitan
10 planning organization according to the bylaws
11 or enabling statute of the organization.

12 “(B) PUBLIC TRANSPORTATION REPRESENT-
13 ATIVE.—Subject to the bylaws or enabling statute
14 of the metropolitan planning organization, a
15 representative of a provider of public transpor-
16 tation may also serve as a representative of a
17 local municipality.

18 “(C) POWERS OF CERTAIN OFFICIALS.—An
19 official described in paragraph (2)(B) shall have
20 responsibilities, actions, duties, voting rights,
21 and any other authority commensurate with
22 other officials described in paragraph (2).”; and

23 (C) in paragraph (5), as so redesignated, by
24 striking “paragraph (5)” and inserting “para-
25 graph (6)”;

1 (3) in subsection (e)(4)(B) by striking “sub-
2 section (d)(5)” and inserting “subsection (d)(6)”;

3 (4) in subsection (g)(3)(A) by inserting “tour-
4 ism, natural disaster risk reduction,” after “economic
5 development,”;

6 (5) in subsection (h)(1)—

7 (A) in subparagraph (G) by striking “and”
8 at the end;

9 (B) in subparagraph (H) by striking the
10 period at the end and inserting “; and”; and

11 (C) by adding at the end the following:

12 “(I) improve the resilience and reliability of
13 the transportation system.”;

14 (6) in subsection (i)—

15 (A) in paragraph (2)(A)(i) by striking
16 “transit” and inserting “public transportation
17 facilities, intercity bus facilities”;

18 (B) in paragraph (6)(A)—

19 (i) by inserting “public ports,” before
20 “freight shippers,”; and

21 (ii) by inserting “(including intercity
22 bus operators, employer-based commuting
23 programs, such as a carpool program, van-
24 pool program, transit benefit program,
25 parking cash-out program, shuttle program,

1 or telework program)” after “private pro-
2 viders of transportation”; and

3 (C) in paragraph (8) by striking “para-
4 graph (2)(C)” each place it appears and insert-
5 ing “paragraph (2)(E)”;
6 (7) in subsection (k)(3)—

7 (A) in subparagraph (A) by inserting “(in-
8 cluding intercity bus operators, employer-based
9 commuting programs, such as a carpool pro-
10 gram, vanpool program, transit benefit program,
11 parking cash-out program, shuttle program, or
12 telework program), job access projects,” after “re-
13 duction”; and

14 (B) by adding at the end the following:

15 “(C) CONGESTION MANAGEMENT PLAN.—A
16 metropolitan planning organization with a
17 transportation management area may develop a
18 plan that includes projects and strategies that
19 will be considered in the TIP of such metropoli-
20 tan planning organization. Such plan shall—

21 “(i) develop regional goals to reduce
22 vehicle miles traveled during peak com-
23 muting hours and improve transportation
24 connections between areas with high job

1 concentration and areas with high con-
2 centrations of low-income households;

3 “(ii) identify existing public transpor-
4 tation services, employer-based commuter
5 programs, and other existing transportation
6 services that support access to jobs in the re-
7 gion; and

8 “(iii) identify proposed projects and
9 programs to reduce congestion and increase
10 job access opportunities.

11 “(D) *PARTICIPATION.*—In developing the
12 plan under subparagraph (C), a metropolitan
13 planning organization shall consult with em-
14 ployers, private and non-profit providers of pub-
15 lic transportation, transportation management
16 organizations, and organizations that provide
17 job access reverse commute projects or job-related
18 services to low-income individuals.”;

19 (8) in subsection (l)—

20 (A) by adding a period at the end of para-
21 graph (1); and

22 (B) in paragraph (2)(D) by striking “of less
23 than 200,000” and inserting “with a population
24 of 200,000 or less”; and

1 (9) in subsection (p) by striking “Funds set
2 aside under section 104(f)” and inserting “Funds ap-
3 portioned under section 104(b)(5)”.

4 (b) STATEWIDE AND NONMETROPOLITAN TRANSPOR-
5 TATION PLANNING.—Section 5304 of title 49, United States
6 Code, is amended—

7 (1) in subsection (a)(2) by striking “and bicycle
8 transportation facilities” and inserting “, bicycle
9 transportation facilities, and intermodal facilities
10 that support intercity transportation, including inter-
11 city buses and intercity bus facilities”;

12 (2) in subsection (d)—

13 (A) in paragraph (1)—

14 (i) in subparagraph (G) by striking
15 “and” at the end;

16 (ii) in subparagraph (H) by striking
17 the period at the end and inserting “; and”;
18 and

19 (iii) by adding at the end the fol-
20 lowing:

21 “(I) improve the resilience and reliability of
22 the transportation system.”; and

23 (B) in paragraph (2)—

24 (i) in subparagraph (B)(ii) by striking
25 “urbanized”; and

1 (ii) in subparagraph (C) by striking
 2 “urbanized”; and
 3 (3) in subsection (f)(3)(A)(ii)—
 4 (A) by inserting “public ports,” before
 5 “freight shippers,”; and
 6 (B) by inserting “(including intercity bus
 7 operators, employer-based commuting programs,
 8 such as a carpool program, vanpool program,
 9 transit benefit program, parking cash-out pro-
 10 gram, shuttle program, or telework program)”
 11 after “private providers of transportation”.

12 **SEC. 3004. URBANIZED AREA FORMULA GRANTS.**

13 Section 5307 of title 49, United States Code, is amend-
 14 ed—

15 (1) in subsection (a)—
 16 (A) by redesignating paragraphs (1) and
 17 (2) as paragraphs (2) and (3), respectively;
 18 (B) by inserting before paragraph (2) (as so
 19 redesignated) the following:
 20 “(1) *RECIPIENT DEFINED.*—In this section, the
 21 term ‘recipient’ means a designated recipient, State,
 22 or local governmental authority that receives a grant
 23 under this section directly from the Government.”;
 24 (C) in paragraph (3) (as so redesignated)
 25 by inserting “or demand response service, exclud-

1 *ing ADA complementary paratransit service,”*
 2 *before “during” each place it appears; and*

3 *(D) by adding at the end the following:*

4 *“(4) EXCEPTION TO THE SPECIAL RULE.—Not-*
 5 *withstanding paragraph (3), if a public transpor-*
 6 *tation system described in such paragraph executes a*
 7 *written agreement with 1 or more other public trans-*
 8 *portation systems to allocate funds under this sub-*
 9 *section, other than by measuring vehicle revenue*
 10 *hours, each of the public transportation systems to the*
 11 *agreement may follow the terms of such agreement*
 12 *without regard to the percentages or the measured ve-*
 13 *hicle revenue hours referred to in such paragraph.”;*
 14 *and*

15 *(2) in subsection (c)(1)(K)(i) by striking “1 per-*
 16 *cent” and inserting “one-half of 1 percent”.*

17 **SEC. 3005. FIXED GUIDEWAY CAPITAL INVESTMENT**
 18 **GRANTS.**

19 *Section 5309 of title 49, United States Code, is amend-*
 20 *ed—*

21 *(1) in subsection (a)(6)—*

22 *(A) in subparagraph (A) by inserting “,*
 23 *small start projects,” after “new fixed guideway*
 24 *capital projects”; and*

(B) 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.”;

(2) in subsection (h)(6)—

(A) by striking “In carrying out” and inserting the following:

“(A) *IN GENERAL.*—In carrying out”; and

(B) by adding at the end the following:

“(B) *OPTIONAL EARLY RATING.*—At the request of the project sponsor, the Secretary shall evaluate and rate the project in accordance with paragraphs (4) and (5) and subparagraph (A) of this paragraph upon completion of the analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).”;

(3) in subsection (i)—

(A) in paragraph (1) by striking “subsection (d) or (e)” and inserting “subsection (d), (e), or (h)”;

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A) by inserting “new fixed guideway

1 *capital project or core capacity improve-*
 2 *ment” after “federally funded”;*

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

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

7 *“(i) meets the requirements of sub-*
 8 *section (d)(2), subsection (e)(2), or para-*
 9 *graphs (3) and (4) of subsection (h), as ap-*
 10 *plicable, if the program is comprised en-*
 11 *tirely of—*

12 *“(I) new fixed guideway capital*
 13 *projects;*

14 *“(II) core capacity improvement*
 15 *projects; or*

16 *“(III) small start projects; or*

17 *“(ii) meets the requirements of sub-*
 18 *section (d)(2) if the program is comprised of*
 19 *any combination of new fixed guideway*
 20 *projects, small start projects, and core ca-*
 21 *capacity improvement projects.”;*

22 *(C) by striking paragraph (3)(A) and in-*
 23 *serting the following:*

24 *“(A) PROJECT ADVANCEMENT.—A project*
 25 *receiving a grant under this section that is part*

1 of a program of interrelated projects may not
2 advance—

3 “(i) in the case of a small start project,
4 from the project development phase to the
5 construction phase unless the Secretary de-
6 termines that the program of interrelated
7 projects meets the applicable requirements of
8 this section and there is a reasonable likeli-
9 hood that the program will continue to meet
10 such requirements; or

11 “(ii) in the case of a new fixed guide-
12 way capital project or a core capacity im-
13 provement project, from the project develop-
14 ment phase to the engineering phase, or
15 from the engineering phase to the construc-
16 tion phase, unless the Secretary determines
17 that the program of interrelated projects
18 meets the applicable requirements of this
19 section and there is a reasonable likelihood
20 that the program will continue to meet such
21 requirements.”;

22 (4) in subsection (l)—

23 (A) by striking paragraph (1) and inserting
24 the following:

1 “(1) *IN GENERAL.*—Based on engineering stud-
2 ies, studies of economic feasibility, and information
3 on the expected use of equipment or facilities, the Sec-
4 retary shall estimate the net capital project cost. A
5 grant for a new fixed guideway project shall not ex-
6 ceed 80 percent of the net capital project cost. A full
7 funding grant agreement for a new fixed guideway
8 project shall not include a share of more than 50 per-
9 cent from the funds made available under this section.
10 *Funds made available under section 133 of title 23,*
11 *United States Code, may not be used for a grant*
12 *agreement under subsection (d). A grant for a core ca-*
13 *capacity project shall not exceed 80 percent of the net*
14 *capital project cost of the incremental cost to increase*
15 *the capacity in the corridor. A grant for a small start*
16 *project shall not exceed 80 percent of the net capital*
17 *project costs.”; and*

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

20 “(4) *REMAINING COSTS.*—The remainder of the
21 *net project costs shall be provided—*

22 *“(A) in cash from non-Government sources*
23 *other than revenues from providing public trans-*
24 *portation services;*

1 “(B) from revenues from the sale of adver-
2 tising and concessions;

3 “(C) from an undistributed cash surplus, a
4 replacement or depreciation cash fund or reserve,
5 or new capital; or

6 “(D) from amounts appropriated or other-
7 wise made available to a department or agency
8 of the Government (other than the Department of
9 Transportation) that are eligible to be expended
10 for transportation.”;

11 (5) by striking subsection (n) and redesignating
12 subsection (o) as subsection (n); and

13 (6) by adding at the end the following:

14 “(o) *SPECIAL RULE.*—For the purposes of calculating
15 the cost effectiveness of a project described in subsection (d)
16 or (e), the Secretary shall not reduce or eliminate the cap-
17 ital costs of art and landscaping elements from the
18 annualized capital cost calculation.”.

19 **SEC. 3006. FORMULA GRANTS FOR ENHANCED MOBILITY OF**
20 **SENIORS AND INDIVIDUALS WITH DISABIL-**
21 **ITIES.**

22 Section 5310 of title 49, United States Code, is amend-
23 ed by adding at the end the following:

24 “(i) *BEST PRACTICES.*—The Secretary shall collect
25 from, review, and disseminate to public transit agencies in-

1 *novative practices, program models, new service delivery*
 2 *options, findings from activities under subsection (h), and*
 3 *transit cooperative research program reports.”.*

4 **SEC. 3007. FORMULA GRANTS FOR RURAL AREAS.**

5 *Section 5311(g)(3) of title 49, United States Code, is*
 6 *amended—*

7 *(1) by redesignating subparagraphs (A) through*
 8 *(D) as subparagraphs (C) through (F), respectively;*

9 *(2) by inserting before subparagraph (C) (as so*
 10 *redesignated) the following:*

11 *“(A) may be provided in cash from non-*
 12 *Government sources other than revenues from*
 13 *providing public transportation services;*

14 *“(B) may be provided from revenues from*
 15 *the sale of advertising and concessions;”; and*

16 *(3) in subparagraph (F) (as so redesignated) by*
 17 *inserting “, including all operating and capital costs*
 18 *of such service whether or not offset by revenue from*
 19 *such service,” after “the costs of a private operator for*
 20 *the unsubsidized segment of intercity bus service”.*

21 **SEC. 3008. PUBLIC TRANSPORTATION INNOVATION.**

22 *(a) CONSOLIDATION OF PROGRAMS.—Section 5312 of*
 23 *title 49, United States Code, is amended—*

24 *(1) by striking the section designation and head-*
 25 *ing and inserting the following:*

1 **“§ 5312. Public transportation innovation”;**

2 (2) *by redesignating subsections (a) through (f)*
3 *as subsections (b) through (g), respectively;*

4 (3) *by inserting before subsection (b) (as so re-*
5 *designated) the following:*

6 “(a) *IN GENERAL.—The Secretary shall provide assist-*
7 *ance for projects and activities to advance innovative public*
8 *transportation research and development in accordance*
9 *with the requirements of this section.”;*

10 (4) *in subsection (e)(5) (as so redesignated)—*

11 (A) *in subparagraph (A) by striking clause*
12 *(vi) and redesignating clause (vii) as clause (vi);*

13 (B) *in subparagraph (B) by striking “re-*
14 *cipients” and inserting “participants”;*

15 (C) *in subparagraph (C) by striking clause*
16 *(ii) and inserting the following:*

17 “(i) *GOVERNMENT SHARE OF COSTS*
18 *FOR CERTAIN PROJECTS.—A grant for a*
19 *project carried out under this paragraph*
20 *shall be 80 percent of the net project cost of*
21 *the project unless the grant recipient re-*
22 *quests a lower grant percentage.”; and*

23 (D) *by striking subparagraph (G);*

24 (5) *in subsection (f) (as so redesignated)—*

25 (A) *by striking “(f)” and all that follows be-*
26 *fore paragraph (1) and inserting the following:*

1 “(f) *ANNUAL REPORT ON RESEARCH.*—Not later than
 2 the first Monday in February of each year, the Secretary
 3 shall make available to the public on the Web site of the
 4 Department of Transportation, a report that includes—”;

5 (B) in paragraph (1) by adding “and” at
 6 the end;

7 (C) in paragraph (2) by striking “; and”
 8 and inserting a period; and

9 (D) by striking paragraph (3); and
 10 (6) by adding at the end the following:

11 “(h) *TRANSIT COOPERATIVE RESEARCH PROGRAM.*—

12 “(1) *IN GENERAL.*—The amounts made available
 13 under section 5338(b) are available for a public
 14 transportation cooperative research program.

15 “(2) *INDEPENDENT GOVERNING BOARD.*—

16 “(A) *ESTABLISHMENT.*—The Secretary shall
 17 establish an independent governing board for the
 18 program under this subsection.

19 “(B) *RECOMMENDATIONS.*—The board shall
 20 recommend public transportation research, devel-
 21 opment, and technology transfer activities the
 22 Secretary considers appropriate.

23 “(3) *FEDERAL ASSISTANCE.*—The Secretary may
 24 make grants to, and enter into cooperative agreements
 25 with, the National Academy of Sciences to carry out

1 *activities under this subsection that the Secretary*
 2 *considers appropriate.*

3 “(4) *GOVERNMENT’S SHARE.*—*If there would be*
 4 *a clear and direct financial benefit to an entity under*
 5 *a grant or contract financed under this subsection,*
 6 *the Secretary shall establish a Government share con-*
 7 *sistent with that benefit.*

8 “(5) *LIMITATION ON APPLICABILITY.*—*Sub-*
 9 *sections (f) and (g) shall not apply to activities car-*
 10 *ried out under this subsection.”.*

11 (b) *CONFORMING AMENDMENTS.*—*Section 5312 of such*
 12 *title (as amended by subsection (a) of this section) is further*
 13 *amended—*

14 (1) *in subsection (c)(1) by striking “subsection*
 15 *(a)(2)” and inserting “subsection (b)(2)”;*

16 (2) *in subsection (d)—*

17 (A) *in paragraph (1) by striking “sub-*
 18 *section (a)(2)” and inserting “subsection (b)(2)”;*

19 *and*

20 (B) *in paragraph (2)(A) by striking “sub-*
 21 *section (b)” and inserting “subsection (c)”;*

22 (3) *in subsection (e)(2) in each of subparagraphs*
 23 (A) *and (B) by striking “subsection (a)(2)” and in-*
 24 *serting “subsection (b)(2)”;* *and*

1 (4) in subsection (f)(2) by striking “subsection
2 (d)(4)” and inserting “subsection (e)(4)”.

3 (c) *REPEAL*.—Section 5313 of such title, and the item
4 relating to that section in the analysis for chapter 53 of
5 such title, are repealed.

6 (d) *CLERICAL AMENDMENT*.—The analysis for chapter
7 53 of such title is amended by striking the item relating
8 to section 5312 and inserting the following:

“5312. Public transportation innovation.”.

9 **SEC. 3009. TECHNICAL ASSISTANCE AND WORKFORCE DE-**
10 **VELOPMENT.**

11 (a) *IN GENERAL*.—Section 5314 of title 49, United
12 States Code, is amended to read as follows:

13 **“§ 5314. Technical assistance and workforce develop-**
14 **ment**

15 “(a) *TECHNICAL ASSISTANCE AND STANDARDS*.—

16 “(1) *TECHNICAL ASSISTANCE AND STANDARDS*
17 *DEVELOPMENT*.—

18 “(A) *IN GENERAL*.—The Secretary may
19 make grants and enter into contracts, coopera-
20 tive agreements, and other agreements (including
21 agreements with departments, agencies, and in-
22 strumentalities of the Government) to carry out
23 activities that the Secretary determines will as-
24 sist recipients of assistance under this chapter
25 to—

1 “(i) more effectively and efficiently
2 provide public transportation service;

3 “(ii) administer funds received under
4 this chapter in compliance with Federal
5 law; and

6 “(iii) improve public transportation.

7 “(B) *ELIGIBLE ACTIVITIES*.—The activities
8 carried out under subparagraph (A) may in-
9 clude—

10 “(i) technical assistance; and

11 “(ii) the development of voluntary and
12 consensus-based standards and best prac-
13 tices by the public transportation industry,
14 including standards and best practices for
15 safety, fare collection, intelligent transpor-
16 tation systems, accessibility, procurement,
17 security, asset management to maintain a
18 state of good repair, operations, mainte-
19 nance, vehicle propulsion, communications,
20 and vehicle electronics.

21 “(2) *TECHNICAL ASSISTANCE*.—The Secretary,
22 through a competitive bid process, may enter into
23 contracts, cooperative agreements, and other agree-
24 ments with national nonprofit organizations that
25 have the appropriate demonstrated capacity to pro-

1 *vide public-transportation-related technical assistance*
2 *under this subsection. The Secretary may enter into*
3 *such contracts, cooperative agreements, and other*
4 *agreements to assist providers of public transpor-*
5 *tation to—*

6 *“(A) comply with the Americans with Dis-*
7 *abilities Act of 1990 (42 U.S.C. 12101 et seq.)*
8 *through technical assistance, demonstration pro-*
9 *grams, research, public education, and other ac-*
10 *tivities related to complying with such Act;*

11 *“(B) comply with human services transpor-*
12 *tation coordination requirements and to enhance*
13 *the coordination of Federal resources for human*
14 *services transportation with those of the Depart-*
15 *ment of Transportation through technical assist-*
16 *ance, training, and support services related to*
17 *complying with such requirements;*

18 *“(C) meet the transportation needs of elder-*
19 *ly individuals;*

20 *“(D) increase transit ridership in coordina-*
21 *tion with metropolitan planning organizations*
22 *and other entities through development around*
23 *public transportation stations through technical*
24 *assistance and the development of tools, guid-*

1 *ance, and analysis related to market-based devel-*
 2 *opment around transit stations;*

3 “(E) *address transportation equity with re-*
 4 *gard to the effect that transportation planning,*
 5 *investment, and operations have for low-income*
 6 *and minority individuals;*

7 “(F) *facilitate best practices to promote bus*
 8 *driver safety;*

9 “(G) *meet the requirements of sections*
 10 *5323(j) and 5323(m);*

11 “(H) *assist with the development and de-*
 12 *ployment of zero emission transit technologies;*
 13 *and*

14 “(I) *any other technical assistance activity*
 15 *that the Secretary determines is necessary to ad-*
 16 *vance the interests of public transportation.*

17 “(3) *ANNUAL REPORT ON TECHNICAL ASSIST-*
 18 *ANCE.—Not later than the first Monday in February*
 19 *of each year, the Secretary shall submit to the Com-*
 20 *mittee on Banking, Housing, and Urban Affairs and*
 21 *the Committee on Appropriations of the Senate and*
 22 *the Committee on Transportation and Infrastructure,*
 23 *the Committee on Science, Space, and Technology,*
 24 *and the Committee on Appropriations of the House of*
 25 *Representatives a report that includes—*

1 “(A) a description of each project that re-
2 ceived assistance under this subsection during
3 the preceding fiscal year;

4 “(B) an evaluation of the activities carried
5 out by each organization that received assistance
6 under this subsection during the preceding fiscal
7 year;

8 “(C) a proposal for allocations of amounts
9 for assistance under this subsection for the subse-
10 quent fiscal year; and

11 “(D) measurable outcomes and impacts of
12 the programs funded under subsections (b) and
13 (c).

14 “(4) GOVERNMENT SHARE OF COSTS.—

15 “(A) IN GENERAL.—The Government share
16 of the cost of an activity carried out using a
17 grant under this subsection may not exceed 80
18 percent.

19 “(B) NON-GOVERNMENT SHARE.—The non-
20 Government share of the cost of an activity car-
21 ried out using a grant under this subsection may
22 be derived from in-kind contributions.

23 “(b) HUMAN RESOURCES AND TRAINING.—

24 “(1) IN GENERAL.—The Secretary may under-
25 take, or make grants and contracts for, programs that

1 *address human resource needs as they apply to public*
 2 *transportation activities. A program may include—*

3 “(A) *an employment training program;*

4 “(B) *an outreach program to increase vet-*
 5 *eran, female, individual with a disability, mi-*
 6 *nority (including American Indian or Alaska*
 7 *Native, Asian, Black or African American, na-*
 8 *tive Hawaiian or other Pacific Islander, and*
 9 *Hispanic) employment in public transportation*
 10 *activities;*

11 “(C) *research on public transportation per-*
 12 *sonnel and training needs;*

13 “(D) *training and assistance for veteran*
 14 *and minority business opportunities; and*

15 “(E) *consensus-based national training*
 16 *standards and certifications in partnership with*
 17 *industry stakeholders.*

18 “(2) *INNOVATIVE PUBLIC TRANSPORTATION*
 19 *FRONTLINE WORKFORCE DEVELOPMENT PROGRAM.—*

20 “(A) *IN GENERAL.—The Secretary shall es-*
 21 *tablish a competitive grant program to assist the*
 22 *development of innovative activities eligible for*
 23 *assistance under subparagraph (1).*

24 “(B) *ELIGIBLE PROGRAMS.—A program eli-*
 25 *gible for assistance under subsection (a) shall—*

1 “(i) develop apprenticeships for transit
2 maintenance and operations occupations,
3 including hands-on, peer trainer, classroom
4 and on-the-job training as well as training
5 for instructors and on-the-job mentors;

6 “(ii) build local, regional, and state-
7 wide transit training partnerships in co-
8 ordination with entities such as local em-
9 ployers, local public transportation opera-
10 tors, labor union organizations, workforce
11 development boards, State workforce agen-
12 cies, State apprenticeship agencies (where
13 applicable), and community colleges and
14 university transportation centers, to iden-
15 tify and address workforce skill gaps and
16 develop skills needed for delivering quality
17 transit service and supporting employee ca-
18 reer advancement;

19 “(iii) provide improved capacity for
20 safety, security, and emergency prepared-
21 ness in local transit systems through—

22 “(I) developing the role of the
23 frontline workforce in building and
24 sustaining safety culture and safety

1 *systems in the industry and in indi-*
2 *vidual public transportation systems;*

3 *“(II) specific training, in coordi-*
4 *nation with the National Transit In-*
5 *stitute, on security and emergency pre-*
6 *paredness, including protocols for co-*
7 *ordinating with first responders and*
8 *working with the broader community*
9 *to address natural disasters or other*
10 *threats to transit systems; and*

11 *“(III) training to address front-*
12 *line worker roles in promoting health*
13 *and safety for transit workers and the*
14 *riding public, and improving commu-*
15 *nication during emergencies between*
16 *the frontline workforce and the riding*
17 *public;*

18 *“(iv) address current or projected*
19 *workforce shortages by developing career*
20 *pathway partnerships with high schools,*
21 *community colleges, and other community*
22 *organizations for recruiting and training*
23 *underrepresented populations, including*
24 *minorities, women, individuals with dis-*
25 *abilities, veterans, and low-income popu-*

1 *lations as successful transit employees who*
2 *can develop careers in the transit industry;*
3 *or*

4 *“(v) address youth unemployment by*
5 *directing the Secretary to award grants to*
6 *local entities for work-based training and*
7 *other work-related and educational strate-*
8 *gies and activities of demonstrated effective-*
9 *ness to provide unemployed, low-income*
10 *young adults and low-income youth with*
11 *skills that will lead to employment.*

12 *“(C) SELECTION OF RECIPIENTS.—To the*
13 *maximum extent feasible, the Secretary shall se-*
14 *lect recipients that—*

15 *“(i) are geographically diverse;*

16 *“(ii) address the workforce and human*
17 *resources needs of large public transpor-*
18 *tation providers;*

19 *“(iii) address the workforce and*
20 *human resources needs of small public*
21 *transportation providers;*

22 *“(iv) address the workforce and human*
23 *resources needs of urban public transpor-*
24 *tation providers;*

1 “(v) address the workforce and human
2 resources needs of rural public transpor-
3 tation providers;

4 “(vi) advance training related to
5 maintenance of alternative energy, energy
6 efficiency, or zero emission vehicles and fa-
7 cilities used in public transportation;

8 “(vii) target areas with high rates of
9 unemployment;

10 “(viii) address current or projected
11 workforce shortages in areas that require
12 technical expertise;

13 “(ix) advance opportunities for mi-
14 norities, women, veterans, individuals with
15 disabilities, low-income populations, and
16 other underserved populations; and

17 “(x) address in-demand industry sector
18 or occupation, as such term is defined in
19 section 3 of the Workforce Innovation and
20 Opportunity Act (29 U.S.C. 3102).

21 “(D) PROGRAM OUTCOMES.—A recipient of
22 assistance under this subsection shall dem-
23 onstrate outcomes for any program that includes
24 skills training, on-the-job training, and work-
25 based learning, including—

1 “(i) the impact on reducing public
2 transportation workforce shortages in the
3 area served;

4 “(ii) the diversity of training partici-
5 pants;

6 “(iii) the number of participants ob-
7 taining certifications or credentials required
8 for specific types of employment;

9 “(iv) the percentage of program par-
10 ticipants who are in unsubsidized employ-
11 ment during the second quarter after exit
12 from any such program;

13 “(v) the percentage of program partici-
14 pants who are in unsubsidized employment
15 during the fourth quarter after exit from
16 any such program;

17 “(vi) the median earnings of program
18 participants who are in unsubsidized em-
19 ployment during the second quarter after
20 exit from any such program;

21 “(vii) the percentage of program par-
22 ticipants who obtain a recognized postsec-
23 ondary credential, or a secondary school di-
24 ploma or its recognized equivalent, during

1 *participation in or within 1 year after exit*
2 *from any such program; and*

3 “(viii) *the percentage of program par-*
4 *ticipants who, during a program year, are*
5 *in an education or training program that*
6 *leads to a recognized postsecondary creden-*
7 *tial or employment and who are achieving*
8 *measurable skill gains toward such a cre-*
9 *dential or employment.*

10 “(E) *REPORT TO CONGRESS.—The Sec-*
11 *retary shall make publically available a report*
12 *on the Frontline Workforce Development Pro-*
13 *gram for each fiscal year, not later than Decem-*
14 *ber 31 of the year in which that fiscal year ends.*
15 *The report shall include a detailed description of*
16 *activities carried out under this paragraph, an*
17 *evaluation of the program, and policy rec-*
18 *ommendations to improve program effectiveness.*

19 “(3) *GOVERNMENT’S SHARE OF COSTS.—The*
20 *Government share of the cost of a project carried out*
21 *using a grant under paragraph (1) or (2) shall be 50*
22 *percent.*

23 “(4) *USE FOR TECHNICAL ASSISTANCE.—The*
24 *Secretary may use not more than 1 percent of*
25 *amounts made available to carry out this section to*

1 *provide technical assistance for activities and pro-*
2 *grams developed, conducted, and overseen under para-*
3 *graphs (1) and (2).*

4 “(c) *NATIONAL TRANSIT INSTITUTE.*—

5 “(1) *ESTABLISHMENT.*—*The Secretary shall es-*
6 *tablish a national transit institute and award grants*
7 *to a public, 4-year institution of higher education, as*
8 *defined in section 101(a) of the Higher Education Act*
9 *of 1965 (20 U.S.C. 1001(a)), in order to carry out the*
10 *duties of the institute.*

11 “(2) *DUTIES.*—

12 “(A) *IN GENERAL.*—*In cooperation with the*
13 *Federal Transit Administration, State transpor-*
14 *tation departments, public transportation au-*
15 *thorities, and national and international enti-*
16 *ties, the institute established under paragraph*
17 *(1) shall develop and conduct training and edu-*
18 *cational programs for Federal, State, and local*
19 *transportation employees, United States citizens,*
20 *and foreign nationals engaged or to be engaged*
21 *in Government-aid public transportation work.*

22 “(B) *TRAINING AND EDUCATIONAL PRO-*
23 *GRAMS.*—*The training and educational pro-*
24 *grams developed under subparagraph (A) may*

1 *include courses in recent developments, tech-*
2 *niques, and procedures related to—*

3 “(i) *intermodal and public transpor-*
4 *tation planning;*

5 “(ii) *management;*

6 “(iii) *environmental factors;*

7 “(iv) *acquisition and joint-use rights-*
8 *of-way;*

9 “(v) *engineering and architectural de-*
10 *sign;*

11 “(vi) *procurement strategies for public*
12 *transportation systems;*

13 “(vii) *turnkey approaches to delivering*
14 *public transportation systems;*

15 “(viii) *new technologies;*

16 “(ix) *emission reduction technologies;*

17 “(x) *ways to make public transpor-*
18 *tation accessible to individuals with disabil-*
19 *ities;*

20 “(xi) *construction, construction man-*
21 *agement, insurance, and risk management;*

22 “(xii) *maintenance;*

23 “(xiii) *contract administration;*

24 “(xiv) *inspection;*

25 “(xv) *innovative finance;*

1 “(xvi) workplace safety; and

2 “(xvii) public transportation security.

3 “(3) *PROVIDING EDUCATION AND TRAINING.*—

4 *Education and training of Government, State, and*
5 *local transportation employees under this subsection*
6 *shall be provided—*

7 “(A) *by the Secretary at no cost to the*
8 *States and local governments for subjects that*
9 *are a Government program responsibility; or*

10 “(B) *when the education and training are*
11 *paid under paragraph (4), by the State, with the*
12 *approval of the Secretary, through grants and*
13 *contracts with public and private agencies, other*
14 *institutions, individuals, and the institute.*

15 “(4) *AVAILABILITY OF AMOUNTS.*—*Not more*
16 *than 0.5 percent of the amounts made available for a*
17 *fiscal year beginning after September 30, 1991, to a*
18 *State or public transportation authority in the State*
19 *to carry out sections 5307 and 5309 is available for*
20 *expenditure by the State and public transportation*
21 *authorities in the State, with the approval of the Sec-*
22 *retary, to pay not more than 80 percent of the cost*
23 *of tuition and direct educational expenses related to*
24 *educating and training State and local transpor-*
25 *tation employees under this subsection.”.*

1 (b) *REPEAL*.—Section 5322 of such title, and the item
 2 relating to that section in the analysis for chapter 53 of
 3 such title, are repealed.

4 (c) *CLERICAL AMENDMENT*.—The analysis for chapter
 5 53 of such title is amended by striking the item relating
 6 to section 5314 and inserting the following:

“5314. Technical assistance and workforce development.”.

7 **SEC. 3010. BICYCLE FACILITIES.**

8 Section 5319 of title 49, United States Code, is amend-
 9 ed—

10 (1) by striking “90 percent” and inserting “80
 11 percent”; and

12 (2) by striking “95 percent” and inserting “80
 13 percent”.

14 **SEC. 3011. GENERAL PROVISIONS.**

15 Section 5323 of title 49, United States Code, is amend-
 16 ed—

17 (1) in subsection (h)—

18 (A) in paragraph (1) by striking “or” at
 19 the end;

20 (B) by redesignating paragraph (2) as
 21 paragraph (3); and

22 (C) by inserting after paragraph (1) the fol-
 23 lowing:

1 “(2) pay incremental costs of incorporating art
2 or landscaping into facilities, including the costs of
3 an artist on the design team; or”;

4 (2) in subsection (i) by adding at the end the fol-
5 lowing:

6 “(3) ACQUISITION OF BASE-MODEL BUSES.—A
7 grant for the acquisition of a base-model bus for use
8 in public transportation may be not more than 85
9 percent of the net project cost.”;

10 (3) in subsection (j)(2) by striking subparagraph
11 (C) and inserting the following:

12 “(C) when procuring rolling stock (includ-
13 ing train control, communication, and traction
14 power equipment) under this chapter—

15 “(i) the cost of components and sub-
16 components produced in the United
17 States—

18 “(I) for fiscal years 2016 and
19 2017, is more than 60 percent of the
20 cost of all components of the rolling
21 stock;

22 “(II) for fiscal years 2018 and
23 2019, is more than 65 percent of the
24 cost of all components of the rolling
25 stock; and

1 “(III) for fiscal year 2020 and
 2 each fiscal year thereafter, is more
 3 than 70 percent of the cost of all com-
 4 ponents of the rolling stock; and

5 “(ii) final assembly of the rolling stock
 6 has occurred in the United States; or”; and

7 (4) by adding at the end the following:

8 “(s) *VALUE CAPTURE REVENUE ELIGIBLE FOR LOCAL*
 9 *SHARE*.—A recipient of assistance under this chapter may
 10 use the revenue generated from value capture financing
 11 mechanisms as local matching funds for capital projects
 12 and operating costs eligible under this chapter.

13 “(t) *SPECIAL CONDITION ON CHARTER BUS TRANS-*
 14 *PORTATION SERVICE*.—If, in a fiscal year, the Secretary is
 15 prohibited by law from enforcing regulations related to
 16 charter bus service under part 604 of title 49, Code of Fed-
 17 eral Regulations, for any transit agency that during fiscal
 18 year 2008 was both initially granted a 60-day period to
 19 come into compliance with such part 604, and then was
 20 subsequently granted an exception from such part—

21 “(1) the transit agency shall be precluded from
 22 receiving its allocation of urbanized area formula
 23 grant funds for that fiscal year; and

24 “(2) any amounts withheld pursuant to para-
 25 graph (1) shall be added to the amount that the Sec-

1 retary may apportion under section 5336 in the fol-
2 lowing fiscal year.”.

3 **SEC. 3012. PUBLIC TRANSPORTATION SAFETY PROGRAM.**

4 Section 5329 of title 49, United States Code, is amend-
5 ed—

6 (1) in subsection (b)(2)—

7 (A) in subparagraph (C) by striking “and”
8 at the end;

9 (B) by redesignating subparagraph (D) as
10 subparagraph (E); and

11 (C) by inserting after subparagraph (C) the
12 following:

13 “(D) minimum safety standards to ensure
14 the safe operation of public transportation sys-
15 tems that—

16 “(i) are not related to performance
17 standards for public transportation vehicles
18 developed under subparagraph (C); and

19 “(ii) to the extent practicable, take into
20 consideration—

21 “(I) relevant recommendations of
22 the National Transportation Safety
23 Board;

1 “(II) best practices standards de-
2 veloped by the public transportation
3 industry;

4 “(III) any minimum safety
5 standards or performance criteria
6 being implemented across the public
7 transportation industry;

8 “(IV) relevant recommendations
9 from the report under section 3018 of
10 the Surface Transportation Reauthor-
11 ization and Reform Act of 2015; and

12 “(V) any additional information
13 that the Secretary determines necessary
14 and appropriate; and”;

15 (2) by striking subsection (f) and inserting the
16 following:

17 “(f) *AUTHORITY OF SECRETARY.*—

18 “(1) *IN GENERAL.*—In carrying out this section,
19 the Secretary may—

20 “(A) conduct inspections, investigations, au-
21 dits, examinations, and testing of the equipment,
22 facilities, rolling stock, and operations of the
23 public transportation system of a recipient;

24 “(B) make reports and issue directives with
25 respect to the safety of the public transportation

1 *system of a recipient or the public transpor-*
2 *tation industry generally;*

3 *“(C) in conjunction with an accident inves-*
4 *tigation or an investigation into a pattern or*
5 *practice of conduct that negatively affects public*
6 *safety, issue a subpoena to, and take the deposi-*
7 *tion of, any employee of a recipient or a State*
8 *safety oversight agency, if—*

9 *“(i) before the issuance of the sub-*
10 *poena, the Secretary requests a determina-*
11 *tion by the Attorney General as to whether*
12 *the subpoena will interfere with an ongoing*
13 *criminal investigation; and*

14 *“(ii) the Attorney General—*

15 *“(I) determines that the subpoena*
16 *will not interfere with an ongoing*
17 *criminal investigation; or*

18 *“(II) fails to make a determina-*
19 *tion under clause (i) before the date*
20 *that is 30 days after the date on which*
21 *the Secretary makes a request under*
22 *clause (i);*

23 *“(D) require the production of documents*
24 *by, and prescribe recordkeeping and reporting*

1 *requirements for, a recipient or a State safety*
2 *oversight agency;*

3 *“(E) investigate public transportation acci-*
4 *dents and incidents and provide guidance to re-*
5 *cipients regarding prevention of accidents and*
6 *incidents;*

7 *“(F) at reasonable times and in a reason-*
8 *able manner, enter and inspect relevant records*
9 *of the public transportation system of a recipi-*
10 *ent; and*

11 *“(G) issue rules to carry out this section.*

12 *“(2) ADDITIONAL AUTHORITY.—*

13 *“(A) ADMINISTRATION OF STATE SAFETY*
14 *OVERSIGHT ACTIVITIES.—If the Secretary finds*
15 *that a State safety oversight agency that oversees*
16 *a rail fixed guideway system operating in more*
17 *than 2 States has become incapable of providing*
18 *adequate safety oversight of such system, the Sec-*
19 *retary may administer State safety oversight ac-*
20 *tivities for such rail fixed guideway system until*
21 *the States develop a State safety oversight pro-*
22 *gram certified by the Secretary in accordance*
23 *with subsection (e).*

24 *“(B) FUNDING.—To carry out administra-*
25 *tive and oversight activities authorized by this*

1 *paragraph, the Secretary may use grant funds*
2 *apportioned to an eligible State under subsection*
3 *(e)(6) to develop or carry out a State safety over-*
4 *sight program.”;*

5 *(3) in subsection (g)(1)—*

6 *(A) in the matter preceding subparagraph*
7 *(A) by striking “an eligible State, as defined in*
8 *subsection (e),” and inserting “a recipient”;*

9 *(B) in subparagraph (C) by striking “and”*
10 *at the end;*

11 *(C) in subparagraph (D) by striking the pe-*
12 *riod at the end and inserting “; or”; and*

13 *(D) by adding at the end the following:*

14 *“(E) withholding not more than 25 percent*
15 *of financial assistance under section 5307.”; and*

16 *(4) in subsection (g)(2)—*

17 *(A) in subparagraph (A)—*

18 *(i) by inserting after “funds” the fol-*
19 *lowing: “or withhold funds”; and*

20 *(ii) by inserting “or (1)(E)” after*
21 *“paragraph (1)(D)”;*

22 *(B) by redesignating subparagraph (B) as*
23 *subparagraph (C); and*

24 *(C) by inserting after subparagraph (A) the*
25 *following:*

1 “(B) *LIMITATION.*—*The Secretary may only*
 2 *withhold funds in accordance with paragraph*
 3 *(1)(E), if enforcement actions under subpara-*
 4 *graph (A), (B), (C), or (D) did not bring the re-*
 5 *cipient into compliance.”.*

6 **SEC. 3013. APPORTIONMENTS.**

7 *Section 5336 of title 49, United States Code, is amend-*
 8 *ed—*

9 (1) *in subsection (a) in the matter preceding*
 10 *paragraph (1) by striking “subsection (h)(4)” and in-*
 11 *serting “subsection (g)(5)”;*

12 (2) *in subsection (b)(2)(E) by striking “22.27*
 13 *percent” and inserting “27 percent”;*

14 (3) *by striking subsection (g) and redesignating*
 15 *subsections (h), (i), and (j) as subsections (g), (h),*
 16 *and (i), respectively;*

17 (4) *in subsection (g) (as so redesignated)—*

18 (A) *in paragraph (2) by striking “sub-*
 19 *section (j)” and inserting “subsection (i)”;* and

20 (B) *by striking paragraph (3) and inserting*
 21 *the following:*

22 “(3) *of amounts not apportioned under para-*
 23 *graphs (1) and (2)—*

24 “(A) *for fiscal years 2016 through 2018, 1.5*
 25 *percent shall be apportioned to urbanized areas*

1 *with populations of less than 200,000 in accord-*
 2 *ance with subsection (h); and*

3 *“(B) for fiscal years 2019 through 2021, 2*
 4 *percent shall be apportioned to urbanized areas*
 5 *with populations of less than 200,000 in accord-*
 6 *ance with subsection (h);”;*

7 *(5) in subsection (h)(2)(A) (as so redesignated)*
 8 *by striking “subsection (h)(3)” and inserting “sub-*
 9 *section (g)(3)”;* and

10 *(6) in subsection (i) (as so redesignated) by*
 11 *striking “subsection (h)(2)” and inserting “subsection*
 12 *(g)(2)”.*

13 **SEC. 3014. STATE OF GOOD REPAIR GRANTS.**

14 *Section 5337 of title 49, United States Code, is amend-*
 15 *ed—*

16 *(1) in subsection (d)—*

17 *(A) in paragraph (1) by striking “on a fa-*
 18 *cility with access for other high-occupancy vehi-*
 19 *cles” and inserting “on high-occupancy vehicle*
 20 *lanes during peak hours”;*

21 *(B) in paragraph (2) by inserting “vehicle”*
 22 *after “motorbus”; and*

23 *(C) by adding at the end the following:*

24 *“(5) USE OF FUNDS.—A recipient in an urban-*
 25 *ized area may use any portion of the amount appor-*

tioned to the recipient under this subsection for high intensity fixed guideway state of good repair projects under subsection (c) if the recipient demonstrates to the satisfaction of the Secretary that the high intensity motorbus public transportation vehicles in the urbanized area are in a state of good repair.”; and

(2) by adding at the end the following:

“(e) *GOVERNMENT SHARE OF COSTS.*—

“(1) *CAPITAL PROJECTS.*—A grant for a capital project under this section shall be for 80 percent of the net project cost of the project. The recipient may provide additional local matching amounts.

“(2) *REMAINING COSTS.*—The remainder of the net project cost shall be provided—

“(A) in cash from non-Government sources other than revenues from providing public transportation services;

“(B) from revenues derived from the sale of advertising and concessions;

“(C) from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital; or

“(D) from amounts appropriated or otherwise made available to a department or agency of the Government (other than the Department of

1 *Transportation) that are eligible to be expended*
 2 *for transportation.”.*

3 **SEC. 3015. AUTHORIZATIONS.**

4 *Section 5338 of title 49, United States Code, is amend-*
 5 *ed to read as follows:*

6 **“§ 5338. Authorizations**

7 “(a) *FORMULA GRANTS.*—

8 “(1) *IN GENERAL.*—*There shall be available from*
 9 *the Mass Transit Account of the Highway Trust Fund*
 10 *to carry out sections 5305, 5307, 5310, 5311, 5314(c),*
 11 *5318, 5335, 5337, 5339, and 5340, and section*
 12 *20005(b) of the Federal Public Transportation Act of*
 13 *2012—*

14 “(A) \$8,723,925,000 for fiscal year 2016;

15 “(B) \$8,879,211,000 for fiscal year 2017;

16 “(C) \$9,059,459,000 for fiscal year 2018;

17 “(D) \$9,240,648,000 for fiscal year 2019;

18 “(E) \$9,429,000,000 for fiscal year 2020;

19 *and*

20 “(F) \$9,617,580,000 for fiscal year 2021.

21 “(2) *ALLOCATION OF FUNDS.*—

22 “(A) *SECTION 5305.*—*Of the amounts made*
 23 *available under paragraph (1), there shall be*
 24 *available to carry out section 5305—*

25 “(i) \$128,800,000 for fiscal year 2016;

1 “(ii) \$128,800,000 for fiscal year 2017;

2 “(iii) \$131,415,000 for fiscal year

3 2018;

4 “(iv) \$134,043,000 for fiscal year 2019;

5 “(v) \$136,775,000 for fiscal year 2020;

6 and

7 “(vi) \$139,511,000 for fiscal year 2021.

8 “(B) *PILOT PROGRAM*.—\$10,000,000 for
9 each of fiscal years 2016 through 2021, shall be
10 available to carry out section 20005(b) of the
11 *Federal Public Transportation Act of 2012*;

12 “(C) *SECTION 5307*.—Of the amounts made
13 available under paragraph (1), there shall be al-
14 located in accordance with section 5336 to pro-
15 vide financial assistance for urbanized areas
16 under section 5307—

17 “(i) \$4,458,650,000 for fiscal year
18 2016;

19 “(ii) \$4,458,650,000 for fiscal year
20 2017;

21 “(iii) \$4,549,161,000 for fiscal year
22 2018;

23 “(iv) \$4,640,144,000 for fiscal year
24 2019;

1 “(v) \$4,734,724,000 for fiscal year
2 2020; and

3 “(vi) \$4,829,418,000 for fiscal year
4 2021.

5 “(D) SECTION 5310.—Of the amounts made
6 available under paragraph (1), there shall be
7 available to provide financial assistance for serv-
8 ices for the enhanced mobility of seniors and in-
9 dividuals with disabilities under section 5310—

10 “(i) \$262,175,000 for fiscal year 2016;

11 “(ii) \$266,841,000 for fiscal year 2017;

12 “(iii) \$272,258,000 for fiscal year
13 2018;

14 “(iv) \$277,703,000 for fiscal year 2019;

15 “(v) \$283,364,000 for fiscal year 2020;

16 and

17 “(vi) \$289,031,000 for fiscal year 2021.

18 “(E) SECTION 5311.—

19 “(i) IN GENERAL.—Of the amounts
20 made available under paragraph (1), there
21 shall be available to provide financial as-
22 sistance for rural areas under section
23 5311—

24 “(I) \$607,800,000 for fiscal year
25 2016;

1 “(II) \$607,800,000 for fiscal year
2 2017;

3 “(III) \$620,138,000 for fiscal year
4 2018;

5 “(IV) \$632,541,000 for fiscal year
6 2019;

7 “(V) \$645,434,000 for fiscal year
8 2020; and

9 “(VI) \$658,343,000 for fiscal year
10 2021.

11 “(ii) SUBALLOCATION.—Of the
12 amounts made available under clause (i)—

13 “(I) there shall be available to
14 carry out section 5311(c)(1) not less
15 than \$30,000,000 for each of fiscal
16 years 2016 through 2021; and

17 “(II) there shall be available to
18 carry out section 5311(c)(2) not less
19 than \$20,000,000 for each of fiscal
20 years 2016 through 2021.

21 “(F) SECTION 5314(c).—Of the amounts
22 made available under paragraph (1), there shall
23 be available for the national transit institute
24 under section 5314(c) \$5,000,000 for each of fis-
25 cal years 2016 through 2021.

1 “(G) *SECTION 5318.—Of the amounts made*
2 *available under paragraph (1), there shall be*
3 *available for bus testing under section 5318*
4 *\$3,000,000 for each of fiscal years 2016 through*
5 *2021.*

6 “(H) *SECTION 5335.—Of the amounts made*
7 *available under paragraph (1), there shall be*
8 *available to carry out section 5335 \$3,850,000*
9 *for each of fiscal years 2016 through 2021.*

10 “(I) *SECTION 5337.—Of the amounts made*
11 *available under paragraph (1), there shall be*
12 *available to carry out section 5337—*

13 “(i) *\$2,198,389,000 for fiscal year*
14 *2016;*

15 “(ii) *\$2,237,520,000 for fiscal year*
16 *2017;*

17 “(iii) *\$2,282,941,000 for fiscal year*
18 *2018;*

19 “(iv) *\$2,328,600,000 for fiscal year*
20 *2019;*

21 “(v) *\$2,376,064,000 for fiscal year*
22 *2020; and*

23 “(vi) *\$2,423,585,000 for fiscal year*
24 *2021.*

1 “(J) *SECTION 5339(c).*—*Of the amounts*
2 *made available under paragraph (1), there shall*
3 *be available for bus and bus facilities programs*
4 *under section 5339(c)*—

5 “(i) \$430,000,000 for fiscal year 2016;

6 “(ii) \$431,850,000 for fiscal year 2017;

7 “(iii) \$445,120,000 for fiscal year
8 2018;

9 “(iv) \$458,459,000 for fiscal year 2019;

10 “(v) \$472,326,000 for fiscal year 2020;

11 *and*

12 “(vi) \$486,210,000 for fiscal year 2021.

13 “(K) *SECTION 5339(d).*—*Of the amounts*
14 *made available under paragraph (1), there shall*
15 *be available for bus and bus facilities competitive*
16 *grants under 5339(d)*—

17 “(i) \$352,950,000 for fiscal year 2016;

18 “(ii) \$462,950,000 for fiscal year 2017;

19 “(iii) \$468,288,000 for fiscal year
20 2018;

21 “(iv) \$473,653,500 for fiscal year 2019;

22 “(v) \$479,231,500 for fiscal year 2020;

23 *and*

24 “(vi) \$484,816,000 for fiscal year 2021;

1 “(L) *SECTION 5340.*—*Of the amounts made*
2 *available under paragraph (1), there shall be al-*
3 *located in accordance with section 5340 to pro-*
4 *vide financial assistance for urbanized areas*
5 *under section 5307 and rural areas under section*
6 *5311—*

7 “(i) \$262,950,000 for fiscal year 2016;

8 “(ii) \$262,950,000 for fiscal year 2017;

9 “(iii) \$268,288,000 for fiscal year
10 2018;

11 “(iv) \$273,653,500 for fiscal year 2019;

12 “(v) \$279,231,500 for fiscal year 2020;

13 *and*

14 “(vi) \$284,816,000 for fiscal year 2021.

15 “(b) *RESEARCH, DEVELOPMENT DEMONSTRATION AND*
16 *DEPLOYMENT PROJECTS.*—*There are authorized to be ap-*
17 *propriated to carry out section 5312—*

18 “(1) \$33,495,000 for fiscal year 2016;

19 “(2) \$34,091,000 for fiscal year 2017;

20 “(3) \$34,783,000 for fiscal year 2018;

21 “(4) \$35,479,000 for fiscal year 2019;

22 “(5) \$36,202,000 for fiscal year 2020; *and*

23 “(6) \$36,926,000 for fiscal year 2021.

1 “(c) *TECHNICAL ASSISTANCE, STANDARDS, AND*
 2 *WORKFORCE DEVELOPMENT.—There are authorized to be*
 3 *appropriated to carry out section 5314—*

4 “(1) \$6,156,000 for fiscal year 2016;

5 “(2) \$8,152,000 for fiscal year 2017;

6 “(3) \$10,468,000 for fiscal year 2018;

7 “(4) \$12,796,000 for fiscal year 2019;

8 “(5) \$15,216,000 for fiscal year 2020; and

9 “(6) \$17,639,000 for fiscal year 2021.

10 “(d) *CAPITAL INVESTMENT GRANTS.—There are au-*
 11 *thorized to be appropriated to carry out section 5309—*

12 “(1) \$2,029,000,000 for fiscal year 2016;

13 “(2) \$2,065,000,000 for fiscal year 2017;

14 “(3) \$2,106,000,000 for fiscal year 2018;

15 “(4) \$2,149,000,000 for fiscal year 2019;

16 “(5) \$2,193,000,000 for fiscal year 2020; and

17 “(6) \$2,237,000,000 for fiscal year 2021.

18 “(e) *ADMINISTRATION.—*

19 “(1) *IN GENERAL.—There are authorized to be*
 20 *appropriated to carry out section 5334, \$105,933,000*
 21 *for fiscal years 2016 through 2021.*

22 “(2) *SECTION 5329.—Of the amounts authorized*
 23 *to be appropriated under paragraph (1), not less than*
 24 *\$4,500,000 for each of fiscal years 2016 through 2021*
 25 *shall be available to carry out section 5329.*

1 “(3) *SECTION 5326.*—*Of the amounts made avail-*
 2 *able under paragraph (1), not less than \$1,000,000*
 3 *for each of fiscal years 2016 through 2021 shall be*
 4 *available to carry out section 5326.*

5 “(f) *PERIOD OF AVAILABILITY.*—*Amounts made avail-*
 6 *able by or appropriated under this section shall remain*
 7 *available for obligation for a period of 3 years after the*
 8 *last day of the fiscal year for which the funds are author-*
 9 *ized.*

10 “(g) *GRANTS AS CONTRACTUAL OBLIGATIONS.*—

11 “(1) *GRANTS FINANCED FROM HIGHWAY TRUST*
 12 *FUND.*—*A grant or contract that is approved by the*
 13 *Secretary and financed with amounts made available*
 14 *from the Mass Transit Account of the Highway Trust*
 15 *Fund pursuant to this section is a contractual obliga-*
 16 *tion of the Government to pay the Government share*
 17 *of the cost of the project.*

18 “(2) *GRANTS FINANCED FROM GENERAL FUND.*—
 19 *A grant or contract that is approved by the Secretary*
 20 *and financed with amounts appropriated in advance*
 21 *from the general fund of the Treasury pursuant to*
 22 *this section is a contractual obligation of the Govern-*
 23 *ment to pay the Government share of the cost of the*
 24 *project only to the extent that amounts are appro-*
 25 *priated for such purpose by an Act of Congress.*

1 “(h) *OVERSIGHT.*—

2 “(1) *IN GENERAL.*—*Of the amounts made avail-*
3 *able to carry out this chapter for a fiscal year, the*
4 *Secretary may use not more than the following*
5 *amounts for the activities described in paragraph (2):*

6 “(A) *0.5 percent of amounts made available*
7 *to carry out section 5305.*

8 “(B) *0.75 percent of amounts made avail-*
9 *able to carry out section 5307.*

10 “(C) *1 percent of amounts made available*
11 *to carry out section 5309.*

12 “(D) *1 percent of amounts made available*
13 *to carry out section 601 of the Passenger Rail*
14 *Investment and Improvement Act of 2008 (Pub-*
15 *lic Law 110–432; 122 Stat. 4968).*

16 “(E) *0.5 percent of amounts made available*
17 *to carry out section 5310.*

18 “(F) *0.5 percent of amounts made available*
19 *to carry out section 5311.*

20 “(G) *0.75 percent of amounts made avail-*
21 *able to carry out section 5337(c), of which not*
22 *less than 0.25 percent shall be available to carry*
23 *out section 5329.*

24 “(H) *0.75 percent of amounts made avail-*
25 *able to carry out section 5339.*

1 “(2) *ACTIVITIES.—The activities described in*
 2 *this paragraph are as follows:*

3 “(A) *Activities to oversee the construction of*
 4 *a major capital project.*

5 “(B) *Activities to review and audit the safe-*
 6 *ty and security, procurement, management, and*
 7 *financial compliance of a recipient or sub-*
 8 *recipient of funds under this chapter.*

9 “(C) *Activities to provide technical assist-*
 10 *ance generally, and to provide technical assist-*
 11 *ance to correct deficiencies identified in compli-*
 12 *ance reviews and audits carried out under this*
 13 *section.*

14 “(3) *GOVERNMENT SHARE OF COSTS.—The Gov-*
 15 *ernment shall pay the entire cost of carrying out a*
 16 *contract under this subsection.*

17 “(4) *AVAILABILITY OF CERTAIN FUNDS.—Funds*
 18 *made available under paragraph (1)(C) shall be*
 19 *available to the Secretary before allocating the funds*
 20 *appropriated to carry out any project under a full*
 21 *funding grant agreement.”.*

22 **SEC. 3016. BUS AND BUS FACILITY GRANTS.**

23 (a) *IN GENERAL.—Section 5339 of title 49, United*
 24 *States Code, is amended to read as follows:*

1 **“§ 5339. *Bus and bus facility grants***

2 “(a) *GENERAL AUTHORITY.*—*The Secretary may make*
 3 *grants under this section to assist eligible recipients de-*
 4 *scribed in subsection (b)(1) in financing capital projects—*

5 “(1) *to replace, rehabilitate, and purchase buses*
 6 *and related equipment; and*

7 “(2) *to construct bus-related facilities.*

8 “(b) *ELIGIBLE RECIPIENTS AND SUBRECIPIENTS.*—

9 “(1) *RECIPIENTS.*—*Eligible recipients under this*
 10 *section are designated recipients that operate fixed*
 11 *route bus service or that allocate funding to fixed*
 12 *route bus operators.*

13 “(2) *SUBRECIPIENTS.*—*A designated recipient*
 14 *that receives a grant under this section may allocate*
 15 *amounts of the grant to subrecipients that are public*
 16 *agencies or private nonprofit organizations engaged*
 17 *in public transportation.*

18 “(c) *FORMULA GRANT DISTRIBUTION OF FUNDS.*—

19 “(1) *IN GENERAL.*—*Funds made available for*
 20 *making grants under this subsection shall be distrib-*
 21 *uted as follows:*

22 “(A) *NATIONAL DISTRIBUTION.*—

23 *\$65,500,000 for each of fiscal years 2016 through*
 24 *2021 shall be allocated to all States and terri-*
 25 *tries, with each State receiving \$1,250,000, and*

1 *each territory receiving \$500,000, for each such*
 2 *fiscal year.*

3 “(B) *DISTRIBUTION USING POPULATION*
 4 *AND SERVICE FACTORS.—The remainder of the*
 5 *funds not otherwise distributed under paragraph*
 6 *(1) shall be allocated pursuant to the formula set*
 7 *forth in section 5336 (other than subsection (b)*
 8 *of that section).*

9 “(2) *TRANSFERS OF APPORTIONMENTS.—*

10 “(A) *TRANSFER FLEXIBILITY FOR NATIONAL*
 11 *DISTRIBUTION FUNDS.—The Governor of a State*
 12 *may transfer any part of the State’s apportion-*
 13 *ment under subparagraph (A) to supplement—*

14 “(i) *amounts apportioned to the State*
 15 *under section 5311(c); or*

16 “(ii) *amounts apportioned to urban-*
 17 *ized areas under subsections (a) and (c) of*
 18 *section 5336.*

19 “(B) *TRANSFER FLEXIBILITY FOR POPU-*
 20 *LATION AND SERVICE FACTORS FUNDS.—The*
 21 *Governor of a State may expend in an urbanized*
 22 *area with a population of less than 200,000 any*
 23 *amounts apportioned under paragraph (1)(B)*
 24 *that are not allocated to designated recipients in*

1 *urbanized areas with a population of 200,000 or*
2 *more.*

3 “(3) *PERIOD OF AVAILABILITY TO RECIPIENTS.—*

4 “(A) *IN GENERAL.—*Amounts made avail-
5 *able under this subsection may be obligated by a*
6 *recipient for 3 years after the fiscal year in*
7 *which the amount is apportioned.*

8 “(B) *REAPPORTIONMENT OF UNOBLIGATED*
9 *AMOUNTS.—*Not later than 30 days after the end
10 *of the 3-year period described in subparagraph*
11 *(A), any amount that is not obligated on the last*
12 *day of that period shall be added to the amount*
13 *that may be apportioned under this subsection in*
14 *the next fiscal year.*

15 “(4) *PILOT PROGRAM FOR COST-EFFECTIVE CAP-*
16 *ITAL INVESTMENT.—*

17 “(A) *IN GENERAL.—*For each of fiscal years
18 *2016 through 2021, the Secretary shall carry out*
19 *a pilot program under which an eligible des-*
20 *ignated recipient (as described in subsection*
21 *(c)(1)) in an urbanized area with population of*
22 *not less than 200,000 and not more than 999,999*
23 *may elect to participate in a State pool in ac-*
24 *cordance with this paragraph.*

1 “(B) *PURPOSE OF STATE POOLS.*—The pur-
2 pose of a State pool shall be to allow for trans-
3 fers of formula grant funds made available under
4 this subsection among the designated recipients
5 participating in the State pool in a manner that
6 supports the transit asset management plans of
7 the designated recipients under section 5326.

8 “(C) *REQUESTS FOR PARTICIPATION.*—A
9 State, and designated recipients in the State de-
10 scribed in subparagraph (A), may submit to the
11 Secretary a request for participation in the pro-
12 gram under procedures to be established by the
13 Secretary. A designated recipient for a
14 multistate area may participate in only 1 State
15 pool.

16 “(D) *ALLOCATIONS TO PARTICIPATING*
17 *STATES.*—For each fiscal year, the Secretary
18 shall allocate to each State participating in the
19 program the total amount of funds that other-
20 wise would be allocated to the urbanized areas of
21 the designated recipients participating in the
22 State’s pool for that fiscal year pursuant to the
23 formula referred to in paragraph (1).

24 “(E) *ALLOCATIONS TO DESIGNATED RECIPI-*
25 *ENTS IN STATE POOLS.*—A State shall distribute

1 *the amount that is allocated to the State for a*
 2 *fiscal year under subparagraph (D) among the*
 3 *designated recipients participating in the State’s*
 4 *pool in a manner that supports the transit asset*
 5 *management plans of the recipients under sec-*
 6 *tion 5326.*

7 *“(F) ALLOCATION PLANS.—A State partici-*
 8 *pating in the program shall develop an alloca-*
 9 *tion plan for the period of fiscal years 2016*
 10 *through 2021 to ensure that a designated recipi-*
 11 *ent participating in the State’s pool receives*
 12 *under the program an amount of funds that*
 13 *equals the amount of funds that would have oth-*
 14 *erwise been available to the designated recipient*
 15 *for that period pursuant to the formula referred*
 16 *to in paragraph (1).*

17 *“(G) GRANTS.—The Secretary shall make*
 18 *grants under this subsection for a fiscal year to*
 19 *a designated recipient participating in a State*
 20 *pool following notification by the State of the al-*
 21 *location amount determined under subparagraph*
 22 *(E).*

23 *“(d) COMPETITIVE GRANTS FOR BUS STATE OF GOOD*
 24 *REPAIR.—*

1 “(1) *IN GENERAL.*—*The Secretary may make*
2 *grants under this subsection to eligible recipients de-*
3 *scribed in subsection (b)(1) to assist in financing cap-*
4 *ital projects described in subsection (a).*

5 “(2) *GRANT CONSIDERATIONS.*—*In making*
6 *grants under this subsection, the Secretary shall con-*
7 *sider the age and condition of buses, bus fleets, related*
8 *equipment, and bus-related facilities of an eligible re-*
9 *cipient.*

10 “(3) *STATEWIDE APPLICATIONS.*—*A State may*
11 *submit a statewide application on behalf of a public*
12 *agency or private nonprofit organization engaged in*
13 *public transportation in rural areas or other areas*
14 *for which the State allocates funds. The submission of*
15 *a statewide application shall not preclude the submis-*
16 *sion and consideration of any application under this*
17 *subsection from other eligible recipients in an urban-*
18 *ized area in a State.*

19 “(4) *REQUIREMENTS FOR SECRETARY.*—*The Sec-*
20 *retary shall—*

21 “(A) *disclose all metrics and evaluation*
22 *procedures to be used in considering grant appli-*
23 *cations under this subsection upon issuance of*
24 *the notice of funding availability in the Federal*
25 *Register; and*

1 “(B) publish a summary of final scores for
2 selected projects, metrics, and other evaluations
3 used in awarding grants under this subsection in
4 the Federal Register.

5 “(5) AVAILABILITY OF FUNDS.—Any amounts
6 made available to carry out this subsection—

7 “(A) shall remain available for 2 fiscal
8 years after the fiscal year for which the amount
9 is made available; and

10 “(B) following the period of availability
11 shall be made available to be apportioned under
12 subsection (c) for the following fiscal year.

13 “(6) LIMITATION.—Of the amounts made avail-
14 able under this subsection, not more than 15 percent
15 in fiscal year 2016 and not more than 5 percent in
16 each of fiscal years 2017 through 2021 may be award-
17 ed to a single recipient.

18 “(7) GRANT FLEXIBILITY.—If the Secretary de-
19 termines that there are not sufficient grant applica-
20 tions that meet the metrics described in paragraph
21 (4)(A) to utilize the full amount of funds made avail-
22 able to carry out this subsection for a fiscal year, the
23 Secretary may use the remainder of the funds for
24 making apportionments under sections 5307 and
25 5311.

1 “(e) *GENERALLY APPLICABLE PROVISIONS.*—

2 “(1) *GRANT REQUIREMENTS.*—*A grant under*
3 *this section shall be subject to the requirements of—*

4 “(A) *section 5307 for recipients of grants*
5 *made in urbanized areas; and*

6 “(B) *section 5311 for recipients of grants*
7 *made in rural areas.*

8 “(2) *GOVERNMENT’S SHARE OF COSTS.*—

9 “(A) *CAPITAL PROJECTS.*—*A grant for a*
10 *capital project under this section shall be for 80*
11 *percent of the net capital costs of the project. A*
12 *recipient of a grant under this section may pro-*
13 *vide additional local matching amounts.*

14 “(B) *REMAINING COSTS.*—*The remainder of*
15 *the net project cost shall be provided—*

16 “(i) *in cash from non-Government*
17 *sources other than revenues from providing*
18 *public transportation services;*

19 “(ii) *from revenues derived from the*
20 *sale of advertising and concessions;*

21 “(iii) *from an undistributed cash sur-*
22 *plus, a replacement or depreciation cash*
23 *fund or reserve, or new capital; or*

24 “(iv) *from amounts received under a*
25 *service agreement with a State or local so-*

1 *cial service agency or private social service*
 2 *organization.*

3 “(f) *DEFINITIONS.—In this section, the following defi-*
 4 *nitions apply:*

5 “(1) *STATE.—The term ‘State’ means a State of*
 6 *the United States.*

7 “(2) *TERRITORY.—The term ‘territory’ means*
 8 *the District of Columbia, Puerto Rico, the Northern*
 9 *Mariana Islands, Guam, American Samoa, and the*
 10 *United States Virgin Islands.’”.*

11 (b) *CLERICAL AMENDMENT.—The analysis for chapter*
 12 *53 of title 49, United States Code, is amended by striking*
 13 *the item relating to section 5339 and inserting the fol-*
 14 *lowing:*

 “5339. *Bus and bus facility grants.*”.

15 **SEC. 3017. OBLIGATION CEILING.**

16 *Notwithstanding any other provision of law, the total*
 17 *of all obligations from amounts made available from the*
 18 *Mass Transit Account of the Highway Trust Fund by sub-*
 19 *section (a) of section 5338 of title 49, United States Code,*
 20 *shall not exceed—*

21 (1) *\$8,724,000,000 in fiscal year 2016;*

22 (2) *\$8,879,000,000 in fiscal year 2017;*

23 (3) *\$9,059,000,000 in fiscal year 2018;*

24 (4) *\$9,240,000,000 in fiscal year 2019;*

25 (5) *\$9,429,000,000 in fiscal year 2020; and*

1 (6) \$9,618,000,000 in fiscal year 2021.

2 **SEC. 3018. INNOVATIVE PROCUREMENT.**

3 (a) *DEFINITIONS.—In this section, the following defi-*
4 *nitions apply:*

5 (1) *COOPERATIVE PROCUREMENT CONTRACT.—*

6 *The term “cooperative procurement contract” means*
7 *a contract—*

8 *(A) entered into between a State govern-*
9 *ment and 1 or more vendors; and*

10 *(B) under which the vendors agree to pro-*
11 *vide an option to purchase rolling stock and re-*
12 *lated equipment to multiple participants.*

13 (2) *LEAD PROCUREMENT AGENCY.—The term*
14 *“lead procurement agency” means a State govern-*
15 *ment that acts in an administrative capacity on be-*
16 *half of each participant in a cooperative procurement*
17 *contract.*

18 (3) *PARTICIPANT.—The term “participant”*
19 *means a grantee that participates in a cooperative*
20 *procurement contract.*

21 (4) *PARTICIPATE.—The term “participate”*
22 *means to purchase rolling stock and related equip-*
23 *ment under a cooperative procurement contract using*
24 *assistance provided under chapter 53 of title 49,*
25 *United States Code.*

1 (5) *GRANTEE*.—*The term “grantee” means a re-*
 2 *cipient and subrecipient of assistance under chapter*
 3 *53 of title 49, United States Code.*

4 (b) *COOPERATIVE PROCUREMENT*.—

5 (1) *GENERAL RULES*.—

6 (A) *PROCUREMENT NOT LIMITED TO INTRA-*
 7 *STATE PARTICIPANTS*.—*A grantee may partici-*
 8 *pate in a cooperative procurement contract with-*
 9 *out regard to whether the grantee is located in*
 10 *the same State as the parties to the contract.*

11 (B) *VOLUNTARY PARTICIPATION*.—*Partici-*
 12 *pation by grantees in a cooperative procurement*
 13 *contract shall be voluntary.*

14 (2) *AUTHORITY*.—*A State government may enter*
 15 *into a cooperative procurement contract with 1 or*
 16 *more vendors if the vendors agree to provide an op-*
 17 *tion to purchase rolling stock and related equipment*
 18 *to the lead procurement agency and any other partici-*
 19 *ipant.*

20 (3) *APPLICABILITY OF POLICIES AND PROCE-*
 21 *DURES*.—*In procuring rolling stock and related*
 22 *equipment under a cooperative procurement contract*
 23 *under this subsection, a lead procurement agency*
 24 *shall comply with the policies and procedures that*
 25 *apply to procurement by the State government when*

1 *using non-Federal funds, to the extent that the poli-*
 2 *cies and procedures are in conformance with applica-*
 3 *ble Federal law.*

4 *(c) JOINT PROCUREMENT CLEARINGHOUSE.—*

5 *(1) IN GENERAL.—The Secretary shall establish*
 6 *a clearinghouse for the purpose of allowing grantees*
 7 *to aggregate planned rolling stock purchases and*
 8 *identify joint procurement participants.*

9 *(2) INFORMATION ON PROCUREMENTS.—The*
 10 *clearinghouse may include information on bus size,*
 11 *engine type, floor type, and any other attributes nec-*
 12 *essary to identify joint procurement participants.*

13 *(3) LIMITATIONS.—*

14 *(A) ACCESS.—The clearinghouse shall only*
 15 *be accessible to the Federal Transit Administra-*
 16 *tion and grantees.*

17 *(B) PARTICIPATION.—No grantees shall be*
 18 *required to submit procurement information to*
 19 *the database.*

20 **SEC. 3019. REVIEW OF PUBLIC TRANSPORTATION SAFETY**
 21 **STANDARDS.**

22 *(1) REVIEW REQUIRED.—*

23 *(A) IN GENERAL.—Not later than 90 days*
 24 *after the date of enactment of this Act, the Sec-*
 25 *retary shall begin a review of the safety stand-*

ards and protocols used in public transportation systems in the United States that examines the efficacy of existing standards and protocols.

(B) CONTENTS OF REVIEW.—In conducting the review under this paragraph, the Secretary shall review—

(i) minimum safety performance standards developed by the public transportation industry;

(ii) safety performance standards, practices, or protocols in use by rail fixed guideway public transportation systems, including—

(I) written emergency plans and procedures for passenger evacuations;

(II) training programs to ensure public transportation personnel compliance and readiness in emergency situations;

(III) coordination plans approved by recipients with local emergency responders having jurisdiction over a rail fixed guideway public transportation system, including—

1 (aa) emergency preparedness
2 training, drills, and familiariza-
3 tion programs for the first re-
4 sponders; and

5 (bb) the scheduling of regular
6 field exercises to ensure appro-
7 priate response and effective radio
8 and public safety communica-
9 tions;

10 (IV) maintenance, testing, and in-
11 spection programs to ensure the proper
12 functioning of—

13 (aa) tunnel, station, and ve-
14 hicle ventilation systems;

15 (bb) signal and train control
16 systems, track, mechanical sys-
17 tems, and other infrastructure;
18 and

19 (cc) other systems as nec-
20 essary;

21 (V) certification requirements for
22 train and bus operators and control
23 center employees;

1 (VI) *consensus-based standards,*
2 *practices, or protocols available to the*
3 *public transportation industry; and*

4 (VII) *any other standards, prac-*
5 *tices, or protocols the Secretary deter-*
6 *mines appropriate; and*

7 (iii) *rail and bus safety standards,*
8 *practices, or protocols in use by public*
9 *transportation systems, regarding—*

10 (I) *rail and bus design and the*
11 *workstation of rail and bus operators,*
12 *as it relates to—*

13 (aa) *the reduction of blind-*
14 *spots that contribute to accidents*
15 *involving pedestrians; and*

16 (bb) *protecting rail and bus*
17 *operators from the risk of assault;*

18 (II) *scheduling fixed route rail*
19 *and bus service with adequate time*
20 *and access for operators to use rest-*
21 *room facilities;*

22 (III) *fatigue management; and*

23 (IV) *crash avoidance and worthi-*
24 *ness.*

1 (2) *EVALUATION.*—After conducting the review
2 under paragraph (1), the Secretary shall, in consulta-
3 tion with representatives of the public transportation
4 industry, evaluate the need to establish additional
5 Federal minimum public transportation safety stand-
6 ards.

7 (3) *REPORT.*—After completing the review and
8 evaluation required under paragraphs (1) and (2),
9 but not later than 1 year after the date of enactment
10 of this Act, the Secretary shall make available on a
11 publicly accessible Web site, a report that includes—

12 (A) findings based on the review conducted
13 under paragraph (1);

14 (B) the outcome of the evaluation conducted
15 under paragraph (2);

16 (C) a comprehensive set of recommendations
17 to improve the safety of the public transportation
18 industry, including recommendations for statu-
19 tory changes if applicable; and

20 (D) actions that the Secretary will take to
21 address the recommendations provided under
22 subparagraph (C), including, if necessary, the
23 authorities under section 5329(b)(2)(D) of chap-
24 ter 53 of title 49, United States Code.

1 **SEC. 3020. STUDY ON EVIDENTIARY PROTECTION FOR PUB-**
2 **LIC TRANSPORTATION SAFETY PROGRAM IN-**
3 **FORMATION.**

4 (a) *STUDY.*—The Comptroller General shall complete
5 a study to evaluate whether it is in the public interest, in-
6 cluding public safety and the legal rights of persons injured
7 in public transportation accidents, to withhold from dis-
8 covery or admission into evidence in a Federal or State
9 court proceeding any plan, report, data, or other informa-
10 tion or portion thereof, submitted to, developed, produced,
11 collected, or obtained by the Secretary or the Secretary's
12 representative for purposes of complying with the require-
13 ments under section 5329 of chapter 53 of title 49, United
14 States Code, including information related to a recipient's
15 safety plan, safety risks, and mitigation measures.

16 (b) *INPUT.*—In conducting the study under subsection
17 (a), the Comptroller General shall solicit input from the
18 public transportation recipients, public transportation non-
19 profit employee labor organizations, and impacted members
20 of the general public.

21 (c) *REPORT.*—Not later than 18 months after the date
22 of enactment of this section, the Comptroller General shall
23 issue a report, with the findings of the study under sub-
24 section (a), including any recommendations on statutory
25 changes regarding evidentiary protections that will increase
26 transit safety.

1 **SEC. 3021. MOBILITY OF SENIORS AND INDIVIDUALS WITH**
2 **DISABILITIES.**

3 (a) *DEFINITIONS.*—*In this section, the following defi-*
4 *nitions apply:*

5 (1) *ALLOCATED COST MODEL.*—*The term “allo-*
6 *cated cost model” means a method of determining the*
7 *cost of trips by allocating the cost to each trip pur-*
8 *pose served by a transportation provider in a manner*
9 *that is proportional to the level of transportation*
10 *service that the transportation provider delivers for*
11 *each trip purpose, to the extent permitted by applica-*
12 *ble Federal laws.*

13 (2) *COUNCIL.*—*The term “Council” means the*
14 *Interagency Transportation Coordinating Council on*
15 *Access and Mobility established under Executive*
16 *Order No. 13330 (49 U.S.C. 101 note).*

17 (b) *STRATEGIC PLAN.*—*Not later than 1 year after the*
18 *date of enactment of this Act, the Council shall publish a*
19 *strategic plan for the Council that—*

20 (1) *outlines the role and responsibilities of each*
21 *Federal agency with respect to local transportation*
22 *coordination, including nonemergency medical trans-*
23 *portation;*

24 (2) *identifies a strategy to strengthen inter-*
25 *agency collaboration;*

1 (3) addresses any outstanding recommendations
 2 made by the Council in the 2005 Report to the Presi-
 3 dent relating to the implementation of Executive
 4 Order No. 13330, including—

5 (A) a cost-sharing policy endorsed by the
 6 Council; and

7 (B) recommendations to increase participa-
 8 tion by recipients of Federal grants in locally de-
 9 veloped, coordinated planning processes;

10 (4) to the extent feasible, addresses recommenda-
 11 tions by the Comptroller General of the United States
 12 concerning local coordination of transportation serv-
 13 ices;

14 (5) examines and proposes changes to Federal
 15 regulations that will eliminate Federal barriers to
 16 local transportation coordination, including non-
 17 emergency medical transportation; and

18 (6) recommends to Congress changes to Federal
 19 laws, except chapter 53 of title 49, United States
 20 Code, that will eliminate Federal barriers to local
 21 transportation coordination, including nonemergency
 22 medical transportation.

23 (c) *DEVELOPMENT OF COST-SHARING POLICY IN COM-*
 24 *PLIANCE WITH APPLICABLE FEDERAL LAWS.*—In estab-

1 *lishing the cost-sharing policy required under subsection*
 2 *(b), the Council may consider, to the extent practicable—*

3 *(1) the development of recommended strategies*
 4 *for grantees of programs funded by members of the*
 5 *Council, including strategies for grantees of programs*
 6 *that fund nonemergency medical transportation, to*
 7 *use the cost-sharing policy in a manner that does not*
 8 *violate applicable Federal laws; and*

9 *(2) incorporation of an allocated cost model to*
 10 *facilitate local coordination efforts that comply with*
 11 *applicable requirements of programs funded by mem-*
 12 *bers of the Council, such as—*

13 *(A) eligibility requirements;*

14 *(B) service delivery requirements; and*

15 *(C) reimbursement requirements.*

16 *(d) REPORT.—The Council shall, concurrently with*
 17 *submission to the President of a report containing final rec-*
 18 *ommendations of the Council, transmit such report to the*
 19 *Committee on Transportation and Infrastructure of the*
 20 *House of Representatives and the Committee on Commerce,*
 21 *Science, and Transportation of the Senate.*

22 **SEC. 3022. IMPROVED TRANSIT SAFETY MEASURES.**

23 *(a) REQUIREMENTS.—Not later than 90 days after*
 24 *publication of the report required in section 3019, the Sec-*

1 *retary shall issue a notice of proposed rulemaking on pro-*
 2 *tecting transit operators from the risk of assault.*

3 *(b) CONSIDERATION.—In the proposed rulemaking the*
 4 *Secretary shall consider—*

5 *(1) different safety needs of drivers of different*
 6 *modes;*

7 *(2) differences in operating environments;*

8 *(3) the use of technology to mitigate driver as-*
 9 *sault risks;*

10 *(4) existing experience, from both agencies and*
 11 *operators who already are using or testing driver as-*
 12 *sault mitigation infrastructure; and*

13 *(5) the impact of the rule on future rolling stock*
 14 *procurements and vehicles currently in revenue serv-*
 15 *ice.*

16 *(c) SAVINGS CLAUSE.—Nothing in this section may be*
 17 *construed as prohibiting the Secretary from issuing dif-*
 18 *ferent comprehensive worker protections, including stand-*
 19 *ards for mitigating assaults.*

20 **SEC. 3023. PARATRANSIT SYSTEM UNDER FTA APPROVED**
 21 **COORDINATED PLAN.**

22 *Notwithstanding the provisions of part 37.131(c) of*
 23 *title 49, Code of Federal Regulations, any paratransit sys-*
 24 *tem currently coordinating complementary paratransit*
 25 *service for more than 40 fixed route agencies shall be per-*

mitted to continue using an existing tiered, distance-based coordinated paratransit fare system.

SEC. 3024. REPORT ON POTENTIAL OF INTERNET OF THINGS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to Congress a report on the potential of the Internet of Things to improve transportation services in rural, suburban, and urban areas. Such report shall include—

(1) a survey of the communities, cities, and States that are using innovative transportation systems to meet the needs of ageing populations;

(2) best practices to protect privacy and security determined as a result of such survey;

(3) recommendations with respect to the potential of the Internet of Things to assist local, State, and Federal planners to develop more efficient and accurate projections of the transportation needs of rural, suburban, and urban communities.

SEC. 3025. REPORT ON PARKING SAFETY.

(a) *REPORT.*—Not later than 8 months after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate regarding

1 *the safety of certain facilities and locations, focusing on any*
 2 *property damage, injuries or deaths, and other incidents*
 3 *that occur or originate at locations intended to encourage*
 4 *public use of alternative transportation, including—*

5 *(1) car pool lots;*

6 *(2) mass transit lots;*

7 *(3) local, State, or regional rail stations;*

8 *(4) rest stops;*

9 *(5) college or university lots;*

10 *(6) bike paths or walking trails; and*

11 *(7) any other locations that the Secretary con-*
 12 *siders appropriate.*

13 *(b) RECOMMENDATIONS.—Included with the report,*
 14 *the Secretary shall make recommendations to Congress on*
 15 *the best ways to use innovative technologies to increase safe-*
 16 *ty and ensure a better response by transit security, local,*
 17 *State, and Federal law enforcement to address threats to*
 18 *public safety.*

19 **SEC. 3026. APPOINTMENT OF DIRECTORS OF THE WASH-**
 20 **INGTON METROPOLITAN AREA TRANSIT AU-**
 21 **THORITY.**

22 *(a) DEFINITIONS.—In this section—*

23 *(1) the term “Compact” means the Washington*
 24 *Metropolitan Area Transit Authority Compact (Pub-*
 25 *lic Law 89–774; 80 Stat. 1324);*

1 (2) *the term “Federal Director” means—*

2 (A) *a voting member of the Board of Direc-*
 3 *tors of the Transit Authority who represents the*
 4 *Federal Government; and*

5 (B) *a nonvoting member of the Board of Di-*
 6 *rectors of the Transit Authority who serves as an*
 7 *alternate for a member described in subpara-*
 8 *graph (A); and*

9 (3) *the term “Transit Authority” means the*
 10 *Washington Metropolitan Area Transit Authority es-*
 11 *tablished under Article III of the Compact.*

12 (b) *APPOINTMENT BY SECRETARY OF TRANSPOR-*
 13 *TATION.—*

14 (1) *IN GENERAL.—For any appointment made*
 15 *on or after the date of enactment of this Act, the Sec-*
 16 *retary of Transportation shall have sole authority to*
 17 *appoint Federal Directors to the Board of Directors*
 18 *of the Transit Authority.*

19 (2) *AMENDMENT TO COMPACT.—The signatory*
 20 *parties to the Compact shall amend the Compact as*
 21 *necessary in accordance with paragraph (1).*

22 **SEC. 3027. EFFECTIVENESS OF PUBLIC TRANSPORTATION**
 23 **CHANGES AND FUNDING.**

24 *Not later than 18 months after the date of enactment*
 25 *of this Act, the Comptroller General shall examine and*

1 *evaluate the impact of the changes that MAP-21 had on*
 2 *public transportation, including—*

3 *(1) the ability and effectiveness of public trans-*
 4 *portation agencies to provide public transportation to*
 5 *low-income workers in accessing jobs and being able*
 6 *to use reverse commute services;*

7 *(2) whether services to low-income riders de-*
 8 *clined after MAP-21 was implemented; and*

9 *(3) if guidance provided by the Federal Transit*
 10 *Administration encouraged public transportation*
 11 *agencies to maintain and support services to low-in-*
 12 *come riders to allow them to access jobs, medical serv-*
 13 *ices, and other life necessities.*

14 **SEC. 3028. INCREASE SUPPORT FOR GROWING STATES.**

15 *Section 5340 of title 49, United States Code, is amend-*
 16 *ed—*

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

19 *“(b) APPORTIONMENT.—Of the amounts made avail-*
 20 *able for each fiscal year under section 5338(b)(2)(M), the*
 21 *Secretary shall apportion 100 percent to States and urban-*
 22 *ized areas in accordance with subsection (c).”;* and

23 *(2) by striking subsection (d).*

1 ***TITLE IV—HIGHWAY SAFETY***

2 ***SEC. 4001. AUTHORIZATION OF APPROPRIATIONS.***

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

6 (1) *HIGHWAY SAFETY PROGRAMS.*—*For carrying*
7 *out section 402 of title 23, United States Code—*

8 (A) *\$260,274,200 for fiscal year 2016;*

9 (B) *\$265,935,829 for fiscal year 2017;*

10 (C) *\$271,787,002 for fiscal year 2018;*

11 (D) *\$278,090,300 for fiscal year 2019;*

12 (E) *\$284,874,829 for fiscal year 2020; and*

13 (F) *\$291,195,558 for fiscal year 2021.*

14 (2) *HIGHWAY SAFETY RESEARCH AND DEVELOP-*
15 *MENT.*—*For carrying out section 403 of title 23,*
16 *United States Code—*

17 (A) *\$115,951,600 for fiscal year 2016;*

18 (B) *\$118,398,179 for fiscal year 2017;*

19 (C) *\$121,665,968 for fiscal year 2018;*

20 (D) *\$124,926,616 for fiscal year 2019;*

21 (E) *\$128,187,201 for fiscal year 2020; and*

22 (F) *\$131,455,975 for fiscal year 2021.*

23 (3) *NATIONAL PRIORITY SAFETY PROGRAMS.*—
24 *For carrying out section 405 of title 23, United States*
25 *Code—*

- 1 (A) \$275,862,400 for fiscal year 2016;
- 2 (B) \$281,186,544 for fiscal year 2017;
- 3 (C) \$286,500,970 for fiscal year 2018;
- 4 (D) \$292,316,940 for fiscal year 2019;
- 5 (E) \$298,601,754 for fiscal year 2020; and
- 6 (F) \$304,394,628 for fiscal year 2021.

7 (4) *NATIONAL DRIVER REGISTER.*—*For the Na-*
 8 *tional Highway Traffic Safety Administration to*
 9 *carry out chapter 303 of title 49, United States*
 10 *Code—*

- 11 (A) \$5,000,000 for fiscal year 2016;
- 12 (B) \$5,000,000 for fiscal year 2017;
- 13 (C) \$5,000,000 for fiscal year 2018;
- 14 (D) \$5,000,000 for fiscal year 2019;
- 15 (E) \$5,000,000 for fiscal year 2020; and
- 16 (F) \$5,000,000 for fiscal year 2021.

17 (5) *HIGH-VISIBILITY ENFORCEMENT PROGRAM.*—
 18 *For carrying out section 404 of title 23, United States*
 19 *Code—*

- 20 (A) \$29,411,800 for fiscal year 2016;
- 21 (B) \$29,979,448 for fiscal year 2017;
- 22 (C) \$30,546,059 for fiscal year 2018;
- 23 (D) \$31,166,144 for fiscal year 2019;
- 24 (E) \$31,836,216 for fiscal year 2020; and
- 25 (F) \$32,453,839 for fiscal year 2021.

1 (6) *ADMINISTRATIVE EXPENSES.*—*For adminis-*
 2 *trative and related operating expenses of the National*
 3 *Highway Traffic Safety Administration in carrying*
 4 *out chapter 4 of title 23, United States Code, and this*
 5 *title—*

6 (A) \$25,500,000 for fiscal year 2016;

7 (B) \$25,500,000 for fiscal year 2017;

8 (C) \$25,500,000 for fiscal year 2018;

9 (D) \$25,500,000 for fiscal year 2019;

10 (E) \$25,500,000 for fiscal year 2020; and

11 (F) \$25,500,000 for fiscal year 2021.

12 (b) *PROHIBITION ON OTHER USES.*—*Except as other-*
 13 *wise provided in chapter 4 of title 23, United States Code,*
 14 *and chapter 303 of title 49, United States Code, the*
 15 *amounts made available from the Highway Trust Fund*
 16 *(other than the Mass Transit Account) for a program under*
 17 *such chapters—*

18 (1) *shall only be used to carry out such program;*

19 *and*

20 (2) *may not be used by States or local govern-*
 21 *ments for construction purposes.*

22 (c) *APPLICABILITY OF TITLE 23.*—*Except as otherwise*
 23 *provided in chapter 4 of title 23, United States Code, and*
 24 *chapter 303 of title 49, United States Code, amounts made*
 25 *available under subsection (a) for fiscal years 2016 through*

1 2021 shall be available for obligation in the same manner
 2 as if such funds were apportioned under chapter 1 of title
 3 23, United States Code.

4 (d) *STATE MATCHING REQUIREMENTS.*—If a grant
 5 awarded under chapter 4 of title 23, United States Code,
 6 requires a State to share in the cost, the aggregate of all
 7 expenditures for highway safety activities made during a
 8 fiscal year by the State and its political subdivisions (exclu-
 9 sive of Federal funds) for carrying out the grant (other than
 10 planning and administration) that are in excess of the
 11 amount required under Federal law shall be available for
 12 the purpose of crediting the State during such fiscal year
 13 for the non-Federal share of the cost of any other project
 14 carried out under chapter 4 of title 23, United States Code
 15 (other than planning or administration), without regard to
 16 whether such expenditures were made in connection with
 17 such project.

18 (e) *GRANT APPLICATION AND DEADLINE.*—To receive
 19 a grant under chapter 4 of title 23, United States Code,
 20 a State shall submit an application, and the Secretary shall
 21 establish a single deadline for such applications to enable
 22 the award of grants early in the next fiscal year.

23 **SEC. 4002. HIGHWAY SAFETY PROGRAMS.**

24 Section 402 of title 23, United States Code, is amend-
 25 ed—

1 (1) in subsection (a)(2)(A)—

2 (A) in clause (vi) by striking “and” at the
3 end;

4 (B) in clause (vii) by inserting “and” after
5 the semicolon; and

6 (C) by adding at the end the following:

7 “(viii) to increase driver awareness of
8 commercial motor vehicles to prevent crash-
9 es and reduce injuries and fatalities;”;

10 (2) in subsection (c)(4), by adding at the end the
11 following:

12 “(C) SURVEY.—A State shall expend funds
13 apportioned to that State under this section to
14 conduct a biennial survey that the Secretary
15 shall make publicly available through the Inter-
16 net Web site of the Department of Transpor-
17 tation that includes—

18 “(i) a list of automated traffic enforce-
19 ment systems in the State;

20 “(ii) adequate data to measure the
21 transparency, accountability, and safety at-
22 tributes of each automated traffic enforce-
23 ment system; and

24 “(iii) a comparison of each automated
25 traffic enforcement system with—

1 “(I) *Speed Enforcement Camera*
 2 *Systems Operational Guidelines (DOT*
 3 *HS 810 916, March 2008); and*

4 “(II) *Red Light Camera Systems*
 5 *Operational Guidelines (FHWA-SA-*
 6 *05-002, January 2005).”;*

7 (3) *by striking subsection (g) and inserting the*
 8 *following:*

9 “(g) *RESTRICTION.—Nothing in this section may be*
 10 *construed to authorize the appropriation or expenditure of*
 11 *funds for highway construction, maintenance, or design*
 12 *(other than design of safety features of highways to be incor-*
 13 *porated into guidelines).”;*

14 (4) *in subsection (k)—*

15 (A) *by redesignating paragraphs (3)*
 16 *through (5) as paragraphs (4) through (6), re-*
 17 *spectively; and*

18 (B) *by inserting after paragraph (2) the fol-*
 19 *lowing:*

20 “(3) *ELECTRONIC SUBMISSION.—The Secretary,*
 21 *in coordination with the Governors Highway Safety*
 22 *Association, shall develop procedures to allow States*
 23 *to submit highway safety plans under this subsection,*
 24 *including any attachments to the plans, in electronic*
 25 *form.”; and*

1 (5) in subsection (m)(2)(A)—

2 (A) in clause (iv) by striking “and” at the
3 end; and

4 (B) by adding at the end the following:

5 “(vi) increase driver awareness of com-
6 mercial motor vehicles to prevent crashes
7 and reduce injuries and fatalities;

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

11 “(I) safe driving practices; and

12 “(II) State’s graduated driving li-
13 cense requirements, including behind-
14 the-wheel training required to meet
15 those requirements; and”.

16 **SEC. 4003. HIGHWAY SAFETY RESEARCH AND DEVELOP-**
17 **MENT.**

18 Section 403 of title 23, United States Code, is amend-
19 ed—

20 (1) in subsection (b)(1)—

21 (A) in subparagraph (E) by striking “and”
22 at the end;

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

1 (C) by inserting after subparagraph (E) the
2 following:

3 “(F) the installation of ignition interlocks
4 in the United States; and”; and

5 (D) in subparagraph (G), as so redesign-
6 ated, by striking “in subparagraphs (A)
7 through (E)” and inserting “in subparagraphs
8 (A) through (F)”;

9 (2) in subsection (h) by striking paragraph (2)
10 and inserting the following:

11 “(2) *FUNDING.*—The Secretary shall obligate for
12 each of fiscal years 2016 through 2021, from funds
13 made available to carry out this section, except that
14 the total obligated for the period covering fiscal years
15 2016 through 2021 may not exceed \$32,000,000, to
16 conduct the research described in paragraph (1).”;
17 and

18 (3) by adding at the end the following:

19 “(i) *LIMITATION ON DRUG AND ALCOHOL SURVEY*
20 *DATA.*—The Secretary shall establish procedures and guide-
21 lines to ensure that any person participating in a program
22 or activity that collects data on drug or alcohol use by driv-
23 ers of motor vehicles and is carried out under this section
24 is informed that the program or activity is voluntary.

1 “(j) *FEDERAL SHARE.*—*The Federal share of the cost*
 2 *of any project or activity carried out under this section may*
 3 *be not more than 100 percent.*”.

4 **SEC. 4004. HIGH-VISIBILITY ENFORCEMENT PROGRAM.**

5 (a) *IN GENERAL.*—*Section 404 of title 23, United*
 6 *States Code, is amended to read as follows:*

7 **“§ 404. High-visibility enforcement program**

8 “(a) *IN GENERAL.*—*The Administrator of the National*
 9 *Highway Traffic Safety Administration shall establish and*
 10 *administer a program under which not less than 3 cam-*
 11 *paigns will be carried out in each of fiscal years 2016*
 12 *through 2021.*

13 “(b) *PURPOSE.*—*The purpose of each campaign car-*
 14 *ried out under this section shall be to achieve outcomes re-*
 15 *lated to not less than 1 of the following objectives:*

16 “(1) *Reduce alcohol-impaired or drug-impaired*
 17 *operation of motor vehicles.*

18 “(2) *Increase use of seatbelts by occupants of*
 19 *motor vehicles.*

20 “(3) *Reduce distracted driving of motor vehicles.*

21 “(c) *ADVERTISING.*—*The Administrator may use, or*
 22 *authorize the use of, funds available to carry out this section*
 23 *to pay for the development, production, and use of broadcast*
 24 *and print media advertising and Internet-based outreach*
 25 *in carrying out campaigns under this section. Consider-*

1 *ation shall be given to advertising directed at non-English*
 2 *speaking populations, including those who listen to, read,*
 3 *or watch nontraditional media.*

4 “(d) *COORDINATION WITH STATES.—The Adminis-*
 5 *trator shall coordinate with States in carrying out the cam-*
 6 *paigns under this section, including advertising funded*
 7 *under subsection (c), with consideration given to—*

8 “(1) *relying on States to provide law enforce-*
 9 *ment resources for the campaigns out of funding*
 10 *available under sections 402 and 405; and*

11 “(2) *providing out of National Highway Traffic*
 12 *Safety Administration resources most of the means*
 13 *necessary for national advertising and education ef-*
 14 *forts associated with the campaigns.*

15 “(e) *USE OF FUNDS.—Funds made available to carry*
 16 *out this section may only be used for activities described*
 17 *in subsection (c).*

18 “(f) *DEFINITIONS.—In this section, the following defi-*
 19 *nitions apply:*

20 “(1) *CAMPAIGN.—The term ‘campaign’ means a*
 21 *high-visibility traffic safety law enforcement cam-*
 22 *paign.*

23 “(2) *STATE.—The term ‘State’ has the meaning*
 24 *such term has under section 401.’.*

1 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
 2 *4 of title 23, United States Code, is amended by striking*
 3 *the item relating to section 404 and inserting the following:*
“404. High-visibility enforcement program.”.

4 **SEC. 4005. NATIONAL PRIORITY SAFETY PROGRAMS.**

5 (a) *GENERAL AUTHORITY.*—*Section 405(a) of title 23,*
 6 *United States Code, is amended to read as follows:*

7 “(a) *GENERAL AUTHORITY.*—*Subject to the require-*
 8 *ments of this section, the Secretary of Transportation shall*
 9 *manage programs to address national priorities for reduc-*
 10 *ing highway deaths and injuries. Funds shall be allocated*
 11 *according to the following:*

12 “(1) *OCCUPANT PROTECTION.*—*In each fiscal*
 13 *year, 13 percent of the funds provided under this sec-*
 14 *tion shall be allocated among States that adopt and*
 15 *implement effective occupant protection programs to*
 16 *reduce highway deaths and injuries resulting from in-*
 17 *dividuals riding unrestrained or improperly re-*
 18 *strained in motor vehicles (as described in subsection*
 19 *(b)).*

20 “(2) *STATE TRAFFIC SAFETY INFORMATION SYS-*
 21 *TEM IMPROVEMENTS.*—*In each fiscal year, 14.5 per-*
 22 *cent of the funds provided under this section shall be*
 23 *allocated among States that meet requirements with*
 24 *respect to State traffic safety information system im-*
 25 *provements (as described in subsection (c)).*

1 “(3) *IMPAIRED DRIVING COUNTERMEASURES.*—
2 *In each fiscal year, 52.5 percent of the funds provided*
3 *under this section shall be allocated among States*
4 *that meet requirements with respect to impaired driv-*
5 *ing countermeasures (as described in subsection (d)).*

6 “(4) *DISTRACTED DRIVING.*—*In each fiscal year,*
7 *8.5 percent of the funds provided under this section*
8 *shall be allocated among States that adopt and imple-*
9 *ment effective laws to reduce distracted driving (as*
10 *described in subsection (e)).*

11 “(5) *MOTORCYCLIST SAFETY.*—*In each fiscal*
12 *year, 1.5 percent of the funds provided under this sec-*
13 *tion shall be allocated among States that implement*
14 *motorcyclist safety programs (as described in sub-*
15 *section (f)).*

16 “(6) *STATE GRADUATED DRIVER LICENSING*
17 *LAWS.*—*In each fiscal year, 5 percent of the funds*
18 *provided under this section shall be allocated among*
19 *States that adopt and implement graduated driver li-*
20 *censing laws (as described in subsection (g)).*

21 “(7) *NONMOTORIZED SAFETY.*—*In each fiscal*
22 *year, 5 percent of the funds provided under this sec-*
23 *tion shall be allocated among States that meet re-*
24 *quirements with respect to nonmotorized safety (as*
25 *described in subsection (h)).*

1 “(8) *TRANSFERS.*—Notwithstanding paragraphs
2 (1) through (7), the Secretary may reallocate, before
3 the last day of any fiscal year, any amounts remain-
4 ing available to carry out any of the activities de-
5 scribed in subsections (b) through (h) to increase the
6 amount made available under section 402, in order to
7 ensure, to the maximum extent possible, that all such
8 amounts are obligated during such fiscal year.

9 “(9) *MAINTENANCE OF EFFORT.*—

10 “(A) *REQUIREMENTS.*—No grant may be
11 made to a State in any fiscal year under sub-
12 section (b), (c), or (d) unless the State enters into
13 such agreements with the Secretary as the Sec-
14 retary may require to ensure that the State will
15 maintain its aggregate expenditures from all
16 State and local sources for programs described in
17 those subsections at or above the average level of
18 such expenditures in the 2 fiscal years preceding
19 the date of enactment of this paragraph.

20 “(B) *WAIVER.*—Upon the request of a State,
21 the Secretary may waive or modify the require-
22 ments under subparagraph (A) for not more
23 than 1 fiscal year if the Secretary determines
24 that such a waiver would be equitable due to ex-
25 ceptional or uncontrollable circumstances.”.

1 (b) *HIGH SEATBELT USE RATE.*—Section
 2 405(b)(4)(B) of title 23, United States Code, is amended
 3 by striking “75 percent” and inserting “100 percent”.

4 (c) *IMPAIRED DRIVING COUNTERMEASURES.*—Section
 5 405(d) of title 23, United States Code, is amended—

6 (1) by striking paragraph (4) and inserting the
 7 following:

8 “(4) *USE OF GRANT AMOUNTS.*—

9 “(A) *REQUIRED PROGRAMS.*—High-range
 10 States shall use grant funds for—

11 “(i) high-visibility enforcement efforts;

12 and

13 “(ii) any of the activities described in
 14 subparagraph (B) if—

15 “(I) the activity is described in
 16 the statewide plan; and

17 “(II) the Secretary approves the
 18 use of funding for such activity.

19 “(B) *AUTHORIZED PROGRAMS.*—Medium-
 20 range and low-range States may use grant funds
 21 for—

22 “(i) any of the purposes described in
 23 subparagraph (A);

24 “(ii) hiring a full-time or part-time
 25 impaired driving coordinator of the State’s

1 *activities to address the enforcement and*
2 *adjudication of laws regarding driving*
3 *while impaired by alcohol, drugs, or the*
4 *combination of alcohol and drugs;*

5 “(iii) court support of high-visibility
6 enforcement efforts, training and education
7 of criminal justice professionals (including
8 law enforcement, prosecutors, judges, and
9 probation officers) to assist such profes-
10 sionals in handling impaired driving cases,
11 hiring traffic safety resource prosecutors,
12 hiring judicial outreach liaisons, and estab-
13 lishing driving while intoxicated courts;

14 “(iv) alcohol ignition interlock pro-
15 grams;

16 “(v) improving blood-alcohol con-
17 centration testing and reporting;

18 “(vi) paid and earned media in sup-
19 port of high-visibility enforcement efforts,
20 conducting standardized field sobriety
21 training, advanced roadside impaired driv-
22 ing evaluation training, and drug recogni-
23 tion expert training for law enforcement,
24 and equipment and related expenditures
25 used in connection with impaired driving

1 *enforcement in accordance with criteria es-*
2 *tablished by the National Highway Traffic*
3 *Safety Administration;*

4 “(vii) *training on the use of alcohol*
5 *and drug screening and brief intervention;*

6 “(viii) *training for and implementa-*
7 *tion of impaired driving assessment pro-*
8 *grams or other tools designed to increase the*
9 *probability of identifying the recidivism*
10 *risk of a person convicted of driving under*
11 *the influence of alcohol, drugs, or a com-*
12 *bination of alcohol and drugs and to deter-*
13 *mine the most effective mental health or*
14 *substance abuse treatment or sanction that*
15 *will reduce such risk;*

16 “(ix) *developing impaired driving in-*
17 *formation systems; and*

18 “(x) *costs associated with a 24/7 sobri-*
19 *ety program.*

20 “(C) *OTHER PROGRAMS.—Low-range States*
21 *may use grant funds for any expenditure de-*
22 *signed to reduce impaired driving based on prob-*
23 *lem identification and may use not more than*
24 *50 percent of funds made available under this*
25 *subsection for any project or activity eligible for*

1 *funding under section 402. Medium- and high-*
2 *range States may use funds for any expenditure*
3 *designed to reduce impaired driving based on*
4 *problem identification upon approval by the Sec-*
5 *retary.”; and*

6 *(2) by striking paragraph (6)(A) and inserting*
7 *the following:*

8 “(A) *IN GENERAL.—The Secretary shall*
9 *make a separate grant under this subsection to*
10 *each State that adopts and is enforcing a law*
11 *that requires any individual convicted of driving*
12 *under the influence of alcohol or of driving while*
13 *intoxicated to receive a restriction on driving*
14 *privileges that limits the individual to operating*
15 *only motor vehicles with an ignition interlock*
16 *installed. Such law may provide limited excep-*
17 *tions for circumstances when—*

18 “(i) *a State-certified ignition interlock*
19 *provider is not available within 100 miles*
20 *of the individual’s residence;*

21 “(ii) *the individual is required to oper-*
22 *ate an employer’s motor vehicle in the*
23 *course and scope of employment and the*
24 *business entity that owns the vehicle is not*
25 *owned or controlled by the individual; or*

1 “(iii) the individual is certified by a
2 medical doctor as being unable to provide a
3 deep lung breath sample for analysis by an
4 ignition interlock device.”.

5 (d) *DISTRACTED DRIVING GRANTS*.—Section 405(e) of
6 title 23, United States Code, is amended to read as follows:

7 “(e) *DISTRACTED DRIVING GRANTS*.—

8 “(1) *IN GENERAL*.—The Secretary shall award a
9 grant under this subsection to any State that includes
10 distracted driving awareness as part of the State’s
11 driver’s license examination, and enacts and enforces
12 a law that meets the requirements set forth in para-
13 graphs (2) and (3).

14 “(2) *PROHIBITION ON TEXTING WHILE DRIV-*
15 *ING*.—A State law meets the requirements set forth in
16 this paragraph if the law—

17 “(A) prohibits a driver from texting through
18 a personal wireless communications device while
19 driving;

20 “(B) makes violation of the law a primary
21 offense;

22 “(C) establishes a minimum fine for a vio-
23 lation of the law; and

24 “(D) does not provide for an exemption that
25 specifically allows a driver to text through a per-

1 sonal wireless communication device while
2 stopped in traffic.

3 “(3) *PROHIBITION ON YOUTH CELL PHONE USE*
4 *WHILE DRIVING OR STOPPED IN TRAFFIC.*—A State
5 law meets the requirements set forth in this para-
6 graph if the law—

7 “(A) prohibits a driver from using a per-
8 sonal wireless communications device while driv-
9 ing if the driver is—

10 “(i) younger than 18 years of age; or

11 “(ii) in the learner’s permit and inter-
12 mediate license stages set forth in subsection
13 (g)(2)(B);

14 “(B) makes violation of the law a primary
15 offense;

16 “(C) establishes a minimum fine for a vio-
17 lation of the law; and

18 “(D) does not provide for an exemption that
19 specifically allows a driver to text through a per-
20 sonal wireless communication device while
21 stopped in traffic.

22 “(4) *PERMITTED EXCEPTIONS.*—A law that
23 meets the requirements set forth in paragraph (2) or
24 (3) may provide exceptions for—

1 “(A) a driver who uses a personal wireless
2 communications device to contact emergency
3 services;

4 “(B) emergency services personnel who use
5 a personal wireless communications device
6 while—

7 “(i) operating an emergency services
8 vehicle; and

9 “(ii) engaged in the performance of
10 their duties as emergency services personnel;

11 “(C) an individual employed as a commer-
12 cial motor vehicle driver or a school bus driver
13 who uses a personal wireless communications de-
14 vice within the scope of such individual’s em-
15 ployment if such use is permitted under the reg-
16 ulations promulgated pursuant to section 31136
17 of title 49; and

18 “(D) any additional exceptions determined
19 by the Secretary through a rulemaking process.

20 “(5) USE OF GRANT FUNDS.—

21 “(A) IN GENERAL.—Except as provided in
22 subparagraph (B), amounts received by a State
23 under this subsection shall be used—

24 “(i) to educate the public through ad-
25 vertising containing information about the

1 *dangers of texting or using a cell phone*
2 *while driving;*

3 “(ii) *for traffic signs that notify driv-*
4 *ers about the distracted driving law of the*
5 *State; or*

6 “(iii) *for law enforcement costs related*
7 *to the enforcement of the distracted driving*
8 *law.*

9 “(B) *FLEXIBILITY.—*

10 “(i) *Not more than 50 percent of*
11 *amounts received by a State under this*
12 *subsection may be used for any eligible*
13 *project or activity under section 402.*

14 “(ii) *Not more than 75 percent of*
15 *amounts received by a State under this*
16 *subsection may be used for any eligible*
17 *project or activity under section 402 if*
18 *the State has conformed its distracted*
19 *driving data to the most recent Model*
20 *Minimum Uniform Crash Criteria*
21 *published by the Secretary.*

22 “(6) *ALLOCATION TO SUPPORT STATE DIS-*
23 *TRACTED DRIVING LAWS.—Of the amounts available*
24 *under this subsection in a fiscal year for distracted*
25 *driving grants, the Secretary may expend not more*

1 *than \$5,000,000 for the development and placement of*
 2 *broadcast media to reduce distracted driving of motor*
 3 *vehicles, including to support campaigns related to*
 4 *distracted driving that are funded under section 404.*

5 *“(7) GRANT AMOUNT.—The allocation of grant*
 6 *funds to a State under this subsection for a fiscal*
 7 *year shall be in proportion to the State’s apporportion-*
 8 *ment under section 402 for fiscal year 2009.*

9 *“(8) DEFINITIONS.—In this subsection, the fol-*
 10 *lowing definitions apply:*

11 *“(A) DRIVING.—The term ‘driving’—*

12 *“(i) means operating a motor vehicle*
 13 *on a public road; and*

14 *“(ii) does not include operating a*
 15 *motor vehicle when the vehicle has pulled*
 16 *over to the side of, or off, an active roadway*
 17 *and has stopped in a location where it can*
 18 *safely remain stationary.*

19 *“(B) PERSONAL WIRELESS COMMUNICA-*
 20 *TIONS DEVICE.—The term ‘personal wireless*
 21 *communications device’—*

22 *“(i) means a device through which per-*
 23 *sonal wireless services (as defined in section*
 24 *332(c)(7)(C)(i) of the Communications Act*

1 of 1934 (47 U.S.C. 332(c)(7)(C)(i))) are
2 transmitted; and

3 “(ii) does not include a global naviga-
4 tion satellite system receiver used for posi-
5 tioning, emergency notification, or naviga-
6 tion purposes.

7 “(C) *PRIMARY OFFENSE*.—The term ‘pri-
8 mary offense’ means an offense for which a law
9 enforcement officer may stop a vehicle solely for
10 the purpose of issuing a citation in the absence
11 of evidence of another offense.

12 “(D) *PUBLIC ROAD*.—The term ‘public
13 road’ has the meaning given such term in section
14 402(c).

15 “(E) *TEXTING*.—The term ‘texting’ means
16 reading from or manually entering data into a
17 personal wireless communications device, includ-
18 ing doing so for the purpose of SMS texting,
19 emailing, instant messaging, or engaging in any
20 other form of electronic data retrieval or elec-
21 tronic data communication.”.

22 (e) *MOTORCYCLIST SAFETY*.—Section 405(f) of title
23 23, United States Code, is amended—

24 (1) by striking paragraph (2) and inserting the
25 following:

1 “(2) *GRANT AMOUNT.*—The allocation of grant
 2 *funds to a State under this subsection for a fiscal*
 3 *year shall be in proportion to the State’s apportion-*
 4 *ment under section 402 for fiscal year 2009, except*
 5 *that the amount of a grant awarded to a State for*
 6 *a fiscal year may not exceed 25 percent of the amount*
 7 *apportioned to the State under such section for fiscal*
 8 *year 2009.”;*

9 (2) in paragraph (4) by adding at the end the
 10 *following:*

11 “(C) *FLEXIBILITY.*—Not more than 50 per-
 12 *cent of grant funds received by a State under*
 13 *this subsection may be used for any eligible*
 14 *project or activity under section 402 if the State*
 15 *is in the lowest 25 percent of all States for mo-*
 16 *torcycle deaths per 10,000 motorcycle registra-*
 17 *tions based on the most recent data that con-*
 18 *forms with criteria established by the Sec-*
 19 *retary.”; and*

20 (3) by adding at the end the following:

21 “(6) *SHARE-THE-ROAD MODEL LANGUAGE.*—Not
 22 *later than 1 year after the date of enactment of this*
 23 *paragraph, the Secretary shall update and provide to*
 24 *the States model language for use in traffic safety*
 25 *education courses, driver’s manuals, and other driver*

1 *training materials that provides instruction for driv-*
 2 *ers of motor vehicles on the importance of sharing the*
 3 *road safely with motorcyclists.”.*

4 (f) *STATE GRADUATED DRIVER LICENSING INCENTIVE*
 5 *GRANT.—Section 405(g) of title 23, United States Code, is*
 6 *amended to read as follows:*

7 “(g) *STATE GRADUATED DRIVER LICENSING INCEN-*
 8 *TIVE GRANT.—*

9 “(1) *GRANTS AUTHORIZED.—Subject to the re-*
 10 *quirements under this subsection, the Secretary shall*
 11 *award grants to States that adopt and implement*
 12 *graduated driver licensing laws in accordance with*
 13 *the requirements set forth in paragraph (2).*

14 “(2) *MINIMUM REQUIREMENTS.—*

15 “(A) *IN GENERAL.—A State meets the re-*
 16 *quirements set forth in this paragraph if the*
 17 *State has a graduated driver licensing law that*
 18 *requires novice drivers younger than 18 years of*
 19 *age to comply with the 2-stage licensing process*
 20 *described in subparagraph (B) before receiving*
 21 *an unrestricted driver’s license.*

22 “(B) *LICENSING PROCESS.—A State is in*
 23 *compliance with the 2-stage licensing process de-*
 24 *scribed in this subparagraph if the State’s driv-*
 25 *er’s license laws comply with the additional re-*

1 *quirements under subparagraph (C) and in-*
2 *cludes—*

3 “(i) *a learner’s permit stage that—*

4 “(I) *is not less than 6 months in*
5 *duration and remains in effect until*
6 *the driver reaches not less than 16*
7 *years of age;*

8 “(II) *contains a prohibition on*
9 *the driver using a personal wireless*
10 *communications device (as defined in*
11 *subsection (e)) while driving except*
12 *under an exception permitted under*
13 *subsection (e)(4);*

14 “(III) *requires that the driver be*
15 *accompanied and supervised at all*
16 *times while operating a motor vehicle*
17 *by a licensed driver who is—*

18 “(aa) *not less than 21 years*
19 *of age;*

20 “(bb) *the driver’s parent or*
21 *guardian; or*

22 “(cc) *a State-certified driv-*
23 *ing instructor; and*

24 “(IV) *complies with the addi-*
25 *tional requirements for a learner’s per-*

1 *mit stage set forth in subparagraph*
2 *(C)(i); and*

3 *“(ii) an intermediate stage that—*

4 *“(I) is not less than 6 months in*
5 *duration;*

6 *“(II) contains a prohibition on*
7 *the driver using a personal wireless*
8 *communications device (as defined in*
9 *subsection (e)) while driving except*
10 *under an exception permitted under*
11 *subsection (e)(4);*

12 *“(III) for the first 6 months of*
13 *such stage, restricts driving at night*
14 *when not supervised by a licensed driv-*
15 *er described in clause (i)(III), exclud-*
16 *ing transportation to work, school, or*
17 *religious activities, or in the case of an*
18 *emergency;*

19 *“(IV) for a period of not less than*
20 *6 months, prohibits the driver from op-*
21 *erating a motor vehicle with more than*
22 *1 nonfamilial passenger under 21*
23 *years of age unless a licensed driver*
24 *described in clause (i)(III) is in the ve-*
25 *hicle; and*

1 “(V) *complies with the additional*
2 *requirements for an intermediate stage*
3 *set forth in subparagraph (C)(ii).*

4 “(C) *ADDITIONAL REQUIREMENTS.—*

5 “(i) *LEARNER’S PERMIT STAGE.—In*
6 *addition to the requirements of subpara-*
7 *graph (B)(i), a learner’s permit stage shall*
8 *include not less than 2 of the following re-*
9 *quirements:*

10 “(I) *Passage of a vision and*
11 *knowledge assessment by a learner’s*
12 *permit applicant prior to receiving a*
13 *learner’s permit.*

14 “(II) *The driver completes—*

15 “(aa) *a State-certified driver*
16 *education or training course; or*

17 “(bb) *not less than 40 hours*
18 *of behind-the-wheel training with*
19 *a licensed driver described in sub-*
20 *paragraph (B)(i)(III).*

21 “(III) *In addition to any other*
22 *penalties imposed by State law, the*
23 *grant of an unrestricted driver’s license*
24 *or advancement to an intermediate*
25 *stage be automatically delayed for any*

1 *individual who, during the learner's*
2 *permit stage, is convicted of a driving-*
3 *related offense, including—*

4 *“(aa) driving while intoxi-*
5 *cated;*

6 *“(bb) misrepresentation of*
7 *the individual's age;*

8 *“(cc) reckless driving;*

9 *“(dd) driving without wear-*
10 *ing a seatbelt;*

11 *“(ee) speeding; or*

12 *“(ff) any other driving-re-*
13 *lated offense, as determined by the*
14 *Secretary.*

15 *“(ii) INTERMEDIATE STAGE.—In addi-*
16 *tion to the requirements of subparagraph*
17 *(B)(ii), an intermediate stage shall include*
18 *not less than 2 of the following require-*
19 *ments:*

20 *“(I) Commencement of such stage*
21 *after the successful completion of a*
22 *driving skills test.*

23 *“(II) That such stage remain in*
24 *effect until the driver reaches the age of*
25 *not less than 17.*

1 “(III) *In addition to any other*
2 *penalties imposed by State law, the*
3 *grant of an unrestricted driver’s license*
4 *be automatically delayed for any indi-*
5 *vidual who, during the learner’s per-*
6 *mit stage, is convicted of a driving-re-*
7 *lated offense, including those described*
8 *in clause (i)(III).*

9 “(3) *EXCEPTION.—A State that otherwise meets*
10 *the minimum requirements set forth in paragraph (2)*
11 *shall be deemed by the Secretary to be in compliance*
12 *with the requirement set forth in paragraph (2) if the*
13 *State enacted a law before January 1, 2011, estab-*
14 *lishing a class of license that permits licensees or ap-*
15 *plicants younger than 18 years of age to drive a*
16 *motor vehicle—*

17 “(A) *in connection with work performed on,*
18 *or for the operation of, a farm owned by family*
19 *members who are directly related to the appli-*
20 *cant or licensee; or*

21 “(B) *if demonstrable hardship would result*
22 *from the denial of a license to the licensees or ap-*
23 *plicants.*

24 “(4) *ALLOCATION.—Grant funds allocated to a*
25 *State under this subsection for a fiscal year shall be*

1 *in proportion to the State’s apportionment under sec-*
2 *tion 402 for fiscal year 2009.*

3 “(5) *USE OF FUNDS.*—

4 “(A) *IN GENERAL.*—*Except as provided in*
5 *subparagraph (B), grant funds received by a*
6 *State under this subsection shall be used for—*

7 “(i) *enforcing a 2-stage licensing proc-*
8 *ess that complies with paragraph (2);*

9 “(ii) *training for law enforcement per-*
10 *sonnel and other relevant State agency per-*
11 *sonnel relating to the enforcement described*
12 *in clause (i);*

13 “(iii) *publishing relevant educational*
14 *materials that pertain directly or indirectly*
15 *to the State graduated driver licensing law;*

16 “(iv) *carrying out other administrative*
17 *activities that the Secretary considers rel-*
18 *evant to the State’s 2-stage licensing proc-*
19 *ess; or*

20 “(v) *carrying out a teen traffic safety*
21 *program described in section 402(m).*

22 “(B) *FLEXIBILITY.*—

23 “(i) *Not more than 75 percent of grant*
24 *funds received by a State under this sub-*

1 *section may be used for any eligible project*
2 *or activity under section 402.*

3 “(ii) *Not more than 100 percent of*
4 *grant funds received by a State under this*
5 *subsection may be used for any eligible*
6 *project or activity under section 402, if the*
7 *State is in the lowest 25 percent of all*
8 *States for the number of drivers under age*
9 *18 involved in fatal crashes in the State per*
10 *the total number of drivers under age 18 in*
11 *the State based on the most recent data that*
12 *conforms with criteria established by the*
13 *Secretary.”.*

14 *(g) NONMOTORIZED SAFETY.—Section 405 of title 23,*
15 *United States Code, is amended by adding at the end the*
16 *following:*

17 “(h) *NONMOTORIZED SAFETY.—*

18 “(1) *GENERAL AUTHORITY.—Subject to the re-*
19 *quirements under this subsection, the Secretary shall*
20 *award grants to States for the purpose of decreasing*
21 *pedestrian and bicycle fatalities and injuries that re-*
22 *sult from crashes involving a motor vehicle.*

23 “(2) *FEDERAL SHARE.—The Federal share of the*
24 *cost of a project carried out by a State using amounts*

1 *from a grant awarded under this subsection may not*
2 *exceed 80 percent.*

3 “(3) *ELIGIBILITY.*—*A State shall receive a grant*
4 *under this subsection in a fiscal year if the annual*
5 *combined pedestrian and bicycle fatalities in the*
6 *State exceed 15 percent of the total annual crash fa-*
7 *talities in the State, based on the most recently re-*
8 *ported final data from the Fatality Analysis Report-*
9 *ing System.*

10 “(4) *USE OF GRANT AMOUNTS.*—*Grant funds re-*
11 *ceived by a State under this subsection may be used*
12 *for—*

13 “(A) *training of law enforcement officials*
14 *on State laws applicable to pedestrian and bicy-*
15 *cle safety;*

16 “(B) *enforcement mobilizations and cam-*
17 *paigns designed to enforce State traffic laws ap-*
18 *plicable to pedestrian and bicycle safety; and*

19 “(C) *public education and awareness pro-*
20 *grams designed to inform motorists, pedestrians,*
21 *and bicyclists of State traffic laws applicable to*
22 *pedestrian and bicycle safety.*

23 “(5) *GRANT AMOUNT.*—*The allocation of grant*
24 *funds to a State under this subsection for a fiscal*

1 *year shall be in proportion to the State's apportion-*
 2 *ment under section 402 for fiscal year 2009.'".*

3 **SEC. 4006. PROHIBITION ON FUNDS TO CHECK HELMET**
 4 **USAGE OR CREATE RELATED CHECKPOINTS**
 5 **FOR A MOTORCYCLE DRIVER OR PASSENGER.**

6 *The Secretary may not provide a grant or otherwise*
 7 *make available funding to a State, Indian tribe, county,*
 8 *municipality, or other local government to be used for a*
 9 *program or activity to check helmet usage, including check-*
 10 *points related to helmet usage, with respect to a motorcycle*
 11 *driver or passenger.*

12 **SEC. 4007. MARIJUANA-IMPAIRED DRIVING.**

13 *(a) STUDY.—The Secretary, in consultation with the*
 14 *heads of other Federal agencies as appropriate, shall con-*
 15 *duct a study on marijuana-impaired driving.*

16 *(b) ISSUES TO BE EXAMINED.—In conducting the*
 17 *study, the Secretary shall examine, at a minimum, the fol-*
 18 *lowing:*

19 *(1) Methods to detect marijuana-impaired driv-*
 20 *ing, including devices capable of measuring mari-*
 21 *juana levels in motor vehicle operators.*

22 *(2) A review of impairment standard research*
 23 *for driving under the influence of marijuana.*

24 *(3) Methods to differentiate the cause of a driv-*
 25 *ing impairment between alcohol and marijuana.*

1 (4) *State-based policies on marijuana-impaired*
2 *driving.*

3 (5) *The role and extent of marijuana impair-*
4 *ment in motor vehicle accidents.*

5 (c) *REPORT.*—

6 (1) *IN GENERAL.*—*Not later than 1 year after*
7 *the date of enactment of this Act, the Secretary, in co-*
8 *operation with other Federal agencies as appropriate,*
9 *shall submit to the Committee on Transportation and*
10 *Infrastructure of the House of Representatives and the*
11 *Committee on Commerce, Science, and Transpor-*
12 *tation of the Senate a report on the results of the*
13 *study.*

14 (2) *CONTENTS.*—*The report shall include, at a*
15 *minimum, the following:*

16 (A) *FINDINGS.*—*The findings of the Sec-*
17 *retary based on the study, including, at a min-*
18 *imum, the following:*

19 (i) *An assessment of methodologies and*
20 *technologies for measuring driver impair-*
21 *ment resulting from the use of marijuana,*
22 *including the use of marijuana in combina-*
23 *tion with alcohol.*

24 (ii) *A description and assessment of*
25 *the role of marijuana as a causal factor in*

1 *traffic crashes and the extent of the problem*
2 *of marijuana-impaired driving.*

3 *(iii) A description and assessment of*
4 *current State laws relating to marijuana-*
5 *impaired driving.*

6 *(iv) A determination whether an im-*
7 *pairment standard for drivers under the in-*
8 *fluence of marijuana is feasible and could*
9 *reduce vehicle accidents and save lives.*

10 (B) *RECOMMENDATIONS.—The rec-*
11 *ommendations of the Secretary based on the*
12 *study, including, at a minimum, the following:*

13 *(i) Effective and efficient methods for*
14 *training law enforcement personnel, includ-*
15 *ing drug recognition experts, to detect or*
16 *measure the level of impairment of a motor*
17 *vehicle operator who is under the influence*
18 *of marijuana by the use of technology or*
19 *otherwise.*

20 *(ii) If feasible, an impairment stand-*
21 *ard for driving under the influence of mari-*
22 *juana.*

23 *(iii) Methodologies for increased data*
24 *collection regarding the prevalence and ef-*
25 *fects of marijuana-impaired driving.*

1 (d) *MARIJUANA DEFINED.*—*In this section, the term*
 2 *“marijuana” includes all substances containing*
 3 *tetrahydrocannabinol.*

4 **SEC. 4008. NATIONAL PRIORITY SAFETY PROGRAM GRANT**
 5 **ELIGIBILITY.**

6 *Not later than 60 days after the date on which the Sec-*
 7 *retary of Transportation awards grants under section 405*
 8 *of title 23, United States Code, the Secretary shall make*
 9 *available on a publicly available Internet Web site of the*
 10 *Department of Transportation—*

11 (1) *an identification of—*

12 (A) *the States that were awarded grants*
 13 *under such section;*

14 (B) *the States that applied and were not*
 15 *awarded grants under such section; and*

16 (C) *the States that did not apply for a*
 17 *grant under such section; and*

18 (2) *a list of deficiencies that made a State ineli-*
 19 *gible for a grant under such section for each State*
 20 *under paragraph (1)(B).*

21 **SEC. 4009. DATA COLLECTION.**

22 *Section 1906 of SAFETEA-LU (23 U.S.C. 402 note)*
 23 *is amended—*

24 (1) *in subsection (a)(1)—*

1 (A) by striking “(A) has enacted” and all
 2 that follows through “(B) is maintaining” and
 3 inserting “is maintaining”; and

4 (B) by striking “and any passengers”;

5 (2) by striking subsection (b) and inserting the
 6 following:

7 “(b) *USE OF GRANT FUNDS.*—A grant received by a
 8 State under subsection (a) shall be used by the State for
 9 the costs of—

10 “(1) collecting and maintaining data on traffic
 11 stops; and

12 “(2) evaluating the results of the data.”;

13 (3) by striking subsection (c) and redesignating
 14 subsections (d) and (e) as subsections (c) and (d), re-
 15 spectively;

16 (4) in subsection (c)(2), as so redesignated, by
 17 striking “A State” and inserting “On or after October
 18 1, 2015, a State”; and

19 (5) in subsection (d), as so redesignated—

20 (A) in the subsection heading by striking
 21 “AUTHORIZATION OF APPROPRIATIONS” and in-
 22 serting “FUNDING”;

23 (B) by striking paragraph (1) and inserting
 24 the following:

1 “(1) *IN GENERAL.*—*From funds made available*
 2 *under section 403 of title 23, United States Code, the*
 3 *Secretary shall set aside \$7,500,000 for each of the fis-*
 4 *cal years 2016 through 2021 to carry out this sec-*
 5 *tion.*”; and

6 (C) in paragraph (2)—

7 (i) by striking “authorized by” and in-
 8 serting “made available under”; and

9 (ii) by striking “percent,” and all that
 10 follows through the period at the end and
 11 inserting “percent.”.

12 **SEC. 4010. TECHNICAL CORRECTIONS.**

13 *Title 23, United States Code, is amended as follows:*

14 (1) *Section 402 is amended—*

15 (A) in subsection (b)(1)—

16 (i) in subparagraph (C) by striking
 17 “paragraph (3)” and inserting “paragraph
 18 (2)”; and

19 (ii) in subparagraph (E)—

20 (I) by striking “in which” and in-
 21 serting “for which”; and

22 (II) by striking “under subsection
 23 (f)” and inserting “under subsection
 24 (k)”; and

1 (B) in subsection (k)(5), as redesignated by
2 this Act, by striking “under paragraph (2)(A)”
3 and inserting “under paragraph (3)(A)”.

4 (2) Section 403(e) is amended by striking “chap-
5 ter 301” and inserting “chapter 301 of title 49”.

6 (3) Section 405 is amended—

7 (A) in subsection (d)—

8 (i) in paragraph (5) by striking
9 “under section 402(c)” and inserting
10 “under section 402”; and

11 (ii) in paragraph (6)(C) by striking
12 “on the basis of the apportionment formula
13 set forth in section 402(c)” and inserting
14 “in proportion to the State’s apportionment
15 under section 402 for fiscal year 2009”; and
16 (B) in subsection (f)(4)(A)(iv)—

17 (i) by striking “such as the” and in-
18 serting “including”; and

19 (ii) by striking “developed under sub-
20 section (g)”.

1 **TITLE V—MOTOR CARRIER**
2 **SAFETY**
3 **Subtitle A—Motor Carrier Safety**
4 **Grant Consolidation**

5 **SEC. 5101. GRANTS TO STATES.**

6 (a) *MOTOR CARRIER SAFETY ASSISTANCE PRO-*
7 *GRAM.*—Section 31102 of title 49, United States Code, is
8 *amended to read as follows:*

9 **“§ 31102. Motor carrier safety assistance program**

10 “(a) *IN GENERAL.*—The Secretary of Transportation
11 *shall administer a motor carrier safety assistance program*
12 *funded under section 31104.*

13 “(b) *GOAL.*—The goal of the program is to ensure that
14 *the Secretary, States, local governments, other political ju-*
15 *risdictions, federally recognized Indian tribes, and other*
16 *persons work in partnership to establish programs to im-*
17 *prove motor carrier, commercial motor vehicle, and driver*
18 *safety to support a safe and efficient surface transportation*
19 *system by—*

20 “(1) *making targeted investments to promote safe*
21 *commercial motor vehicle transportation, including*
22 *the transportation of passengers and hazardous mate-*
23 *rials;*

24 “(2) *investing in activities likely to generate*
25 *maximum reductions in the number and severity of*

1 *commercial motor vehicle crashes and in fatalities re-*
2 *sulting from such crashes;*

3 “(3) *adopting and enforcing effective motor car-*
4 *rier, commercial motor vehicle, and driver safety reg-*
5 *ulations and practices consistent with Federal re-*
6 *quirements; and*

7 “(4) *assessing and improving statewide perform-*
8 *ance by setting program goals and meeting perform-*
9 *ance standards, measures, and benchmarks.*

10 “(c) *STATE PLANS.—*

11 “(1) *IN GENERAL.—In carrying out the pro-*
12 *gram, the Secretary shall prescribe procedures for a*
13 *State to submit a multiple-year plan, and annual up-*
14 *dates thereto, under which the State agrees to assume*
15 *responsibility for improving motor carrier safety by*
16 *adopting and enforcing State regulations, standards,*
17 *and orders that are compatible with the regulations,*
18 *standards, and orders of the Federal Government on*
19 *commercial motor vehicle safety and hazardous mate-*
20 *rials transportation safety.*

21 “(2) *CONTENTS.—The Secretary shall approve a*
22 *State plan if the Secretary determines that the plan*
23 *is adequate to comply with the requirements of this*
24 *section, and the plan—*

1 “(A) implements performance-based activi-
2 ties, including deployment and maintenance of
3 technology to enhance the efficiency and effective-
4 ness of commercial motor vehicle safety pro-
5 grams;

6 “(B) designates a lead State commercial
7 motor vehicle safety agency responsible for ad-
8 ministering the plan throughout the State;

9 “(C) contains satisfactory assurances that
10 the lead State commercial motor vehicle safety
11 agency has or will have the legal authority, re-
12 sources, and qualified personnel necessary to en-
13 force the regulations, standards, and orders;

14 “(D) contains satisfactory assurances that
15 the State will devote adequate resources to the
16 administration of the plan and enforcement of
17 the regulations, standards, and orders;

18 “(E) provides a right of entry and inspec-
19 tion to carry out the plan;

20 “(F) provides that all reports required
21 under this section be available to the Secretary
22 on request;

23 “(G) provides that the lead State commer-
24 cial motor vehicle safety agency will adopt the
25 reporting requirements and use the forms for rec-

1 *ordkeeping, inspections, and investigations that*
2 *the Secretary prescribes;*

3 *“(H) requires all registrants of commercial*
4 *motor vehicles to demonstrate knowledge of ap-*
5 *plicable safety regulations, standards, and orders*
6 *of the Federal Government and the State;*

7 *“(I) provides that the State will grant max-*
8 *imum reciprocity for inspections conducted*
9 *under the North American Inspection Standards*
10 *through the use of a nationally accepted system*
11 *that allows ready identification of previously in-*
12 *spected commercial motor vehicles;*

13 *“(J) ensures that activities described in sub-*
14 *section (h), if financed through grants to the*
15 *State made under this section, will not diminish*
16 *the effectiveness of the development and imple-*
17 *mentation of the programs to improve motor car-*
18 *rier, commercial motor vehicle, and driver safety*
19 *as described in subsection (b);*

20 *“(K) ensures that the lead State commercial*
21 *motor vehicle safety agency will coordinate the*
22 *plan, data collection, and information systems*
23 *with the State highway safety improvement pro-*
24 *gram required under section 148(c) of title 23;*

1 “(L) ensures participation in appropriate
2 *Federal Motor Carrier Safety Administration in-*
3 *formation technology and data systems and other*
4 *information systems by all appropriate jurisdic-*
5 *tions receiving motor carrier safety assistance*
6 *program funding;*

7 “(M) ensures that information is exchanged
8 *among the States in a timely manner;*

9 “(N) provides satisfactory assurances that
10 *the State will undertake efforts that will empha-*
11 *size and improve enforcement of State and local*
12 *traffic safety laws and regulations related to*
13 *commercial motor vehicle safety;*

14 “(O) provides satisfactory assurances that
15 *the State will address national priorities and*
16 *performance goals, including—*

17 “(i) activities aimed at removing im-
18 *paired commercial motor vehicle drivers*
19 *from the highways of the United States*
20 *through adequate enforcement of regulations*
21 *on the use of alcohol and controlled sub-*
22 *stances and by ensuring ready roadside ac-*
23 *cess to alcohol detection and measuring*
24 *equipment;*

1 “(ii) activities aimed at providing an
2 appropriate level of training to State motor
3 carrier safety assistance program officers
4 and employees on recognizing drivers im-
5 paired by alcohol or controlled substances;
6 and

7 “(iii) when conducted with an appro-
8 priate commercial motor vehicle inspection,
9 criminal interdiction activities, and appro-
10 priate strategies for carrying out those
11 interdiction activities, including interdic-
12 tion activities that affect the transportation
13 of controlled substances (as defined in sec-
14 tion 102 of the Comprehensive Drug Abuse
15 Prevention and Control Act of 1970 (21
16 U.S.C. 802) and listed in part 1308 of title
17 21, Code of Federal Regulations, as updated
18 and republished from time to time) by any
19 occupant of a commercial motor vehicle;

20 “(P) provides that the State has established
21 and dedicated sufficient resources to a program
22 to ensure that—

23 “(i) the State collects and reports to
24 the Secretary accurate, complete, and timely
25 motor carrier safety data; and

1 “(ii) the State participates in a na-
2 tional motor carrier safety data correction
3 system prescribed by the Secretary;

4 “(Q) ensures that the State will cooperate
5 in the enforcement of financial responsibility re-
6 quirements under sections 13906, 31138, and
7 31139 and regulations issued under those sec-
8 tions;

9 “(R) ensures consistent, effective, and rea-
10 sonable sanctions;

11 “(S) ensures that roadside inspections will
12 be conducted at locations that are adequate to
13 protect the safety of drivers and enforcement per-
14 sonnel;

15 “(T) provides that the State will include in
16 the training manuals for the licensing examina-
17 tion to drive noncommercial motor vehicles and
18 commercial motor vehicles information on best
19 practices for driving safely in the vicinity of
20 noncommercial and commercial motor vehicles;

21 “(U) provides that the State will enforce the
22 registration requirements of sections 13902 and
23 31134 by prohibiting the operation of any vehi-
24 cle discovered to be operated by a motor carrier
25 without a registration issued under those sections

1 *or to be operated beyond the scope of the motor*
2 *carrier’s registration;*

3 “(V) *provides that the State will conduct*
4 *comprehensive and highly visible traffic enforce-*
5 *ment and commercial motor vehicle safety in-*
6 *spection programs in high-risk locations and cor-*
7 *ridors;*

8 “(W) *except in the case of an imminent*
9 *hazard or obvious safety hazard, ensures that an*
10 *inspection of a vehicle transporting passengers*
11 *for a motor carrier of passengers is conducted at*
12 *a bus station, terminal, border crossing, mainte-*
13 *nance facility, destination, or other location*
14 *where a motor carrier may make a planned stop*
15 *(excluding a weigh station);*

16 “(X) *ensures that the State will transmit to*
17 *its roadside inspectors notice of each Federal ex-*
18 *emption granted under section 31315(b) of this*
19 *title and sections 390.23 and 390.25 of title 49,*
20 *Code of Federal Regulations, and provided to the*
21 *State by the Secretary, including the name of the*
22 *person that received the exemption and any*
23 *terms and conditions that apply to the exemp-*
24 *tion;*

1 “(Y) except as provided in subsection (d),
2 provides that the State—

3 “(i) will conduct safety audits of inter-
4 state and, at the State’s discretion, intra-
5 state new entrant motor carriers under sec-
6 tion 31144(g); and

7 “(ii) if the State authorizes a third
8 party to conduct safety audits under section
9 31144(g) on its behalf, the State verifies the
10 quality of the work conducted and remains
11 solely responsible for the management and
12 oversight of the activities;

13 “(Z) provides that the State agrees to fully
14 participate in the performance and registration
15 information systems management under section
16 31106(b) not later than October 1, 2020, by com-
17 plying with the conditions for participation
18 under paragraph (3) of that section, or dem-
19 onstrates to the Secretary an alternative ap-
20 proach for identifying and immobilizing a motor
21 carrier with serious safety deficiencies in a man-
22 ner that provides an equivalent level of safety;

23 “(AA) in the case of a State that shares a
24 land border with another country, provides that
25 the State—

1 “(i) will conduct a border commercial
 2 motor vehicle safety program focusing on
 3 international commerce that includes en-
 4 forcement and related projects; or

5 “(ii) will forfeit all funds calculated by
 6 the Secretary based on border-related activi-
 7 ties if the State declines to conduct the pro-
 8 gram described in clause (i) in its plan;
 9 and

10 “(BB) in the case of a State that meets the
 11 other requirements of this section and agrees to
 12 comply with the requirements established in sub-
 13 section (l)(3), provides that the State may fund
 14 operation and maintenance costs associated with
 15 innovative technology deployment under sub-
 16 section (l)(3) with motor carrier safety assistance
 17 program funds authorized under section
 18 31104(a)(1).

19 “(3) PUBLICATION.—

20 “(A) IN GENERAL.—Subject to subpara-
 21 graph (B), the Secretary shall publish each ap-
 22 proved State multiple-year plan, and each an-
 23 nual update thereto, on a publically accessible
 24 Internet Web site of the Department of Transpor-

1 *tation not later than 30 days after the date the*
 2 *Secretary approves the plan or update.*

3 *“(B) LIMITATION.—Before publishing an*
 4 *approved State multiple-year plan or annual*
 5 *update under subparagraph (A), the Secretary*
 6 *shall redact any information identified by the*
 7 *State that, if disclosed—*

8 *“(i) would reasonably be expected to*
 9 *interfere with enforcement proceedings; or*

10 *“(ii) would reveal enforcement tech-*
 11 *niques or procedures that would reasonably*
 12 *be expected to risk circumvention of the law.*

13 *“(d) EXCLUSION OF U.S. TERRITORIES.—The require-*
 14 *ment that a State conduct safety audits of new entrant*
 15 *motor carriers under subsection (c)(2)(Y) does not apply*
 16 *to a territory of the United States unless required by the*
 17 *Secretary.*

18 *“(e) INTRASTATE COMPATIBILITY.—The Secretary*
 19 *shall prescribe regulations specifying tolerance guidelines*
 20 *and standards for ensuring compatibility of intrastate com-*
 21 *mercial motor vehicle safety laws, including regulations,*
 22 *with Federal motor carrier safety regulations to be enforced*
 23 *under subsections (b) and (c). To the extent practicable, the*
 24 *guidelines and standards shall allow for maximum flexi-*

1 *bility while ensuring a degree of uniformity that will not*
2 *diminish motor vehicle safety.*

3 “(f) *MAINTENANCE OF EFFORT.*—

4 “(1) *BASELINE.*—*Except as provided under*
5 *paragraphs (2) and (3) and in accordance with sec-*
6 *tion 5106 of the Surface Transportation Reauthoriza-*
7 *tion and Reform Act of 2015, a State plan under sub-*
8 *section (c) shall provide that the total expenditure of*
9 *amounts of the lead State commercial motor vehicle*
10 *safety agency responsible for administering the plan*
11 *will be maintained at a level each fiscal year that is*
12 *at least equal to—*

13 “(A) *the average level of that expenditure*
14 *for fiscal years 2004 and 2005; or*

15 “(B) *the level of that expenditure for the*
16 *year in which the Secretary implements a new*
17 *allocation formula under section 5106 of the*
18 *Surface Transportation Reauthorization and Re-*
19 *form Act of 2015.*

20 “(2) *ADJUSTED BASELINE AFTER FISCAL YEAR*
21 *2017.*—*At the request of a State, the Secretary may*
22 *evaluate additional documentation related to the*
23 *maintenance of effort and may make reasonable ad-*
24 *justments to the maintenance of effort baseline after*
25 *the year in which the Secretary implements a new al-*

1 *location formula under section 5106 of the Surface*
2 *Transportation Reauthorization and Reform Act of*
3 *2015, and this adjusted baseline will replace the*
4 *maintenance of effort requirement under paragraph*
5 *(1).*

6 “(3) *WAIVERS.—At the request of a State, the*
7 *Secretary may waive or modify the requirements of*
8 *this subsection for a total of 1 fiscal year if the Sec-*
9 *retary determines that the waiver or modification is*
10 *reasonable, based on circumstances described by the*
11 *State, to ensure the continuation of commercial motor*
12 *vehicle enforcement activities in the State.*

13 “(4) *LEVEL OF STATE EXPENDITURES.—In esti-*
14 *imating the average level of a State’s expenditures*
15 *under paragraph (1), the Secretary—*

16 “(A) *may allow the State to exclude State*
17 *expenditures for federally sponsored demonstra-*
18 *tion and pilot programs and strike forces;*

19 “(B) *may allow the State to exclude expend-*
20 *itures for activities related to border enforcement*
21 *and new entrant safety audits; and*

22 “(C) *shall require the State to exclude State*
23 *matching amounts used to receive Federal fi-*
24 *nancing under section 31104.*

1 “(g) *USE OF UNIFIED CARRIER REGISTRATION FEES*
 2 *AGREEMENT.*—Amounts generated under section 14504a
 3 and received by a State and used for motor carrier safety
 4 purposes may be included as part of the State’s match re-
 5 quired under section 31104 or maintenance of effort re-
 6 quired by subsection (f).

7 “(h) *USE OF GRANTS TO ENFORCE OTHER LAWS.*—
 8 When approved as part of a State’s plan under subsection
 9 (c), the State may use motor carrier safety assistance pro-
 10 gram funds received under this section—

11 “(1) if the activities are carried out in conjunc-
 12 tion with an appropriate inspection of a commercial
 13 motor vehicle to enforce Federal or State commercial
 14 motor vehicle safety regulations, for—

15 “(A) enforcement of commercial motor vehi-
 16 cle size and weight limitations at locations, ex-
 17 cluding fixed-weight facilities, such as near steep
 18 grades or mountainous terrains, where the
 19 weight of a commercial motor vehicle can signifi-
 20 cantly affect the safe operation of the vehicle, or
 21 at ports where intermodal shipping containers
 22 enter and leave the United States; and

23 “(B) detection of and enforcement actions
 24 taken as a result of criminal activity, including
 25 the trafficking of human beings, in a commercial

1 *motor vehicle or by any occupant, including the*
2 *operator, of the commercial motor vehicle; and*

3 “(2) *for documented enforcement of State traffic*
4 *laws and regulations designed to promote the safe op-*
5 *eration of commercial motor vehicles, including docu-*
6 *mented enforcement of such laws and regulations re-*
7 *lating to noncommercial motor vehicles when nec-*
8 *essary to promote the safe operation of commercial*
9 *motor vehicles, if—*

10 “(A) *the number of motor carrier safety ac-*
11 *tivities, including roadside safety inspections,*
12 *conducted in the State is maintained at a level*
13 *at least equal to the average level of such activi-*
14 *ties conducted in the State in fiscal years 2004*
15 *and 2005; and*

16 “(B) *the State does not use more than 10*
17 *percent of the basic amount the State receives*
18 *under a grant awarded under section*
19 *31104(a)(1) for enforcement activities relating to*
20 *noncommercial motor vehicles necessary to pro-*
21 *mote the safe operation of commercial motor ve-*
22 *hicles unless the Secretary determines that a*
23 *higher percentage will result in significant in-*
24 *creases in commercial motor vehicle safety.*

1 “(i) *EVALUATION OF PLANS AND AWARD OF*
2 *GRANTS.*—

3 “(1) *AWARDS.*—*The Secretary shall establish cri-*
4 *teria for the application, evaluation, and approval of*
5 *State plans under this section. Subject to subsection*
6 *(j), the Secretary may allocate the amounts made*
7 *available under section 31104(a)(1) among the States.*

8 “(2) *OPPORTUNITY TO CURE.*—*If the Secretary*
9 *disapproves a plan under this section, the Secretary*
10 *shall give the State a written explanation of the rea-*
11 *sons for disapproval and allow the State to modify*
12 *and resubmit the plan for approval.*

13 “(j) *ALLOCATION OF FUNDS.*—

14 “(1) *IN GENERAL.*—*The Secretary, by regulation,*
15 *shall prescribe allocation criteria for funds made*
16 *available under section 31104(a)(1).*

17 “(2) *ANNUAL ALLOCATIONS.*—*On October 1 of*
18 *each fiscal year, or as soon as practicable thereafter,*
19 *and after making a deduction under section 31104(c),*
20 *the Secretary shall allocate amounts made available*
21 *under section 31104(a)(1) to carry out this section for*
22 *the fiscal year among the States with plans approved*
23 *under this section in accordance with the criteria pre-*
24 *scribed under paragraph (1).*

1 “(3) *ELECTIVE ADJUSTMENTS.*—Subject to the
 2 availability of funding and notwithstanding fluctua-
 3 tions in the data elements used by the Secretary to
 4 calculate the annual allocation amounts, after the cre-
 5 ation of a new allocation formula under section 5106
 6 of the Surface Transportation Reauthorization and
 7 Reform Act of 2015, the Secretary may not make elec-
 8 tive adjustments to the allocation formula that de-
 9 crease a State’s Federal funding levels by more than
 10 3 percent in a fiscal year. The 3 percent limit shall
 11 not apply to the withholding provisions of subsection
 12 (k).

13 “(k) *PLAN MONITORING.*—

14 “(1) *IN GENERAL.*—On the basis of reports sub-
 15 mitted by the lead State agency responsible for ad-
 16 ministering a State plan approved under this section
 17 and an investigation by the Secretary, the Secretary
 18 shall periodically evaluate State implementation of
 19 and compliance with the State plan.

20 “(2) *WITHHOLDING OF FUNDS.*—

21 “(A) *DISAPPROVAL.*—If, after notice and an
 22 opportunity to be heard, the Secretary finds that
 23 a State plan previously approved under this sec-
 24 tion is not being followed or has become inad-
 25 equa-
 equate to ensure enforcement of State regula-

1 *tions, standards, or orders described in sub-*
2 *section (c)(1), or the State is otherwise not in*
3 *compliance with the requirements of this section,*
4 *the Secretary may withdraw approval of the*
5 *State plan and notify the State. Upon the re-*
6 *ceipt of such notice, the State plan shall no*
7 *longer be in effect and the Secretary shall with-*
8 *hold all funding to the State under this section.*

9 *“(B) NONCOMPLIANCE WITHHOLDING.—In*
10 *lieu of withdrawing approval of a State plan*
11 *under subparagraph (A), the Secretary may,*
12 *after providing notice to the State and an oppor-*
13 *tunity to be heard, withhold funding from the*
14 *State to which the State would otherwise be enti-*
15 *tled under this section for the period of the*
16 *State’s noncompliance. In exercising this option,*
17 *the Secretary may withhold—*

18 *“(i) up to 5 percent of funds during*
19 *the fiscal year that the Secretary notifies*
20 *the State of its noncompliance;*

21 *“(ii) up to 10 percent of funds for the*
22 *first full fiscal year of noncompliance;*

23 *“(iii) up to 25 percent of funds for the*
24 *second full fiscal year of noncompliance;*
25 *and*

1 “(iv) not more than 50 percent of
2 funds for the third and any subsequent full
3 fiscal year of noncompliance.

4 “(3) *JUDICIAL REVIEW*.—A State adversely af-
5 fected by a determination under paragraph (2) may
6 seek judicial review under chapter 7 of title 5. Not-
7 withstanding the disapproval of a State plan under
8 paragraph (2)(A) or the withholding of funds under
9 paragraph (2)(B), the State may retain jurisdiction
10 in an administrative or a judicial proceeding that
11 commenced before the notice of disapproval or with-
12 holding if the issues involved are not related directly
13 to the reasons for the disapproval or withholding.

14 “(l) *HIGH PRIORITY PROGRAM*.—

15 “(1) *IN GENERAL*.—The Secretary shall admin-
16 ister a high priority program funded under section
17 31104 for the purposes described in paragraphs (2)
18 and (3).

19 “(2) *ACTIVITIES RELATED TO MOTOR CARRIER*
20 *SAFETY*.—The Secretary may make discretionary
21 grants to and enter into cooperative agreements with
22 States, local governments, federally recognized Indian
23 tribes, other political jurisdictions as necessary, and
24 any person to carry out high priority activities and
25 projects that augment motor carrier safety activities

1 *and projects planned in accordance with subsections*
2 *(b) and (c), including activities and projects that—*

3 *“(A) increase public awareness and edu-*
4 *cation on commercial motor vehicle safety;*

5 *“(B) target unsafe driving of commercial*
6 *motor vehicles and noncommercial motor vehicles*
7 *in areas identified as high risk crash corridors;*

8 *“(C) improve the safe and secure movement*
9 *of hazardous materials;*

10 *“(D) improve safe transportation of goods*
11 *and persons in foreign commerce;*

12 *“(E) demonstrate new technologies to im-*
13 *prove commercial motor vehicle safety;*

14 *“(F) support participation in performance*
15 *and registration information systems manage-*
16 *ment under section 31106(b)—*

17 *“(i) for entities not responsible for sub-*
18 *mitting the plan under subsection (c); or*

19 *“(ii) for entities responsible for submit-*
20 *ting the plan under subsection (c)—*

21 *“(I) before October 1, 2020, to*
22 *achieve compliance with the require-*
23 *ments of participation; and*

24 *“(II) beginning on October 1,*
25 *2020, or once compliance is achieved,*

1 *whichever is sooner, for special initia-*
 2 *tives or projects that exceed routine op-*
 3 *erations required for participation;*

4 “(G) conduct safety data improvement
 5 *projects—*

6 “(i) that complete or exceed the re-
 7 *quirements under subsection (c)(2)(P) for*
 8 *entities not responsible for submitting the*
 9 *plan under subsection (c); or*

10 “(ii) that exceed the requirements
 11 *under subsection (c)(2)(P) for entities re-*
 12 *sponsible for submitting the plan under sub-*
 13 *section (c); and*

14 “(H) otherwise improve commercial motor
 15 *vehicle safety and compliance with commercial*
 16 *motor vehicle safety regulations.*

17 “(3) INNOVATIVE TECHNOLOGY DEPLOYMENT
 18 GRANT PROGRAM.—

19 “(A) IN GENERAL.—*The Secretary shall es-*
 20 *tablish an innovative technology deployment*
 21 *grant program to make discretionary grants*
 22 *funded under section 31104(a)(2) to eligible*
 23 *States for the innovative technology deployment*
 24 *of commercial motor vehicle information systems*
 25 *and networks.*

1 “(B) *PURPOSES.*—*The purposes of the pro-*
2 *gram shall be—*

3 “(i) *to advance the technological capa-*
4 *bility and promote the deployment of intel-*
5 *ligent transportation system applications*
6 *for commercial motor vehicle operations, in-*
7 *cluding commercial motor vehicle, commer-*
8 *cial driver, and carrier-specific information*
9 *systems and networks; and*

10 “(ii) *to support and maintain com-*
11 *mercial motor vehicle information systems*
12 *and networks—*

13 “(I) *to link Federal motor carrier*
14 *safety information systems with State*
15 *commercial motor vehicle systems;*

16 “(II) *to improve the safety and*
17 *productivity of commercial motor vehi-*
18 *cles and drivers; and*

19 “(III) *to reduce costs associated*
20 *with commercial motor vehicle oper-*
21 *ations and Federal and State commer-*
22 *cial motor vehicle regulatory require-*
23 *ments.*

24 “(C) *ELIGIBILITY.*—*To be eligible for a*
25 *grant under this paragraph, a State shall—*

1 “(i) have a commercial motor vehicle
2 information systems and networks program
3 plan approved by the Secretary that de-
4 scribes the various systems and networks at
5 the State level that need to be refined, re-
6 vised, upgraded, or built to accomplish de-
7 ployment of commercial motor vehicle infor-
8 mation systems and networks capabilities;

9 “(ii) certify to the Secretary that its
10 commercial motor vehicle information sys-
11 tems and networks deployment activities,
12 including hardware procurement, software
13 and system development, and infrastructure
14 modifications—

15 “(I) are consistent with the na-
16 tional intelligent transportation sys-
17 tems and commercial motor vehicle in-
18 formation systems and networks archi-
19 tectures and available standards; and

20 “(II) promote interoperability
21 and efficiency to the extent practicable;
22 and

23 “(iii) agree to execute interoperability
24 tests developed by the Federal Motor Carrier
25 Safety Administration to verify that its sys-

1 *tems conform with the national intelligent*
2 *transportation systems architecture, appli-*
3 *cable standards, and protocols for commer-*
4 *cial motor vehicle information systems and*
5 *networks.*

6 *“(D) USE OF FUNDS.—Grant funds received*
7 *under this paragraph may be used—*

8 *“(i) for deployment activities and ac-*
9 *tivities to develop new and innovative ad-*
10 *vanced technology solutions that support*
11 *commercial motor vehicle information sys-*
12 *tems and networks;*

13 *“(ii) for planning activities, including*
14 *the development or updating of program or*
15 *top level design plans in order to become el-*
16 *igible or maintain eligibility under sub-*
17 *paragraph (C); and*

18 *“(iii) for the operation and mainte-*
19 *nance costs associated with innovative tech-*
20 *nology.*

21 *“(E) SECRETARY AUTHORIZATION.—The*
22 *Secretary is authorized to award a State fund-*
23 *ing for the operation and maintenance costs as-*
24 *sociated with innovative technology deployment*

1 *with funds made available under sections*
 2 *31104(a)(1) and 31104(a)(2).”.*

3 ***(b) COMMERCIAL MOTOR VEHICLE OPERATORS GRANT***
 4 ***PROGRAM.***—*Section 31103 of title 49, United States Code,*
 5 *is amended to read as follows:*

6 ***“§31103. Commercial motor vehicle operators grant***
 7 ***program***

8 *“(a) IN GENERAL.—The Secretary shall administer a*
 9 *commercial motor vehicle operators grant program funded*
 10 *under section 31104.*

11 *“(b) PURPOSE.—The purpose of the grant program is*
 12 *to train individuals in the safe operation of commercial*
 13 *motor vehicles (as defined in section 31301).*

14 *“(c) VETERANS.—In administering grants under this*
 15 *section, the Secretary shall award priority to grant appli-*
 16 *cations for programs to train former members of the armed*
 17 *forces (as defined in section 101 of title 10) in the safe oper-*
 18 *ation of such vehicles.”.*

19 ***(c) AUTHORIZATION OF APPROPRIATIONS.***—*Section*
 20 *31104 of title 49, United States Code, as amended by this*
 21 *Act, is further amended on the effective date set forth in*
 22 *subsection (f) to read as follows:*

23 ***“§31104. Authorization of appropriations***

24 *“(a) FINANCIAL ASSISTANCE PROGRAMS.—The fol-*
 25 *lowing sums are authorized to be appropriated from the*

1 *Highway Trust Fund (other than the Mass Transit Ac-*
 2 *count):*

3 “(1) *MOTOR CARRIER SAFETY ASSISTANCE PRO-*
 4 *GRAM.—Subject to paragraph (2) and subsection (c),*
 5 *to carry out section 31102—*

6 “(A) \$278,242,684 for fiscal year 2017;

7 “(B) \$293,685,550 for fiscal year 2018;

8 “(C) \$308,351,227 for fiscal year 2019;

9 “(D) \$323,798,553 for fiscal year 2020; and

10 “(E) \$339,244,023 for fiscal year 2021.

11 “(2) *HIGH PRIORITY ACTIVITIES PROGRAM.—*
 12 *Subject to subsection (c), to make grants and coopera-*
 13 *tive agreements under section 31102(l), the Secretary*
 14 *may set aside from amounts made available under*
 15 *paragraph (1) up to—*

16 “(A) \$40,798,780 for fiscal year 2017;

17 “(B) \$41,684,114 for fiscal year 2018;

18 “(C) \$42,442,764 for fiscal year 2019;

19 “(D) \$43,325,574 for fiscal year 2020; and

20 “(E) \$44,209,416 for fiscal year 2021.

21 “(3) *COMMERCIAL MOTOR VEHICLE OPERATORS*
 22 *GRANT PROGRAM.—To carry out section 31103—*

23 “(A) \$1,000,000 for fiscal year 2017;

24 “(B) \$1,000,000 for fiscal year 2018;

25 “(C) \$1,000,000 for fiscal year 2019;

1 “(D) \$1,000,000 for fiscal year 2020; and

2 “(E) \$1,000,000 for fiscal year 2021.

3 “(4) *COMMERCIAL DRIVER’S LICENSE PROGRAM*
4 *IMPLEMENTATION PROGRAM.*—Subject to subsection
5 (c), to carry out section 31313—

6 “(A) \$30,958,536 for fiscal year 2017;

7 “(B) \$31,630,336 for fiscal year 2018;

8 “(C) \$32,206,008 for fiscal year 2019;

9 “(D) \$32,875,893 for fiscal year 2020; and

10 “(E) \$33,546,562 for fiscal year 2021.

11 “(b) *REIMBURSEMENT AND PAYMENT TO RECIPIENTS*
12 *FOR GOVERNMENT SHARE OF COSTS.*—

13 “(1) *IN GENERAL.*—Amounts made available
14 under subsection (a) shall be used to reimburse finan-
15 cial assistance recipients proportionally for the Fed-
16 eral Government’s share of the costs incurred.

17 “(2) *REIMBURSEMENT AMOUNTS.*—The Secretary
18 shall reimburse a recipient, in accordance with a fi-
19 nancial assistance agreement made under section
20 31102, 31103, or 31313, an amount that is at least
21 85 percent of the costs incurred by the recipient in a
22 fiscal year in developing and implementing programs
23 under such sections. The Secretary shall pay the re-
24 cipient an amount not more than the Federal Govern-
25 ment share of the total costs approved by the Federal

1 *Government in the financial assistance agreement.*
2 *The Secretary shall include a recipient's in-kind con-*
3 *tributions in determining the reimbursement.*

4 “(3) *VOUCHERS.—Each recipient shall submit*
5 *vouchers at least quarterly for costs the recipient in-*
6 *curs in developing and implementing programs under*
7 *sections 31102, 31103, and 31313.*

8 “(c) *DEDUCTIONS FOR PARTNER TRAINING AND PRO-*
9 *GRAM SUPPORT.—On October 1 of each fiscal year, or as*
10 *soon after that date as practicable, the Secretary may de-*
11 *duct from amounts made available under paragraphs (1),*
12 *(2), and (4) of subsection (a) for that fiscal year not more*
13 *than 1.50 percent of those amounts for partner training and*
14 *program support in that fiscal year. The Secretary shall*
15 *use at least 75 percent of those deducted amounts to train*
16 *non-Federal Government employees and to develop related*
17 *training materials in carrying out such programs.*

18 “(d) *GRANTS AND COOPERATIVE AGREEMENTS AS*
19 *CONTRACTUAL OBLIGATIONS.—The approval of a financial*
20 *assistance agreement by the Secretary under section 31102,*
21 *31103, or 31313 is a contractual obligation of the Federal*
22 *Government for payment of the Federal Government's share*
23 *of costs in carrying out the provisions of the grant or coop-*
24 *erative agreement.*

1 “(e) *ELIGIBLE ACTIVITIES.*—*The Secretary shall es-*
 2 *tablish criteria for eligible activities to be funded with fi-*
 3 *nancial assistance agreements under this section and pub-*
 4 *lish those criteria in a notice of funding availability before*
 5 *the financial assistance program application period.*

6 “(f) *PERIOD OF AVAILABILITY OF FINANCIAL ASSIST-*
 7 *ANCE AGREEMENT FUNDS FOR RECIPIENT EXPENDI-*
 8 *TURES.*—*The period of availability for a recipient to ex-*
 9 *pend funds under a grant or cooperative agreement author-*
 10 *ized under subsection (a) is as follows:*

11 “(1) *For grants made for carrying out section*
 12 *31102, other than section 31102(l), for the fiscal year*
 13 *in which the Secretary approves the financial assist-*
 14 *ance agreement and for the next fiscal year.*

15 “(2) *For grants made or cooperative agreements*
 16 *entered into for carrying out section 31102(l)(2), for*
 17 *the fiscal year in which the Secretary approves the fi-*
 18 *nancial assistance agreement and for the next 2 fiscal*
 19 *years.*

20 “(3) *For grants made for carrying out section*
 21 *31102(l)(3), for the fiscal year in which the Secretary*
 22 *approves the financial assistance agreement and for*
 23 *the next 4 fiscal years.*

24 “(4) *For grants made for carrying out section*
 25 *31103, for the fiscal year in which the Secretary ap-*

1 *proves the financial assistance agreement and for the*
 2 *next fiscal year.*

3 *“(5) For grants made or cooperative agreements*
 4 *entered into for carrying out section 31313, for the*
 5 *fiscal year in which the Secretary approves the finan-*
 6 *cial assistance agreement and for the next 4 fiscal*
 7 *years.*

8 *“(g) CONTRACT AUTHORITY; INITIAL DATE OF AVAIL-*
 9 *ABILITY.—Amounts authorized from the Highway Trust*
 10 *Fund (other than the Mass Transit Account) by this section*
 11 *shall be available for obligation on the date of their appor-*
 12 *tionment or allocation or on October 1 of the fiscal year*
 13 *for which they are authorized, whichever occurs first.*

14 *“(h) AVAILABILITY OF FUNDING.—Amounts made*
 15 *available under this section shall remain available until ex-*
 16 *pended.”.*

17 *(d) CLERICAL AMENDMENT.—The analysis for chapter*
 18 *311 of title 49, United States Code, is amended by striking*
 19 *the items relating to sections 31102, 31103, and 31104 and*
 20 *inserting the following:*

“31102. Motor carrier safety assistance program.

“31103. Commercial motor vehicle operators grant program.

“31104. Authorization of appropriations.”.

21 *(e) CONFORMING AMENDMENTS.—*

22 *(1) SAFETY FITNESS OF OWNERS AND OPERATOR;*
 23 *SAFETY REVIEWS OF NEW OPERATORS.—Section*

1 31144(g) of title 49, United States Code, is amended
2 by striking paragraph (5).

3 (2) *INFORMATION SYSTEMS; PERFORMANCE AND*
4 *REGISTRATION INFORMATION PROGRAM.*—Section
5 31106(b) of title 49, United States Code, is amended
6 by striking paragraph (4).

7 (3) *BORDER ENFORCEMENT GRANTS.*—Section
8 31107 of title 49, United States Code, and the item
9 relating to that section in the analysis for chapter
10 311 of that title, are repealed.

11 (4) *PERFORMANCE AND REGISTRATION INFORMA-*
12 *TION SYSTEM MANAGEMENT.*—Section 31109 of title
13 49, United States Code, and the item relating to that
14 section in the analysis for chapter 311 of that title,
15 are repealed.

16 (5) *COMMERCIAL VEHICLE INFORMATION SYS-*
17 *TEMS AND NETWORKS DEPLOYMENT.*—Section 4126 of
18 SAFETEA-LU (49 U.S.C. 31106 note), and the item
19 relating to that section in the table of contents con-
20 tained in section 1(b) of that Act, are repealed.

21 (6) *SAFETY DATA IMPROVEMENT PROGRAM.*—
22 Section 4128 of SAFETEA-LU (49 U.S.C. 31100
23 note), and the item relating to that section in the
24 table of contents contained in section 1(b) of that Act,
25 are repealed.

1 (7) *GRANT PROGRAM FOR COMMERCIAL MOTOR*
 2 *VEHICLE OPERATORS.—Section 4134 of SAFETEA–*
 3 *LU (49 U.S.C. 31301 note), and the item relating to*
 4 *that section in the table of contents contained in sec-*
 5 *tion 1(b) of that Act, are repealed.*

6 (8) *MAINTENANCE OF EFFORT AS CONDITION ON*
 7 *GRANTS TO STATES.—Section 103(c) of the Motor*
 8 *Carrier Safety Improvement Act of 1999 (49 U.S.C.*
 9 *31102 note) is repealed.*

10 (9) *STATE COMPLIANCE WITH CDL REQUIRE-*
 11 *MENTS.—Section 103(e) of the Motor Carrier Safety*
 12 *Improvement Act of 1999 (49 U.S.C. 31102 note) is*
 13 *repealed.*

14 (10) *BORDER STAFFING STANDARDS.—Section*
 15 *218(d) of the Motor Carrier Safety Improvement Act*
 16 *of 1999 (49 U.S.C. 31133 note) is amended—*

17 (A) *in paragraph (1) by striking “section*
 18 *31104(f)(2)(B) of title 49, United States Code”*
 19 *and inserting “section 31104(a)(1) of title 49,*
 20 *United States Code”; and*

21 (B) *by striking paragraph (3).*

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

24 (g) *TRANSITION.—Notwithstanding the amendments*
 25 *made by this section, the Secretary shall carry out sections*

1 31102, 31103, 31104 of title 49, United States Code, and
 2 any sections repealed under subsection (e), as necessary, as
 3 those sections were in effect on the day before October 1,
 4 2016, with respect to applications for grants, cooperative
 5 agreements, or contracts under those sections submitted be-
 6 fore October 1, 2016.

7 **SEC. 5102. PERFORMANCE AND REGISTRATION INFORMA-**
 8 **TION SYSTEMS MANAGEMENT.**

9 Section 31106(b) of title 49, United States Code, is
 10 amended in the subheading by striking “PROGRAM” and in-
 11 serting “SYSTEMS MANAGEMENT”.

12 **SEC. 5103. AUTHORIZATION OF APPROPRIATIONS.**

13 (a) *IN GENERAL.*—Subchapter I of chapter 311 of title
 14 49, United States Code, is amended by adding at the end
 15 the following:

16 **“§31110. Authorization of appropriations**

17 “(a) *ADMINISTRATIVE EXPENSES.*—There is author-
 18 ized to be appropriated from the Highway Trust Fund
 19 (other than the Mass Transit Account) for the Secretary of
 20 Transportation to pay administrative expenses of the Fed-
 21 eral Motor Carrier Safety Administration—

22 “(1) \$259,000,000 for fiscal year 2016;

23 “(2) \$259,000,000 for fiscal year 2017;

24 “(3) \$259,000,000 for fiscal year 2018;

25 “(4) \$259,000,000 for fiscal year 2019;

1 “(5) \$259,000,000 for fiscal year 2020; and

2 “(6) \$259,000,000 for fiscal year 2021.

3 “(b) *USE OF FUNDS.*—*The funds authorized by this*
4 *section shall be used for—*

5 “(1) *personnel costs;*

6 “(2) *administrative infrastructure;*

7 “(3) *rent;*

8 “(4) *information technology;*

9 “(5) *programs for research and technology, infor-*
10 *mation management, regulatory development, and the*
11 *administration of performance and registration infor-*
12 *mation systems management under section 31106(b);*

13 “(6) *programs for outreach and education under*
14 *subsection (c);*

15 “(7) *other operating expenses;*

16 “(8) *conducting safety reviews of new operators;*
17 *and*

18 “(9) *such other expenses as may from time to*
19 *time become necessary to implement statutory man-*
20 *dates of the Federal Motor Carrier Safety Adminis-*
21 *tration not funded from other sources.*

22 “(c) *OUTREACH AND EDUCATION PROGRAM.*—

23 “(1) *IN GENERAL.*—*The Secretary may conduct,*
24 *through any combination of grants, contracts, cooper-*
25 *ative agreements, and other activities, an internal*

1 *and external outreach and education program to be*
2 *administered by the Administrator of the Federal*
3 *Motor Carrier Safety Administration.*

4 “(2) *FEDERAL SHARE.*—*The Federal share of an*
5 *outreach and education project for which a grant,*
6 *contract, or cooperative agreement is made under this*
7 *subsection may be up to 100 percent of the cost of the*
8 *project.*

9 “(3) *FUNDING.*—*From amounts made available*
10 *under subsection (a), the Secretary shall make avail-*
11 *able not more than \$4,000,000 each fiscal year.*

12 “(d) *CONTRACT AUTHORITY; INITIAL DATE OF AVAIL-*
13 *ABILITY.*—*Amounts authorized from the Highway Trust*
14 *Fund (other than the Mass Transit Account) by this section*
15 *shall be available for obligation on the date of their appor-*
16 *tionment or allocation or on October 1 of the fiscal year*
17 *for which they are authorized, whichever occurs first.*

18 “(e) *FUNDING AVAILABILITY.*—*Amounts made avail-*
19 *able under this section shall remain available until ex-*
20 *pended.*

21 “(f) *CONTRACTUAL OBLIGATION.*—*The approval of*
22 *funds by the Secretary under this section is a contractual*
23 *obligation of the Federal Government for payment of the*
24 *Federal Government’s share of costs.”.*

1 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
 2 311 *of title 49, United States Code, is amended by adding*
 3 *at the end of the items relating to subchapter I the following:*
 “31110. Authorization of appropriations.”.

4 (c) *CONFORMING AMENDMENTS.*—

5 (1) *ADMINISTRATIVE EXPENSES; AUTHORIZATION*
 6 *OF APPROPRIATIONS.*—*Section 31104 of title 49,*
 7 *United States Code, is amended—*

8 (A) *by striking subsection (i); and*

9 (B) *by redesignating subsections (j) and (k)*
 10 *as subsections (i) and (j), respectively.*

11 (2) *USE OF AMOUNTS MADE AVAILABLE UNDER*
 12 *SUBSECTION (i).*—*Section 4116(d) of SAFETEA-LU*
 13 *(49 U.S.C. 31104 note) is amended by striking “sec-*
 14 *tion 31104(i)” and inserting “section 31110”.*

15 (3) *INTERNAL COOPERATION.*—*Section 31161 of*
 16 *title 49, United States Code, is amended by striking*
 17 *“section 31104(i)” and inserting “section 31110”.*

18 (4) *SAFETEA-LU; OUTREACH AND EDU-*
 19 *CATION.*—*Section 4127 of SAFETEA-LU (119 Stat.*
 20 *1741; Public Law 109–59), and the item relating to*
 21 *that section in the table of contents contained in sec-*
 22 *tion 1(b) of that Act, are repealed.*

1 **SEC. 5104. COMMERCIAL DRIVER'S LICENSE PROGRAM IM-**
 2 **PLEMENTATION.**

3 (a) *IN GENERAL.*—Section 31313 of title 49, United
 4 States Code, is amended to read as follows:

5 **“§31313. Commercial driver's license program imple-**
 6 **mentation financial assistance program**

7 “(a) *IN GENERAL.*—The Secretary of Transportation
 8 shall administer a financial assistance program for com-
 9 mercial driver's license program implementation for the
 10 purposes described in paragraphs (1) and (2).

11 “(1) *STATE COMMERCIAL DRIVER'S LICENSE*
 12 *PROGRAM IMPLEMENTATION GRANTS.*—In carrying
 13 out the program, the Secretary may make a grant to
 14 a State agency in a fiscal year—

15 “(A) to assist the State in complying with
 16 the requirements of section 31311; and

17 “(B) in the case of a State that is making
 18 a good faith effort toward substantial compliance
 19 with the requirements of section 31311, to im-
 20 prove the State's implementation of its commer-
 21 cial driver's license program, including ex-
 22 penses—

23 “(i) for computer hardware and soft-
 24 ware;

25 “(ii) for publications, testing, per-
 26 sonnel, training, and quality control;

1 “(iii) for commercial driver’s license
2 program coordinators; and

3 “(iv) to implement or maintain a sys-
4 tem to notify an employer of an operator of
5 a commercial motor vehicle of the suspen-
6 sion or revocation of the operator’s commer-
7 cial driver’s license consistent with the
8 standards developed under section 32303(b)
9 of the Commercial Motor Vehicle Safety En-
10 hancement Act of 2012 (49 U.S.C. 31304
11 note).

12 “(2) *PRIORITY ACTIVITIES.*—The Secretary may
13 make a grant to or enter into a cooperative agreement
14 with a State agency, local government, or any person
15 in a fiscal year for research, development and testing,
16 demonstration projects, public education, and other
17 special activities and projects relating to commercial
18 drivers licensing and motor vehicle safety that—

19 “(A) benefit all jurisdictions of the United
20 States;

21 “(B) address national safety concerns and
22 circumstances;

23 “(C) address emerging issues relating to
24 commercial driver’s license improvements;

1 “(D) support innovative ideas and solutions
2 to commercial driver’s license program issues; or

3 “(E) address other commercial driver’s li-
4 cense issues, as determined by the Secretary.

5 “(b) PROHIBITIONS.—A recipient may not use finan-
6 cial assistance funds awarded under this section to rent,
7 lease, or buy land or buildings.

8 “(c) REPORT.—The Secretary shall issue an annual
9 report on the activities carried out under this section.

10 “(d) APPORTIONMENT.—All amounts made available
11 to carry out this section for a fiscal year shall be appor-
12 tioned to a recipient described in subsection (a)(2) accord-
13 ing to criteria prescribed by the Secretary.

14 “(e) FUNDING.—For fiscal years beginning after Sep-
15 tember 30, 2016, this section shall be funded under section
16 31104.”.

17 (b) CLERICAL AMENDMENT.—The analysis for chapter
18 313 of title 49, United States Code, is amended by striking
19 the item relating to section 31313 and inserting the fol-
20 lowing:

“31313. Commercial driver’s license program implementation financial assistance
program.”.

21 **SEC. 5105. EXTENSION OF FEDERAL MOTOR CARRIER SAFE-**
22 **TY PROGRAMS FOR FISCAL YEAR 2016.**

23 (a) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM
24 GRANT EXTENSION.—Section 31104(a) of title 49, United

1 *States Code, is amended by striking paragraphs (10) and*
 2 *(11) and inserting the following:*

3 “(10) \$218,000,000 for fiscal year 2015; and

4 “(11) \$241,480,000 for fiscal year 2016.”.

5 (b) *EXTENSION OF GRANT PROGRAMS.—Section*
 6 *4101(c) of SAFETEA-LU (119 Stat. 1715; Public Law*
 7 *109–59) is amended to read as follows:*

8 “(c) *AUTHORIZATION OF APPROPRIATIONS.—The fol-*
 9 *lowing sums are authorized to be appropriated from the*
 10 *Highway Trust Fund (other than the Mass Transit Ac-*
 11 *count):*

12 “(1) *COMMERCIAL DRIVER’S LICENSE PROGRAM*
 13 *IMPROVEMENT GRANTS.—For carrying out the com-*
 14 *mercial driver’s license program improvement grants*
 15 *program under section 31313 of title 49, United*
 16 *States Code, \$30,480,000 for fiscal year 2016.*

17 “(2) *BORDER ENFORCEMENT GRANTS.—For bor-*
 18 *der enforcement grants under section 31107 of that*
 19 *title \$32,512,000 for fiscal year 2016.*

20 “(3) *PERFORMANCE AND REGISTRATION INFOR-*
 21 *MATION SYSTEMS MANAGEMENT GRANT PROGRAM.—*
 22 *For the performance and registration information*
 23 *systems management grant program under section*
 24 *31109 of that title \$5,080,000 for fiscal year 2016.*

1 “(4) *COMMERCIAL VEHICLE INFORMATION SYS-*
 2 *TEMS AND NETWORKS DEPLOYMENT.*—*For carrying*
 3 *out the commercial vehicle information systems and*
 4 *networks deployment program under section 4126 of*
 5 *this Act \$25,400,000 for fiscal year 2016.*

6 “(5) *SAFETY DATA IMPROVEMENT GRANTS.*—*For*
 7 *safety data improvement grants under section 4128 of*
 8 *this Act \$3,048,000 for fiscal year 2016.”.*

9 (c) *HIGH-PRIORITY ACTIVITIES.*—*Section 31104(j)(2)*
 10 *of title 49, United States Code, as redesignated by this sub-*
 11 *title, is amended by striking “2015” the first place it ap-*
 12 *pears and inserting “2016”.*

13 (d) *NEW ENTRANT AUDITS.*—*Section 31144(g)(5)(B)*
 14 *of title 49, United States Code, is amended to read as fol-*
 15 *lows:*

16 “(B) *SET ASIDE.*—*The Secretary shall set*
 17 *aside from amounts made available under sec-*
 18 *tion 31104(a) up to \$32,000,000 for fiscal year*
 19 *2016 for audits of new entrant motor carriers*
 20 *conducted under this paragraph.”.*

21 (e) *GRANT PROGRAM FOR COMMERCIAL MOTOR VEHI-*
 22 *CLE OPERATORS.*—*Section 4134(c) of SAFETEA-LU (49*
 23 *U.S.C. 31301 note) is amended to read as follows:*

24 “(c) *FUNDING.*—*From amounts made available under*
 25 *section 31110 of title 49, United States Code, the Secretary*

1 *shall make available, \$1,000,000 for fiscal year 2016 to*
 2 *carry out this section.”.*

3 (f) *COMMERCIAL VEHICLE INFORMATION SYSTEMS*
 4 *AND NETWORKS DEPLOYMENT.—*

5 (1) *IN GENERAL.—Section 4126 of SAFETEA—*
 6 *LU (49 U.S.C. 31106 note; 119 Stat. 1738; Public*
 7 *Law 109–59) is amended—*

8 (A) *in subsection (c)—*

9 (i) *in paragraph (2) by adding at the*
 10 *end the following: “Funds deobligated by the*
 11 *Secretary from previous year grants shall*
 12 *not be counted toward the \$2,500,000 max-*
 13 *imum aggregate amount for core deploy-*
 14 *ment.”; and*

15 (ii) *in paragraph (3) by adding at the*
 16 *end the following: “Funds may also be used*
 17 *for planning activities, including the devel-*
 18 *opment or updating of program or top level*
 19 *design plans.”; and*

20 (B) *in subsection (d)(4) by adding at the*
 21 *end the following: “Funds may also be used for*
 22 *planning activities, including the development or*
 23 *updating of program or top level design plans.”.*

24 (2) *INNOVATIVE TECHNOLOGY DEPLOYMENT PRO-*
 25 *GRAM.—For fiscal year 2016, the commercial vehicle*

7 (a) *WORKING GROUP*.—

13 (2) *MEMBERSHIP.*—

17 (i) *The Federal Motor Carrier Safety*
18 *Administration.*

(iii) An organization representing
State agencies responsible for enforcing a

1 *program for inspection of commercial motor*
2 *vehicles.*

3 *(iv) Such other persons as the Sec-*
4 *retary considers necessary.*

5 *(B) COMPOSITION.—Representatives of*
6 *State commercial motor vehicle safety agencies*
7 *shall comprise at least 51 percent of the member-*
8 *ship.*

9 *(3) NEW ALLOCATION FORMULA.—The working*
10 *group shall analyze requirements and factors for the*
11 *establishment of a new allocation formula for the*
12 *motor carrier assistance program under section 31102*
13 *of title 49, United States Code.*

14 *(4) RECOMMENDATION.—Not later than 1 year*
15 *after the date the working group is established under*
16 *paragraph (1), the working group shall make a rec-*
17 *ommendation to the Secretary regarding a new allo-*
18 *cation formula for the motor carrier assistance pro-*
19 *gram.*

20 *(5) EXEMPTION.—The Federal Advisory Com-*
21 *mittee Act (5 U.S.C. App.) shall not apply to the*
22 *working group established under this subsection.*

23 *(6) PUBLICATION.—The Administrator of the*
24 *Federal Motor Carrier Safety Administration shall*

1 *publish on a publicly accessible Internet Web site of*
2 *the Federal Motor Carrier Safety Administration—*

3 *(A) summaries of the meetings of the work-*
4 *ing group; and*

5 *(B) the final recommendation of the work-*
6 *ing group provided to the Secretary.*

7 *(b) NOTICE OF PROPOSED RULEMAKING.—After re-*
8 *ceiving the recommendation of the working group under*
9 *subsection (a)(4), the Secretary shall publish in the Federal*
10 *Register a notice seeking public comment on the establish-*
11 *ment of a new allocation formula for the motor carrier safe-*
12 *ty assistance program.*

13 *(c) BASIS FOR FORMULA.—The Secretary shall ensure*
14 *that the new allocation formula for the motor carrier assist-*
15 *ance program is based on factors that reflect, at a min-*
16 *imum—*

17 *(1) the relative needs of the States to comply*
18 *with section 31102 of title 49, United States Code;*

19 *(2) the relative administrative capacities of and*
20 *challenges faced by States in complying with that sec-*
21 *tion;*

22 *(3) the average of each State's new entrant motor*
23 *carrier inventory for the 3-year period prior to the*
24 *date of enactment of this Act;*

1 (4) *the number of international border inspec-*
 2 *tion facilities and border crossings by commercial ve-*
 3 *hicles in each State; and*

4 (5) *any other factors the Secretary considers ap-*
 5 *propriate.*

6 (d) *FUNDING AMOUNTS PRIOR TO DEVELOPMENT OF*
 7 *NEW ALLOCATION FORMULA.—*

8 (1) *INTERIM FORMULA.—Prior to the develop-*
 9 *ment of the new allocation formula for the motor car-*
 10 *rier assistance program, the Secretary may calculate*
 11 *the interim funding amounts for that program in fis-*
 12 *cal year 2017 (and later fiscal years, as necessary)*
 13 *under section 31104(a)(1) of title 49, United States*
 14 *Code, as amended by this subtitle, by using the fol-*
 15 *lowing methodology:*

16 (A) *The Secretary shall calculate the fund-*
 17 *ing amount to a State using the allocation for-*
 18 *mula the Secretary used to award motor carrier*
 19 *safety assistance program funding in fiscal year*
 20 *2016 under section 31102 of title 49, United*
 21 *States Code.*

22 (B) *The Secretary shall average the funding*
 23 *awarded or other equitable amounts to a State*
 24 *in fiscal years 2013, 2014, and 2015 for—*

1 (i) border enforcement grants under
2 section 31107 of title 49, United States
3 Code; and

4 (ii) new entrant audit grants under
5 section 31144(g)(5) of that title.

6 (C) The Secretary shall add the amounts
7 calculated in subparagraphs (A) and (B).

8 (2) *ADJUSTMENTS.*—Subject to the availability
9 of funding and notwithstanding fluctuations in the
10 data elements used by the Secretary, the initial
11 amounts resulting from the calculation described in
12 paragraph (1) shall be adjusted to ensure that, for
13 each State, the amount shall not be less than 97 per-
14 cent of the average amount of funding received or
15 other equitable amounts in fiscal years 2013, 2014,
16 and 2015 for—

17 (A) motor carrier safety assistance program
18 funds awarded to the State under section 31102
19 of title 49, United States Code;

20 (B) border enforcement grants awarded to
21 the State under section 31107 of title 49, United
22 States Code; and

23 (C) new entrant audit grants awarded to
24 the State under section 31144(g)(5) of title 49,
25 United States Code.

1 (3) *IMMEDIATE RELIEF.*—*In developing the new*
 2 *allocation formula, the Secretary shall terminate the*
 3 *withholding of motor carrier assistance program*
 4 *funds from a State for at least 3 fiscal years if the*
 5 *State was subject to the withholding of such funds for*
 6 *matters of noncompliance immediately prior to the*
 7 *date of enactment of this Act.*

8 (4) *FUTURE WITHHOLDINGS.*—*Beginning on the*
 9 *date that the new allocation formula for the motor*
 10 *carrier assistance program is implemented, the Sec-*
 11 *retary shall impose all future withholdings in accord-*
 12 *ance with section 31102(k) of title 49, United States*
 13 *Code, as amended by this subtitle.*

14 (e) *TERMINATION OF WORKING GROUP.*—*The working*
 15 *group established under subsection (a) shall terminate on*
 16 *the date of the implementation of a new allocation formula*
 17 *for the motor carrier safety assistance program.*

18 **SEC. 5107. MAINTENANCE OF EFFORT CALCULATION.**

19 (a) *BEFORE NEW ALLOCATION FORMULA.*—

20 (1) *FISCAL YEAR 2017.*—*If a new allocation for-*
 21 *mula for the motor carrier safety assistance program*
 22 *has not been established under this subtitle for fiscal*
 23 *year 2017, the Secretary shall calculate for fiscal year*
 24 *2017 the maintenance of effort baseline required*
 25 *under section 31102(f) of title 49, United States Code,*

1 *as amended by this subtitle, by averaging the expend-*
2 *itures for fiscal years 2004 and 2005 required by sec-*
3 *tion 31102(b)(4) of title 49, United States Code, as*
4 *that section was in effect on the day before the date*
5 *of enactment of this Act.*

6 (2) *SUBSEQUENT FISCAL YEARS.—The Secretary*
7 *may use the methodology for calculating the mainte-*
8 *nance of effort baseline specified in paragraph (1) for*
9 *fiscal year 2018 and subsequent fiscal years if a new*
10 *allocation formula for the motor carrier safety assist-*
11 *ance program has not been established for that fiscal*
12 *year.*

13 (b) *BEGINNING WITH NEW ALLOCATION FORMA-*
14 *TION.—*

15 (1) *IN GENERAL.—Subject to paragraphs (2) and*
16 *(3)(B), beginning on the date that a new allocation*
17 *formula for the motor carrier safety assistance pro-*
18 *gram is established under this subtitle, upon the re-*
19 *quest of a State, the Secretary may waive or modify*
20 *the baseline maintenance of effort required of the*
21 *State by section 31102(e) of title 49, United States*
22 *Code, as amended by this subtitle, for the purpose of*
23 *establishing a new baseline maintenance of effort if*
24 *the Secretary determines that a waiver or modifica-*
25 *tion—*

1 (A) is equitable due to reasonable cir-
2 cumstances;

3 (B) will ensure the continuation of commer-
4 cial motor vehicle enforcement activities in the
5 State; and

6 (C) is necessary to ensure that the total
7 amount of State maintenance of effort and
8 matching expenditures required under sections
9 31102 and 31104 of title 49, United States Code,
10 as amended by this subtitle, does not exceed a
11 sum greater than the average of the total amount
12 of State maintenance of effort and matching ex-
13 penditures required under those sections for the
14 3 fiscal years prior to the date of enactment of
15 this Act.

16 (2) *ADJUSTMENT METHODOLOGY.*—If requested
17 by a State, the Secretary may modify the mainte-
18 nance of effort baseline referred to in paragraph (1)
19 for the State according to the following methodology:

20 (A) The Secretary shall establish the main-
21 tenance of effort baseline for the State using the
22 average baseline of fiscal years 2004 and 2005,
23 as required by section 31102(b)(4) of title 49,
24 United States Code, as that section was in effect

1 *on the day before the date of enactment of this*
2 *Act.*

3 *(B) The Secretary shall calculate the aver-*
4 *age required match by a lead State commercial*
5 *motor vehicle safety agency for fiscal years 2013,*
6 *2014, and 2015 for motor carrier safety assist-*
7 *ance grants established at 20 percent by section*
8 *31103 of title 49, United States Code, as that*
9 *section was in effect on the day before the date*
10 *of enactment of this Act.*

11 *(C) The Secretary shall calculate the esti-*
12 *mated match required under section 31104(b) of*
13 *title 49, United States Code, as amended by this*
14 *subtitle.*

15 *(D) The Secretary shall subtract the amount*
16 *in subparagraph (B) from the amount in sub-*
17 *paragraph (C) and—*

18 *(i) if the number is greater than 0, the*
19 *Secretary shall subtract the number from*
20 *the amount in subparagraph (A); or*

21 *(ii) if the number is not greater than*
22 *0, the Secretary shall calculate the mainte-*
23 *nance of effort using the methodology in*
24 *subparagraph (A).*

25 *(3) MAINTENANCE OF EFFORT AMOUNT.—*

1 (A) *IN GENERAL.*—*The Secretary shall use*
2 *the amount calculated under paragraph (2) as*
3 *the baseline maintenance of effort required under*
4 *section 31102(f) of title 49, United States Code,*
5 *as amended by this subtitle.*

6 (B) *DEADLINE.*—*If a State does not request*
7 *a waiver or modification under this subsection*
8 *before September 30 during the first fiscal year*
9 *that the Secretary implements a new allocation*
10 *formula for the motor carrier safety assistance*
11 *program under this subtitle, the Secretary shall*
12 *calculate the maintenance of effort using the*
13 *methodology described in paragraph (2)(A).*

14 (4) *MAINTENANCE OF EFFORT DESCRIBED.*—*The*
15 *maintenance of effort calculated under this section is*
16 *the amount required under section 31102(f) of title*
17 *49, United States Code, as amended by this subtitle.*

18 (c) *TERMINATION OF EFFECTIVENESS.*—*The authority*
19 *of the Secretary under this section shall terminate effective*
20 *on the date that a new maintenance of effort baseline is*
21 *calculated based on a new allocation formula for the motor*
22 *carrier safety assistance program implemented under sec-*
23 *tion 31102 of title 49, United States Code.*

1 ***Subtitle B—Federal Motor Carrier***
 2 ***Safety Administration Reform***

3 ***PART I—REGULATORY REFORM***

4 ***SEC. 5201. NOTICE OF CANCELLATION OF INSURANCE.***

5 *Section 13906(e) of title 49, United States Code, is*
 6 *amended by inserting “or suspend” after “revoke”.*

7 ***SEC. 5202. REGULATIONS.***

8 *Section 31136 of title 49, United States Code, is*
 9 *amended—*

10 *(1) by redesignating subsection (f) as subsection*
 11 *(g) and transferring such subsection to appear at the*
 12 *end of section 31315 of such title; and*

13 *(2) by adding at the end the following:*

14 *“(f) REGULATORY IMPACT ANALYSIS.—Within each*
 15 *regulatory impact analysis of a proposed or final rule*
 16 *issued by the Federal Motor Carrier Safety Administration,*
 17 *the Secretary shall, whenever practicable—*

18 *“(1) consider the effects of the proposed or final*
 19 *rule on different segments of the motor carrier indus-*
 20 *try;*

21 *“(2) formulate estimates and findings based on*
 22 *the best available science; and*

23 *“(3) utilize available data specific to the dif-*
 24 *ferent types of motor carriers, including small and*

1 *large carriers, and drivers that will be impacted by*
 2 *the proposed or final rule.*

3 “(g) *PUBLIC PARTICIPATION.*—

4 “(1) *IN GENERAL.*—*If a proposed rule promul-*
 5 *gated under this part is likely to lead to the promul-*
 6 *gation of a major rule, the Secretary, before promul-*
 7 *gating such proposed rule, shall—*

8 “(A) *issue an advance notice of proposed*
 9 *rulemaking; or*

10 “(B) *proceed with a negotiated rulemaking.*

11 “(2) *REQUIREMENTS.*—*Each advance notice of*
 12 *proposed rulemaking issued under paragraph (1)*
 13 *shall—*

14 “(A) *identify the need for a potential regu-*
 15 *latory action;*

16 “(B) *identify and request public comment*
 17 *on the best available science or technical infor-*
 18 *mation relevant to analyzing potential regu-*
 19 *latory alternatives;*

20 “(C) *request public comment on the avail-*
 21 *able data and costs with respect to regulatory al-*
 22 *ternatives reasonably likely to be considered as*
 23 *part of the rulemaking; and*

24 “(D) *request public comment on available*
 25 *alternatives to regulation.*

1 “(3) *WAIVER.*—*This subsection does not apply to*
 2 *a proposed rule if the Secretary, for good cause, finds*
 3 *(and incorporates the finding and a brief statement*
 4 *of reasons for such finding in the proposed or final*
 5 *rule) that an advance notice of proposed rulemaking*
 6 *is impracticable, unnecessary, or contrary to the pub-*
 7 *lic interest.*

8 “(h) *REVIEW OF RULES.*—

9 “(1) *IN GENERAL.*—*Once every 5 years, the Sec-*
 10 *retary shall conduct a review of regulations issued*
 11 *under this part.*

12 “(2) *SCHEDULE.*—*At the beginning of each 5-*
 13 *year review period, the Secretary shall publish a*
 14 *schedule that sets forth the plan for completing the re-*
 15 *view under paragraph (1) within 5 years.*

16 “(3) *NOTIFICATION OF CHANGES.*—*During each*
 17 *review period, the Secretary shall address any*
 18 *changes to the schedule published under paragraph*
 19 *(2) and notify the public of such changes.*

20 “(4) *CONSIDERATION OF PETITIONS.*—*In con-*
 21 *ducting a review under paragraph (1), the Secretary*
 22 *shall consider petitions for regulatory action under*
 23 *this part received by the Administrator of the Federal*
 24 *Motor Carrier Safety Administration.*

1 “(5) *ASSESSMENT.*—*At the conclusion of each re-*
 2 *view under paragraph (1), the Secretary shall publish*
 3 *on a publicly accessible Internet Web site of the De-*
 4 *partment of Transportation an assessment that in-*
 5 *cludes—*

6 “(A) *an inventory of the regulations issued*
 7 *during the 5-year period ending on the date on*
 8 *which the assessment is published;*

9 “(B) *a determination of whether the regula-*
 10 *tions are—*

11 “(i) *consistent and clear;*

12 “(ii) *current with the operational re-*
 13 *alities of the motor carrier industry; and*

14 “(iii) *uniformly enforced; and*

15 “(C) *an assessment of whether the regula-*
 16 *tions continue to be necessary.*

17 “(6) *RULEMAKING.*—*Not later than 2 years after*
 18 *the completion of each review under this subsection,*
 19 *the Secretary shall initiate a rulemaking to amend*
 20 *regulations as necessary to address the determinations*
 21 *made under paragraph (5)(B) and the results of the*
 22 *assessment under paragraph (5)(C).*

23 “(i) *RULE OF CONSTRUCTION.*—*Nothing in subsection*
 24 *(f) or (g) may be construed to limit the contents of an ad-*
 25 *vance notice of proposed rulemaking.”.*

1 **SEC. 5203. GUIDANCE.**

2 (a) *IN GENERAL.*—

3 (1) *DATE OF ISSUANCE AND POINT OF CON-*
4 *TACT.*—*Each guidance document issued by the Fed-*
5 *eral Motor Carrier Safety Administration shall have*
6 *a date of issuance or a date of revision, as applicable,*
7 *and shall include the name and contact information*
8 *of a point of contact at the Administration who can*
9 *respond to questions regarding the guidance.*

10 (2) *PUBLIC ACCESSIBILITY.*—

11 (A) *IN GENERAL.*—*Each guidance document*
12 *issued or revised by the Federal Motor Carrier*
13 *Safety Administration shall be published on a*
14 *publicly accessible Internet Web site of the De-*
15 *partment on the date of issuance or revision.*

16 (B) *REDACTION.*—*The Administrator of the*
17 *Federal Motor Carrier Safety Administration*
18 *may redact from a guidance document published*
19 *under subparagraph (A) any information that*
20 *would reveal investigative techniques that would*
21 *compromise Administration enforcement efforts.*

22 (3) *INCORPORATION INTO REGULATIONS.*—*Not*
23 *later than 5 years after the date on which a guidance*
24 *document is published under paragraph (2) or during*
25 *an applicable review under subsection (c), whichever*
26 *is earlier, the Secretary shall revise regulations to in-*

1 *corporate the guidance document to the extent prac-*
2 *ticable.*

3 (4) *REISSUANCE.—If a guidance document is*
4 *not incorporated into regulations in accordance with*
5 *paragraph (3), the Administrator shall—*

6 (A) *reissue an updated version of the guid-*
7 *ance document; and*

8 (B) *review and reissue an updated version*
9 *of the guidance document every 5 years until the*
10 *date on which the guidance document is removed*
11 *or incorporated into applicable regulations.*

12 (b) *INITIAL REVIEW.—Not later than 1 year after the*
13 *date of enactment of this Act, the Administrator shall re-*
14 *view all guidance documents published under subsection (a)*
15 *to ensure that such documents are current, are readily ac-*
16 *cessible to the public, and meet the standards specified in*
17 *subparagraphs (A), (B), and (C) of subsection (c)(1).*

18 (c) *REGULAR REVIEW.—*

19 (1) *IN GENERAL.—Subject to paragraph (2), not*
20 *less than once every 5 years, the Administrator shall*
21 *conduct a comprehensive review of the guidance docu-*
22 *ments issued by the Federal Motor Carrier Safety Ad-*
23 *ministration to determine whether such documents*
24 *are—*

25 (A) *consistent and clear;*

1 (B) *uniformly and consistently enforced;*
2 *and*
3 (C) *still necessary.*

4 (2) *NOTICE AND COMMENT.—Prior to beginning*
5 *a review under paragraph (1), the Administrator*
6 *shall publish in the Federal Register a notice and re-*
7 *quest for comment that solicits input from stake-*
8 *holders on which guidance documents should be up-*
9 *dated or eliminated.*

10 (3) *REPORT.—*

11 (A) *IN GENERAL.—Not later than 60 days*
12 *after the date on which a review under para-*
13 *graph (1) is completed, the Administrator shall*
14 *publish on a publicly accessible Internet Web site*
15 *of the Department a report detailing the review*
16 *and a full inventory of the guidance documents*
17 *of the Administration.*

18 (B) *CONTENTS.—A report under subpara-*
19 *graph (A) shall include a summary of the re-*
20 *sponse of the Administration to each comment*
21 *received under paragraph (2).*

22 (d) *GUIDANCE DOCUMENT DEFINED.—In this section,*
23 *the term “guidance document” means a document issued*
24 *by the Federal Motor Carrier Safety Administration that—*

1 (1) *provides an interpretation of a regulation of*
2 *the Administration; or*

3 (2) *includes an enforcement policy of the Admin-*
4 *istration.*

5 **SEC. 5204. PETITIONS.**

6 (a) *IN GENERAL.—The Administrator of the Federal*
7 *Motor Carrier Safety Administration shall—*

8 (1) *publish on a publicly accessible Internet Web*
9 *site of the Department a summary of all petitions for*
10 *regulatory action submitted to the Administration;*

11 (2) *prioritize the petitions submitted based on*
12 *the likelihood of safety improvements resulting from*
13 *the regulatory action requested;*

14 (3) *not later than 180 days after the date a sum-*
15 *mary of a petition is published under paragraph (1),*
16 *formally respond to such petition by indicating*
17 *whether the Administrator will accept, deny, or fur-*
18 *ther review the petition;*

19 (4) *prioritize responses to petitions consistent*
20 *with a response's potential to reduce crashes, improve*
21 *enforcement, and reduce unnecessary burdens; and*

22 (5) *not later than 60 days after the date of re-*
23 *ceipt of a petition, publish on a publicly accessible*
24 *Internet Web site of the Department an updated in-*
25 *ventory of the petitions described in paragraph (1),*

1 *including any applicable disposition information for*
 2 *those petitions.*

3 (b) *PETITION DEFINED.*—*In this section, the term “pe-*
 4 *tition” means a request for a new regulation, a regulatory*
 5 *interpretation or clarification, or a review of a regulation*
 6 *to eliminate or modify an obsolete, ineffective, or overly bur-*
 7 *densome regulation.*

8 ***PART II—COMPLIANCE, SAFETY,***
 9 ***ACCOUNTABILITY REFORM***

10 ***SEC. 5221. CORRELATION STUDY.***

11 (a) *IN GENERAL.*—*The Administrator of the Federal*
 12 *Motor Carrier Safety Administration (referred to in this*
 13 *part as the “Administrator”) shall commission the National*
 14 *Research Council of the National Academies to conduct a*
 15 *study of—*

16 (1) *the Compliance, Safety, Accountability pro-*
 17 *gram of the Federal Motor Carrier Safety Adminis-*
 18 *tration (referred to in this part as the “CSA pro-*
 19 *gram”); and*

20 (2) *the Safety Measurement System utilized by*
 21 *the CSA program (referred to in this part as the*
 22 *“SMS”).*

23 (b) *SCOPE OF STUDY.*—*In carrying out the study com-*
 24 *missioned pursuant to subsection (a), the National Research*
 25 *Council—*

1 (1) *shall analyze—*

2 (A) *the accuracy with which the Behavior*
3 *Analysis and Safety Improvement Categories*
4 *(referred to in this part as “BASIC”)—*

5 (i) *identify high risk carriers; and*

6 (ii) *predict or are correlated with fu-*
7 *ture crash risk, crash severity, or other safe-*
8 *ty indicators for motor carriers;*

9 (B) *the methodology used to calculate*
10 *BASIC percentiles and identify carriers for en-*
11 *forcement, including the weights assigned to par-*
12 *ticular violations and the tie between crash risk*
13 *and specific regulatory violations, with respect to*
14 *accurately identifying and predicting future*
15 *crash risk for motor carriers;*

16 (C) *the relative value of inspection informa-*
17 *tion and roadside enforcement data;*

18 (D) *any data collection gaps or data suffi-*
19 *ciency problems that may exist and the impact*
20 *of those gaps and problems on the efficacy of the*
21 *CSA program;*

22 (E) *the accuracy of safety data, including*
23 *the use of crash data from crashes in which a*
24 *motor carrier was free from fault;*

1 (F) whether BASIC percentiles for motor
2 carriers of passengers should be calculated dif-
3 ferently than for motor carriers of freight;

4 (G) the differences in the rates at which
5 safety violations are reported to the Federal
6 Motor Carrier Safety Administration for inclu-
7 sion in the SMS by various enforcement authori-
8 ties, including States, territories, and Federal
9 inspectors; and

10 (H) how members of the public use the SMS
11 and what effect making the SMS information
12 public has had on reducing crashes and elimi-
13 nating unsafe motor carriers from the industry;
14 and

15 (2) shall consider—

16 (A) whether the SMS provides comparable
17 precision and confidence, through SMS alerts
18 and percentiles, for the relative crash risk of in-
19 dividual large and small motor carriers;

20 (B) whether alternatives to the SMS would
21 identify high risk carriers more accurately; and

22 (C) the recommendations and findings of
23 the Comptroller General of the United States and
24 the Inspector General of the Department, and

1 *independent review team reports, issued before*
2 *the date of enactment of this Act.*

3 (c) *REPORT.*—*Not later than 18 months after the date*
4 *of enactment of this Act, the Administrator shall submit*
5 *a report containing the results of the study commissioned*
6 *pursuant to subsection (a) to—*

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

9 (2) *the Committee on Transportation and Infra-*
10 *structure of the House of Representatives; and*

11 (3) *the Inspector General of the Department.*

12 (d) *CORRECTIVE ACTION PLAN.*—

13 (1) *IN GENERAL.*—*Not later than 120 days after*
14 *the Administrator submits the report under subsection*
15 *(c), if that report identifies a deficiency or oppor-*
16 *tunity for improvement in the CSA program or in*
17 *any element of the SMS, the Administrator shall sub-*
18 *mit to the Committee on Commerce, Science, and*
19 *Transportation of the Senate and the Committee on*
20 *Transportation and Infrastructure of the House of*
21 *Representatives a corrective action plan that—*

22 (A) *responds to the deficiencies or opportu-*
23 *nities identified by the report;*

1 (B) identifies how the Federal Motor Car-
2 rier Safety Administration will address such de-
3 ficiencies or opportunities; and

4 (C) provides an estimate of the cost, includ-
5 ing with respect to changes in staffing, enforce-
6 ment, and data collection, necessary to address
7 such deficiencies or opportunities.

8 (2) *PROGRAM REFORMS.*—The corrective action
9 plan submitted under paragraph (1) shall include an
10 implementation plan that—

11 (A) includes benchmarks;

12 (B) includes programmatic reforms, revi-
13 sions to regulations, or proposals for legislation;
14 and

15 (C) shall be considered in any rulemaking
16 by the Department that relates to the CSA pro-
17 gram, including the SMS.

18 (e) *INSPECTOR GENERAL REVIEW.*—Not later than
19 120 days after the Administrator submits a corrective ac-
20 tion plan under subsection (d), the Inspector General of the
21 Department shall—

22 (1) review the extent to which such plan imple-
23 ments—

24 (A) recommendations contained in the re-
25 port submitted under subsection (c); and

1 (B) relevant recommendations issued by the
 2 Comptroller General or the Inspector General be-
 3 fore the date of enactment of this Act; and

4 (2) submit to the Committee on Commerce,
 5 Science, and Transportation of the Senate and the
 6 Committee on Transportation and Infrastructure of
 7 the House of Representatives a report on the respon-
 8 siveness of the corrective action plan to the rec-
 9 ommendations described in paragraph (1).

10 **SEC. 5222. BEYOND COMPLIANCE.**

11 (a) *IN GENERAL.*—Not later than 18 months after the
 12 date of enactment of this Act, the Administrator shall incor-
 13 porate into the CSA program a methodology to allow rec-
 14 ognition and an improved SMS score for—

15 (1) the installation of advanced safety equip-
 16 ment;

17 (2) the use of enhanced driver fitness measures;

18 (3) the adoption of fleet safety management tools,
 19 technologies, and programs; or

20 (4) other metrics as determined appropriate by
 21 the Administrator.

22 (b) *QUALIFICATION.*—The Administrator, after pro-
 23 viding notice and an opportunity for comment, shall de-
 24 velop technical or other performance standards with respect
 25 to advanced safety equipment, enhanced driver fitness

1 measures, fleet safety management tools, technologies, and
 2 programs, and other metrics for purposes of subsection (a).

3 (c) *REPORT.*—Not later than 18 months after the in-
 4 corporation of the methodology under subsection (a), the Ad-
 5 ministrator shall submit to the Committee on Transpor-
 6 tation and Infrastructure of the House of Representatives
 7 and the Committee on Commerce, Science, and Transpor-
 8 tation of the Senate a report on the number of motor car-
 9 riers receiving recognition and improved scores under such
 10 methodology and the safety performance of such carriers.

11 **SEC. 5223. DATA CERTIFICATION.**

12 (a) *IN GENERAL.*—On and after the date that is 1 day
 13 after the date of enactment of this Act, no information re-
 14 garding analysis of violations, crashes in which a deter-
 15 mination is made that the motor carrier or the commercial
 16 motor vehicle driver is not at fault, alerts, or the relative
 17 percentile for each BASIC developed under the CSA pro-
 18 gram may be made available to the public (including
 19 through requests under section 552 of title 5, United States
 20 Code) until the Inspector General of the Department cer-
 21 tifies that—

22 (1) the report required under section 5221(c) has
 23 been submitted in accordance with that section;

24 (2) any deficiencies identified in the report re-
 25 quired under section 5221(c) have been addressed;

1 (3) if applicable, the corrective action plan
2 under section 5221(d) has been implemented;

3 (4) the Administrator of the Federal Motor Car-
4 rier Safety Administration has fully implemented or
5 satisfactorily addressed the issues raised in the report
6 titled “Modifying the Compliance, Safety, Account-
7 ability Program Would Improve the Ability to Iden-
8 tify High Risk Carriers” of the Government Account-
9 ability Office and dated February 2014 (GAO–14–
10 114); and

11 (5) the CSA program has been modified in ac-
12 cordance with section 5222.

13 (b) *LIMITATION ON THE USE OF CSA ANALYSIS.*—In-
14 formation regarding alerts and the relative percentile for
15 each BASIC developed under the CSA program may not
16 be used for safety fitness determinations until the Inspector
17 General of the Department makes the certification under
18 subsection (a).

19 (c) *CONTINUED PUBLIC AVAILABILITY OF DATA.*—Not-
20 withstanding any other provision of this section, inspection
21 and violation information submitted to the Federal Motor
22 Carrier Safety Administration by commercial motor vehicle
23 inspectors and qualified law enforcement officials, out-of-
24 service rates, and absolute measures shall remain available
25 to the public.

1 (d) *EXCEPTIONS.*—

2 (1) *IN GENERAL.*—*Notwithstanding any other*
3 *provision of this section—*

4 (A) *the Federal Motor Carrier Safety Ad-*
5 *ministration and State and local commercial*
6 *motor vehicle enforcement agencies may use the*
7 *information referred to in subsection (a) for pur-*
8 *poses of investigation and enforcement*
9 *prioritization; and*

10 (B) *a motor carrier and a commercial*
11 *motor vehicle driver may access information re-*
12 *ferred to in subsection (a) that relates directly to*
13 *the motor carrier or driver, respectively.*

14 (2) *RULE OF CONSTRUCTION.*—*Nothing in this*
15 *section may be construed to restrict the official use by*
16 *State enforcement agencies of the data collected by*
17 *State enforcement personnel.*

18 **SEC. 5224. INTERIM HIRING STANDARD.**

19 (a) *DEFINITIONS.*—*In this section, the following defi-*
20 *nitions apply:*

21 (1) *ENTITY.*—*The term “entity” means a person*
22 *acting as—*

23 (A) *a shipper, other than an individual*
24 *shipper (as that term is defined in section 13102*
25 *of title 49, United States Code), or a consignee;*

1 (B) a broker or a freight forwarder (as such
2 terms are defined in section 13102 of title 49,
3 United States Code);

4 (C) a non-vessel-operating common carrier,
5 an ocean freight forwarder, or an ocean trans-
6 portation intermediary (as such terms are de-
7 fined in section 40102 of title 46, United States
8 Code);

9 (D) an indirect air carrier authorized to
10 operate under a Standard Security Program ap-
11 proved by the Transportation Security Adminis-
12 tration;

13 (E) a customs broker licensed in accordance
14 with section 111.2 of title 19, Code of Federal
15 Regulations;

16 (F) an interchange motor carrier subject to
17 paragraphs (1)(B) and (2) of section 13902(i) of
18 title 49, United States Code; or

19 (G) a warehouse (as defined in section 7-
20 102(13) of the Uniform Commercial Code).

21 (2) *MOTOR CARRIER.*—The term “motor carrier”
22 means a motor carrier (as that term is defined in sec-
23 tion 13102 of title 49, United States Code) that is
24 subject to Federal motor carrier financial responsi-
25 bility and safety regulations.

1 (b) *HIRING STANDARD.*—Subsection (c) shall only be
2 applicable to entities who, before tendering a shipment, but
3 not more than 35 days before the pickup of the shipment
4 by the hired motor carrier, verify that the motor carrier,
5 at the time of such verification—

6 (1) is registered with and authorized by the Fed-
7 eral Motor Carrier Safety Administration to operate
8 as a motor carrier, if applicable;

9 (2) has the minimum insurance coverage re-
10 quired by Federal law; and

11 (3) has a satisfactory safety fitness determina-
12 tion issued by the Federal Motor Carrier Safety Ad-
13 ministration in force.

14 (c) *INTERIM USE OF DATA.*—

15 (1) *IN GENERAL.*—With respect to an entity who
16 completed a verification under subsection (b), only in-
17 formation regarding the entity's compliance or non-
18 compliance with subsection (b) may be admitted as
19 evidence or otherwise used against the entity in a
20 civil action for damages resulting from a claim of
21 negligent selection or retention of a motor carrier.

22 (2) *EXCLUDED EVIDENCE.*—With respect to an
23 entity who completed a verification under subsection
24 (b), motor carrier data (other than the information
25 described in paragraph (1)) created or maintained by

1 *the Federal Motor Carrier Safety Administration, in-*
 2 *cluding SMS data or analysis of such data, may not*
 3 *be admitted into evidence in a case or proceeding in*
 4 *which it is asserted or alleged that the entity's selec-*
 5 *tion or retention of a motor carrier was negligent.*

6 (d) *SUNSET.—This section shall cease to be effective*
 7 *on the date on which the Inspector General of the Depart-*
 8 *ment makes the certification under section 5223(a).*

9 ***Subtitle C—Commercial Motor*** 10 ***Vehicle Safety***

11 ***SEC. 5301. IMPLEMENTING SAFETY REQUIREMENTS.***

12 (a) *NATIONAL CLEARINGHOUSE FOR CONTROLLED*
 13 *SUBSTANCE AND ALCOHOL TEST RESULTS OF COMMER-*
 14 *CIAL MOTOR VEHICLE OPERATORS.—If the deadline estab-*
 15 *lished under section 31306a(a)(1) of title 49, United States*
 16 *Code, has not been met, not later than 30 days after the*
 17 *date of enactment of this Act, the Secretary of Transpor-*
 18 *tation shall submit to the Committee on Transportation*
 19 *and Infrastructure of the House of Representatives and the*
 20 *Committee on Commerce, Science, and Transportation of*
 21 *the Senate written notification that—*

22 (1) *explains why such deadline has not been met;*

23 *and*

24 (2) *establishes a new deadline for completion of*
 25 *the requirements of such section.*

1 (b) *ELECTRONIC LOGGING DEVICES.*—If the deadline
2 established under section 31137(a) of title 49, United States
3 Code, has not been met, not later than 30 days after the
4 date of enactment of this Act, the Secretary shall submit
5 to the Committee on Transportation and Infrastructure of
6 the House of Representatives and the Committee on Com-
7 merce, Science, and Transportation of the Senate written
8 notification that—

9 (1) explains why such deadline has not been met;
10 and

11 (2) establishes a new deadline for completion of
12 the requirements of such section.

13 (c) *STANDARDS FOR TRAINING.*—If the deadline estab-
14 lished under section 31305(c) of title 49, United States
15 Code, has not been met, not later than 30 days after the
16 date of enactment of this Act, the Secretary shall submit
17 to the Committee on Transportation and Infrastructure of
18 the House of Representatives and the Committee on Com-
19 merce, Science, and Transportation of the Senate written
20 notification that—

21 (1) explains why such deadline has not been met;
22 and

23 (2) establishes a new deadline for completion of
24 the requirements of such section.

1 (d) *FURTHER RESPONSIBILITIES.*—If the Secretary
 2 determines that a deadline established under subsection
 3 (a)(2), (b)(2), or (c)(2) cannot be met, not later than 30
 4 days after the date on which such determination is made,
 5 the Secretary shall submit to the Committee on Transpor-
 6 tation and Infrastructure of the House of Representatives
 7 and the Committee on Commerce, Science, and Transpor-
 8 tation of the Senate written notification that—

- 9 (1) explains why such deadline cannot be met;
 10 and
 11 (2) establishes a new deadline for completion of
 12 the relevant requirements.

13 **SEC. 5302. WINDSHIELD MOUNTED SAFETY TECHNOLOGY.**

14 (a) *IN GENERAL.*—Not later than 180 days after the
 15 date of enactment of this Act, the Secretary shall issue regu-
 16 lations to modify section 393.60(e)(1) of title 49, Code of
 17 Federal Regulations, to permanently allow the voluntary
 18 mounting on the inside of a vehicle’s windshield, within the
 19 area swept by windshield wipers, of vehicle safety tech-
 20 nologies, if the Secretary determines that such mounting is
 21 likely to achieve a level of safety that is equivalent to, or
 22 greater than, the level of safety that would be achieved with-
 23 out such mounting.

24 (b) *VEHICLE SAFETY TECHNOLOGY DEFINED.*—In this
 25 section, the term “vehicle safety technology” includes lane

1 *departure warning systems, collision avoidance systems, on-*
 2 *board video event recording devices, and any other tech-*
 3 *nology determined appropriate by the Secretary.*

4 *(c) RULE OF CONSTRUCTION.—Nothing in this section*
 5 *may be construed to alter the terms of a short-term exemp-*
 6 *tion from section 393.60(e) of title 49, Code of Federal Reg-*
 7 *ulations, granted and in effect as of the date of enactment*
 8 *of this Act.*

9 **SEC. 5303. PRIORITIZING STATUTORY RULEMAKINGS.**

10 *The Administrator of the Federal Motor Carrier Safety*
 11 *Administration shall prioritize the completion of each out-*
 12 *standing rulemaking required by statute before beginning*
 13 *any other rulemaking, unless the Secretary determines that*
 14 *there is a significant need for such other rulemaking.*

15 **SEC. 5304. SAFETY REPORTING SYSTEM.**

16 *(a) IN GENERAL.—Not later than 1 year after the date*
 17 *of enactment of this Act, the Comptroller General of the*
 18 *United States shall submit to the Committee on Commerce,*
 19 *Science, and Transportation of the Senate and the Com-*
 20 *mittee on Transportation and Infrastructure of the House*
 21 *of Representatives a report on the cost and feasibility of*
 22 *establishing a self-reporting system for commercial motor*
 23 *vehicle drivers or motor carriers with respect to en route*
 24 *equipment failures.*

1 (b) *CONTENTS.*—*The report required under subsection*

2 *(a) shall include—*

3 (1) *an analysis of—*

4 (A) *alternatives for the reporting of equip-*
5 *ment failures in real time, including an Internet*
6 *Web site or telephone hotline;*

7 (B) *the ability of a commercial motor vehi-*
8 *cle driver or a motor carrier to provide to the*
9 *Federal Motor Carrier Safety Administration*
10 *proof of repair of a self-reported equipment fail-*
11 *ure;*

12 (C) *the ability of the Federal Motor Carrier*
13 *Safety Administration to ensure that self-re-*
14 *ported equipment failures proven to be repaired*
15 *are not used in the calculation of Behavior Anal-*
16 *ysis and Safety Improvement Category scores;*

17 (D) *the ability of roadside inspectors to ac-*
18 *cess self-reported equipment failures;*

19 (E) *the cost to establish and administer a*
20 *self-reporting system;*

21 (F) *the ability for a self-reporting system to*
22 *track individual commercial motor vehicles*
23 *through unique identifiers; and*

24 (G) *whether a self-reporting system would*
25 *yield demonstrable safety benefits;*

1 (2) *an identification of any regulatory or statu-*
 2 *tory impediments to the implementation of a self-re-*
 3 *porting system; and*

4 (3) *recommendations on implementing a self-re-*
 5 *porting system.*

6 **SEC. 5305. NEW ENTRANT SAFETY REVIEW PROGRAM.**

7 (a) *IN GENERAL.*—*The Secretary shall conduct an as-*
 8 *essment of the new operator safety review program under*
 9 *section 31144(g) of title 49, United States Code, including*
 10 *the program’s effectiveness in reducing crashes, fatalities,*
 11 *and injuries involving commercial motor vehicles and im-*
 12 *proving commercial motor vehicle safety.*

13 (b) *REPORT.*—*Not later than 1 year after the date of*
 14 *enactment of this Act, the Secretary shall publish on a pub-*
 15 *licly accessible Internet Web site of the Department and*
 16 *submit to the Committee on Commerce, Science, and Trans-*
 17 *portation of the Senate and the Committee on Transpor-*
 18 *tation and Infrastructure of the House of Representatives*
 19 *a report on the results of the assessment conducted under*
 20 *subsection (a), including any recommendations for improv-*
 21 *ing the effectiveness of the program (including recommenda-*
 22 *tions for legislative changes).*

23 **SEC. 5306. READY MIXED CONCRETE TRUCKS.**

24 *A driver of a ready mixed concrete mixer truck is ex-*
 25 *empt from section 3(a)(3)(ii) of part 395 of title 49, Code*

1 of Federal Regulations, if the driver is in compliance with
 2 clauses (i), (iii), (iv), and (v) of subsection (e)(1) of section
 3 1 of part 395 of such title (regarding the 100 air-mile log-
 4 ging exemption).

5 ***Subtitle D—Commercial Motor***
 6 ***Vehicle Drivers***

7 ***SEC. 5401. OPPORTUNITIES FOR VETERANS.***

8 (a) *STANDARDS FOR TRAINING AND TESTING OF VET-*
 9 *ERAN OPERATORS.*—Section 31305 of title 49, United
 10 States Code, is amended by adding at the end the following:

11 “(d) *STANDARDS FOR TRAINING AND TESTING OF VET-*
 12 *ERAN OPERATORS.*—

13 “(1) *IN GENERAL.*—Not later than December 31,
 14 2016, the Secretary shall modify the regulations pre-
 15 scribed under subsections (a) and (c) to—

16 “(A) exempt a covered individual from all
 17 or a portion of a driving test if the covered indi-
 18 vidual had experience in the armed forces or re-
 19 serve components driving vehicles similar to a
 20 commercial motor vehicle;

21 “(B) ensure that a covered individual may
 22 apply for an exemption under subparagraph (A)
 23 during, at least, the 1-year period beginning on
 24 the date on which such individual separates from

1 *service in the armed forces or reserve compo-*
 2 *nents; and*

3 “(C) *credit the training and knowledge a*
 4 *covered individual received in the armed forces*
 5 *or reserve components driving vehicles similar to*
 6 *a commercial motor vehicle for purposes of satis-*
 7 *fying minimum standards for training and*
 8 *knowledge.*

9 “(2) *DEFINITIONS.—In this subsection, the fol-*
 10 *lowing definitions apply:*

11 “(A) *ARMED FORCES.—The term ‘armed*
 12 *forces’ has the meaning given that term in sec-*
 13 *tion 101(a)(4) of title 10.*

14 “(B) *COVERED INDIVIDUAL.—The term ‘cov-*
 15 *ered individual’ means—*

16 “(i) *a former member of the armed*
 17 *forces; or*

18 “(ii) *a former member of the reserve*
 19 *components.*

20 “(C) *RESERVE COMPONENTS.—The term*
 21 *‘reserve components’ means—*

22 “(i) *the Army National Guard of the*
 23 *United States;*

24 “(ii) *the Army Reserve;*

25 “(iii) *the Navy Reserve;*

1 “(iv) the Marine Corps Reserve;
 2 “(v) the Air National Guard of the
 3 United States;
 4 “(vi) the Air Force Reserve; and
 5 “(vii) the Coast Guard Reserve.”.

6 (b) IMPLEMENTATION OF THE MILITARY COMMERCIAL
 7 DRIVER’S LICENSE ACT.—Not later than December 31,
 8 2015, the Secretary shall issue final regulations to imple-
 9 ment the exemption to the domicile requirement under sec-
 10 tion 31311(a)(12)(C) of title 49, United States Code.

11 (c) CONFORMING AMENDMENT.—Section
 12 31311(a)(12)(C)(ii) of title 49, United States Code, is
 13 amended to read as follows:

14 “(ii) is an active duty member of—
 15 “(I) the armed forces (as that term is
 16 defined in section 101(a)(4) of title 10); or
 17 “(II) the reserve components (as that
 18 term is defined in section 31305(d)(2)(C) of
 19 this title); and”.

20 **SEC. 5402. DRUG-FREE COMMERCIAL DRIVERS.**

21 (a) IN GENERAL.—Section 31306 of title 49, United
 22 States Code, is amended—

23 (1) in subsection (b)(1)—
 24 (A) by redesignating subparagraph (B) as
 25 subparagraph (C);

1 (B) in subparagraph (A) by striking “The
 2 regulations shall permit such motor carriers to
 3 conduct preemployment testing of such employees
 4 for the use of alcohol.”; and

5 (C) by inserting after subparagraph (A) the
 6 following:

7 “(B) The regulations prescribed under subparagraph
 8 (A) shall permit motor carriers—

9 “(i) to conduct preemployment testing of com-
 10 mercial motor vehicle operators for the use of alcohol;
 11 and

12 “(ii) to use hair testing as an acceptable alter-
 13 native to urine testing—

14 “(I) in conducting preemployment testing
 15 for the use of a controlled substance; and

16 “(II) in conducting random testing for the
 17 use of a controlled substance if the operator was
 18 subject to hair testing for preemployment test-
 19 ing.”;

20 (2) in subsection (b)(2)—

21 (A) in subparagraph (A) by striking “and”
 22 at the end;

23 (B) in subparagraph (B) by striking the pe-
 24 riod at the end and inserting “; and”; and

25 (C) by adding at the end the following:

1 “(C) shall provide an exemption from hair test-
 2 ing for commercial motor vehicle operators with es-
 3 tablished religious beliefs that prohibit the cutting or
 4 removal of hair.”; and

5 (3) in subsection (c)(2)—

6 (A) in the matter preceding subparagraph
 7 (A) by inserting “for urine testing, and technical
 8 guidelines for hair testing,” before “including
 9 mandatory guidelines”;

10 (B) in subparagraph (B) by striking “and”
 11 at the end;

12 (C) in subparagraph (C) by inserting
 13 “and” after the semicolon; and

14 (D) by adding at the end the following:

15 “(D) laboratory protocols and cut-off levels
 16 for hair testing to detect the use of a controlled
 17 substance;”.

18 (b) *GUIDELINES*.—Not later than 1 year after the date
 19 of enactment of this Act, the Secretary of Health and
 20 Human Services shall issue scientific and technical guide-
 21 lines for hair testing as a method of detecting the use of
 22 a controlled substance for purposes of section 31306 of title
 23 49, United States Code.

1 **SEC. 5403. CERTIFIED MEDICAL EXAMINERS.**

2 (a) *IN GENERAL.*—Section 31315(b)(1) of title 49,
3 *United States Code*, is amended by striking “or section
4 31136” and inserting “, section 31136, or section
5 31149(d)(3)”.

6 (b) *CONFORMING AMENDMENT.*—Section 31149(d)(3)
7 of title 49, *United States Code*, is amended by inserting
8 “, unless the person issuing the certificate is the subject of
9 an exemption issued under section 31315(b)(1)” before the
10 semicolon.

11 **SEC. 5404. GRADUATED COMMERCIAL DRIVER’S LICENSE**
12 **PILOT PROGRAM.**

13 (a) *TASK FORCE.*—

14 (1) *IN GENERAL.*—The Secretary shall convene a
15 task force to evaluate and make recommendations to
16 the Secretary on elements for inclusion in a grad-
17 uated commercial driver’s license pilot program that
18 would allow a novice licensed driver between the ages
19 of 19 years and 6 months and 21 years to safely oper-
20 ate a commercial motor vehicle in a limited capacity
21 in interstate commerce between States that enter into
22 a bi-State agreement.

23 (2) *MEMBERSHIP.*—The task force convened
24 under paragraph (1) shall include representatives of
25 State motor vehicle administrators, motor carriers,

1 *labor organizations, safety advocates, and other stake-*
2 *holders determined appropriate by the Secretary.*

3 (3) *CONSIDERATIONS.—The task force convened*
4 *under paragraph (1) shall evaluate and make rec-*
5 *ommendations on the following elements for inclusion*
6 *in a graduated commercial driver’s license pilot pro-*
7 *gram:*

8 (A) *A specified length of time for a learner’s*
9 *permit stage.*

10 (B) *A requirement that drivers under the*
11 *age of 21 years be accompanied by experienced*
12 *drivers over the age of 21 years.*

13 (C) *A restriction on travel distances.*

14 (D) *A restriction on maximum allowable*
15 *driving hours.*

16 (E) *Mandatory driver training that exceeds*
17 *the requirements for drivers over the age of 21*
18 *years issued by the Secretary under section*
19 *31305(c) of title 49, United States Code.*

20 (F) *Use of certain safety technologies in the*
21 *vehicles of drivers under the age of 21 years.*

22 (G) *Any other element the task force con-*
23 *siders appropriate.*

24 (4) *RECOMMENDATIONS.—Not later than 1 year*
25 *after the date of enactment of this Act, the task force*

1 *convened under paragraph (1) shall recommend to the*
2 *Secretary the elements the task force has determined*
3 *appropriate for inclusion in a graduated commercial*
4 *driver's license pilot program.*

5 ***(b) PILOT PROGRAM.—***

6 ***(1) IN GENERAL.—****Not later than 1 year after re-*
7 *ceiving the recommendations of the task force under*
8 *subsection (a), the Secretary shall establish a grad-*
9 *uated commercial driver's license pilot program in*
10 *accordance with such recommendations and section*
11 *31315(c) of title 49, United States Code.*

12 ***(2) PRE-ESTABLISHMENT REQUIREMENTS.—***
13 *Prior to the establishment of the pilot program under*
14 *paragraph (1), the Secretary shall—*

15 ***(A)*** *submit to Congress a report outlining*
16 *the recommendations of the task force received*
17 *under subsection (a); and*

18 ***(B)*** *publish in the Federal Register, and*
19 *provide sufficient notice of and an opportunity*
20 *for public comment on, the—*

21 ***(i)*** *proposed requirements for State*
22 *and driver participation in the pilot pro-*
23 *gram, based on the recommendations of the*
24 *task force and consistent with paragraph*
25 *(3);*

1 (ii) measures the Secretary will utilize
2 under the pilot program to ensure safety;
3 and

4 (iii) standards the Secretary will use
5 to evaluate the pilot program, including to
6 determine any changes in the level of motor
7 carrier safety as a result of the pilot pro-
8 gram.

9 (3) *PROGRAM ELEMENTS.*—The pilot program
10 established under paragraph (1)—

11 (A) may not allow an individual under the
12 age of 19 years and 6 months to participate;

13 (B) may not allow a driver between the ages
14 of 19 years and 6 months and 21 years to—

15 (i) operate a commercial motor vehicle
16 in special configuration; or

17 (ii) transport hazardous cargo;

18 (C) shall be carried out in a State (includ-
19 ing the District of Columbia) only if the Gov-
20 ernor of the State (or the Mayor of the District
21 of Columbia, if applicable) approves an agree-
22 ment with a contiguous State to allow a licensed
23 driver under the age of 21 years to operate a
24 commercial motor vehicle across both States in
25 accordance with the pilot program;

1 (D) may not recognize more than 6 agree-
2 ments described in subparagraph (C);

3 (E) may not allow more than 10 motor car-
4 riers to participate in the pilot program under
5 each agreement described in subparagraph (C);

6 (F) shall require each motor carrier partici-
7 pating in the pilot program under an agreement
8 described in subparagraph (C) to—

9 (i) have in effect a satisfactory safety
10 fitness determination that was issued by the
11 Federal Motor Carrier Safety Administra-
12 tion during the 2-year period preceding the
13 date of the Federal Register publication re-
14 quired under paragraph (2)(B); and

15 (ii) agree to have its safety perform-
16 ance monitored by the Secretary during
17 participation in the pilot program;

18 (G) shall allow for the revocation of a motor
19 carrier's participation in the pilot program if a
20 State or the Secretary determines that the motor
21 carrier violated the requirements, including safe-
22 ty requirements, of the pilot program; and

23 (H) shall ensure that a valid graduated
24 commercial driver's license issued by a State
25 that has entered into an agreement described in

1 subparagraph (C) and is approved by the Sec-
2 retary to participate in the pilot program is rec-
3 ognized as valid in both States that are partici-
4 pating in the agreement.

5 (c) *INSPECTOR GENERAL REPORT.*—

6 (1) *MONITORING.*—*The Inspector General of the*
7 *Department of Transportation shall monitor and re-*
8 *view the implementation of the pilot program estab-*
9 *lished under subsection (b).*

10 (2) *REPORT.*—*The Inspector General shall sub-*
11 *mit to Congress and the Secretary—*

12 (A) *not later than 1 year after the establish-*
13 *ment of the pilot program under subsection (b),*
14 *an interim report on the results of the review*
15 *conducted under paragraph (1); and*

16 (B) *not later than 60 days after the conclu-*
17 *sion of the pilot program, a final report on the*
18 *results of the review conducted under paragraph*
19 *(1).*

20 (3) *ADDITIONAL CONTENTS.*—

21 (A) *INTERIM REPORT.*—*The interim report*
22 *required under paragraph (2)(A) shall address*
23 *whether the Secretary has established sufficient*
24 *mechanisms and generated sufficient data to de-*

1 *termine if the pilot program is having any ad-*
 2 *verse effects on motor carrier safety.*

3 *(B) FINAL REPORT.—The final report re-*
 4 *quired under paragraph (2)(B) shall address the*
 5 *impact of the pilot program on—*

6 *(i) safety; and*

7 *(ii) the number of commercial motor*
 8 *vehicle drivers available for employment.*

9 **SEC. 5405. VETERANS EXPANDED TRUCKING OPPORTUNI-**
 10 **TIES.**

11 *(a) IN GENERAL.—In the case of a physician-approved*
 12 *veteran operator, the qualified physician of such operator*
 13 *may, subject to the requirements of subsection (b), perform*
 14 *a medical examination and provide a medical certificate*
 15 *for purposes of compliance with the requirements of section*
 16 *31149 of title 49, United States Code.*

17 *(b) CERTIFICATION.—The certification described under*
 18 *subsection (a) shall include—*

19 *(1) assurances that the physician performing the*
 20 *medical examination meets the requirements of a*
 21 *qualified physician under this section; and*

22 *(2) certification that the physical condition of*
 23 *the operator is adequate to enable such operator to op-*
 24 *erate a commercial motor vehicle safely.*

1 (c) *DEFINITIONS.—In this section, the following defi-*
2 *nitions apply:*

3 (1) *PHYSICIAN-APPROVED VETERAN OPER-*
4 *ATOR.—The term “physician-approved veteran oper-*
5 *ator” means an operator of a commercial motor vehi-*
6 *cle who—*

7 (A) *is a veteran who is enrolled in the*
8 *health care system established under section*
9 *1705(a) of title 38, United States Code; and*

10 (B) *is required to have a current valid med-*
11 *ical certificate pursuant to section 31149 of title*
12 *49, United States Code.*

13 (2) *QUALIFIED PHYSICIAN.—The term “qualified*
14 *physician” means a physician who—*

15 (A) *is employed in the Department of Vet-*
16 *erans Affairs;*

17 (B) *is familiar with the standards for, and*
18 *physical requirements of, an operator certified*
19 *pursuant to section 31149 of title 49, United*
20 *States Code; and*

21 (C) *has never, with respect such section,*
22 *been found to have acted fraudulently, including*
23 *by fraudulently awarding a medical certificate.*

1 (3) *VETERAN.*—*The term “veteran” has the*
 2 *meaning given the term in section 101 of title 38,*
 3 *United States Code.*

4 (d) *STATUTORY CONSTRUCTION.*—*Nothing in this sec-*
 5 *tion shall be construed to change any statutory penalty as-*
 6 *sociated with fraud or abuse.*

7 ***Subtitle E—General Provisions***

8 ***SEC. 5501. MINIMUM FINANCIAL RESPONSIBILITY.***

9 (a) *TRANSPORTING PROPERTY.*—*If the Secretary pro-*
 10 *ceeds with a rulemaking to determine whether to increase*
 11 *the minimum levels of financial responsibility required*
 12 *under section 31139 of title 49, United States Code, the Sec-*
 13 *retary shall consider, prior to issuing a final rule—*

14 (1) *the rulemaking’s potential impact on—*

15 (A) *the safety of motor vehicle transpor-*
 16 *tation; and*

17 (B) *the motor carrier industry, including*
 18 *small and minority motor carriers and inde-*
 19 *pendent owner-operators;*

20 (2) *the ability of the insurance industry to pro-*
 21 *vide the required amount of insurance;*

22 (3) *the extent to which current minimum levels*
 23 *of financial responsibility adequately cover—*

24 (A) *medical care;*

25 (B) *compensation;*

1 (C) attorney fees; and

2 (D) other identifiable costs;

3 (4) the frequency with which insurance claims
4 exceed current minimum levels of financial responsi-
5 bility in fatal accidents; and

6 (5) the impact of increased levels on motor car-
7 rier safety and accident reduction.

8 (b) *TRANSPORTING PASSENGERS.*—

9 (1) *IN GENERAL.*—Prior to initiating a rule-
10 making to change the minimum levels of financial re-
11 sponsibility under section 31138 of title 49, United
12 States Code, the Secretary shall complete a study spe-
13 cific to the minimum financial responsibility require-
14 ments for motor carriers of passengers.

15 (2) *STUDY CONTENTS.*—A study under para-
16 graph (1) shall include—

17 (A) a review of accidents, injuries, and fa-
18 talities in the over-the-road bus and school bus
19 industries;

20 (B) a review of insurance held by over-the-
21 road bus and public and private school bus com-
22 panies, including companies of various sizes,
23 and an analysis of whether such insurance is
24 adequate to cover claims;

1 (C) *an analysis of whether and how insur-*
2 *ance affects the behavior and safety record of*
3 *motor carriers of passengers, including with re-*
4 *spect to crash reduction; and*

5 (D) *an analysis of the anticipated impacts*
6 *of an increase in financial responsibility on in-*
7 *surance premiums for passenger carriers and*
8 *service availability.*

9 (3) *CONSULTATION.—In conducting a study*
10 *under paragraph (1), the Secretary shall consult*
11 *with—*

12 (A) *representatives of the over-the-road bus*
13 *and private school bus transportation industries,*
14 *including representatives of bus drivers; and*

15 (B) *insurers of motor carriers of passengers.*

16 (4) *REPORT.—If the Secretary undertakes a*
17 *study under paragraph (1), the Secretary shall sub-*
18 *mit to the Committee on Transportation and Infra-*
19 *structure of the House of Representatives and the*
20 *Committee on Commerce, Science, and Transpor-*
21 *tation of the Senate a report on the results of the*
22 *study.*

23 **SEC. 5502. DELAYS IN GOODS MOVEMENT.**

24 (a) *REPORT.—*

1 (1) *IN GENERAL.*—Not later than 1 year after
2 the date of enactment of this Act, the Inspector Gen-
3 eral of the Department shall submit to the Committee
4 on Transportation and Infrastructure of the House of
5 Representatives and the Committee on Commerce,
6 Science, and Transportation of the Senate a report on
7 the average length of time that operators of commer-
8 cial motor vehicles are delayed before the loading and
9 unloading of such vehicles and at other points in the
10 pick-up and delivery process.

11 (2) *CONTENTS.*—The report under paragraph (1)
12 shall include—

13 (A) an assessment of how delays impact—

14 (i) the economy;

15 (ii) the efficiency of the transportation
16 system;

17 (iii) motor carrier safety, including the
18 extent to which delays result in violations of
19 motor carrier safety regulations; and

20 (iv) the livelihood of motor carrier
21 drivers; and

22 (B) recommendations on how delays could
23 be mitigated.

24 (b) *COLLECTION OF DATA.*—Not later than 2 years
25 after the date of enactment of this Act, the Secretary shall

1 *establish by regulation a process to collect data on delays*
 2 *experienced by operators of commercial motor vehicles be-*
 3 *fore the loading and unloading of such vehicles and at other*
 4 *points in the pick-up and delivery process.*

5 **SEC. 5503. REPORT ON MOTOR CARRIER FINANCIAL RE-**
 6 **SPONSIBILITY.**

7 *(a) IN GENERAL.—Not later than April 1, 2016, the*
 8 *Secretary shall publish on a publicly accessible Internet*
 9 *Web site of the Department a report on the minimum levels*
 10 *of financial responsibility required under section 31139 of*
 11 *title 49, United States Code.*

12 *(b) CONTENTS.—The report required under subsection*
 13 *(a) shall include an analysis of—*

14 *(1) the differences between State insurance re-*
 15 *quirements and Federal requirements;*

16 *(2) the extent to which current minimum levels*
 17 *of financial responsibility adequately cover—*

18 *(A) medical care;*

19 *(B) compensation;*

20 *(C) attorney fees; and*

21 *(D) other identifiable costs; and*

22 *(3) the frequency with which insurance claims*
 23 *exceed the current minimum levels of financial re-*
 24 *sponsibility.*

1 **SEC. 5504. EMERGENCY ROUTE WORKING GROUP.**

2 (a) *IN GENERAL.*—

3 (1) *ESTABLISHMENT.*—Not later than 1 year
4 after the date of enactment of this Act, the Secretary
5 shall establish a working group to determine best
6 practices for expeditious State approval of special
7 permits for vehicles involved in emergency response
8 and recovery.

9 (2) *MEMBERS.*—The working group shall include
10 representatives from—

11 (A) State highway transportation depart-
12 ments or agencies;

13 (B) relevant modal agencies within the De-
14 partment;

15 (C) emergency response or recovery experts;

16 (D) relevant safety groups; and

17 (E) entities affected by special permit re-
18 strictions during emergency response and recov-
19 ery efforts.

20 (b) *CONSIDERATIONS.*—In determining best practices
21 under subsection (a), the working group shall consider
22 whether—

23 (1) impediments currently exist that prevent ex-
24 peditious State approval of special permits for vehi-
25 cles involved in emergency response and recovery;

1 (2) *it is possible to pre-identify and establish*
2 *emergency routes between States through which infra-*
3 *structure repair materials could be delivered following*
4 *a natural disaster or emergency;*

5 (3) *a State could pre-designate an emergency*
6 *route identified under paragraph (2) as a certified*
7 *emergency route if a motor vehicle that exceeds the*
8 *otherwise applicable Federal and State truck length*
9 *or width limits may safely operate along such route*
10 *during periods of declared emergency and recovery*
11 *from such periods; and*

12 (4) *an online map could be created to identify*
13 *each pre-designated emergency route under paragraph*
14 *(3), including information on specific limitations, ob-*
15 *ligations, and notification requirements along that*
16 *route.*

17 (c) *REPORT.—*

18 (1) *SUBMISSION.—Not later than 1 year after*
19 *the date of enactment of this Act, the working group*
20 *shall submit to the Secretary a report on its findings*
21 *under this section and any recommendations for the*
22 *implementation of best practices for expeditious State*
23 *approval of special permits for vehicles involved in*
24 *emergency response and recovery.*

1 (2) *PUBLICATION*.—Not later than 30 days after
 2 the date the Secretary receives the report under para-
 3 graph (1), the Secretary shall publish the report on
 4 a publicly accessible Internet Web site of the Depart-
 5 ment.

6 (d) *NOTIFICATION*.—Not later than 6 months after the
 7 date the Secretary receives the report under subsection
 8 (c)(1), the Secretary shall notify the Committee on Trans-
 9 portation and Infrastructure of the House of Representa-
 10 tives and the Committee on Commerce, Science, and Trans-
 11 portation of the Senate on the actions the Secretary and
 12 the States have taken to implement the recommendations
 13 included in the report.

14 (e) *EXEMPTION*.—The Federal Advisory Committee
 15 Act (5 U.S.C. App.) shall not apply to the working group.

16 (f) *TERMINATION*.—The working group shall terminate
 17 1 year after the date the Secretary receives the report under
 18 subsection (c)(1).

19 **SEC. 5505. HOUSEHOLD GOODS CONSUMER PROTECTION**
 20 **WORKING GROUP.**

21 (a) *WORKING GROUP*.—The Secretary shall establish
 22 a working group for the purpose of developing recommenda-
 23 tions on how to best convey to inexperienced consumers the
 24 information such consumers need to know with respect to

1 *the Federal laws concerning the interstate transportation*
 2 *of household goods by motor carrier.*

3 (b) *MEMBERSHIP.*—*The Secretary shall ensure that*
 4 *the working group is comprised of individuals with exper-*
 5 *tise in consumer affairs, educators with expertise in how*
 6 *people learn most effectively, and representatives of the*
 7 *household goods moving industry.*

8 (c) *RECOMMENDATIONS.*—

9 (1) *CONTENTS.*—*The recommendations developed*
 10 *by the working group shall include recommendations*
 11 *on—*

12 (A) *condensing publication ESA 03005 of*
 13 *the Federal Motor Carrier Safety Administration*
 14 *into a format that is more easily used by con-*
 15 *sumers;*

16 (B) *using state-of-the-art education tech-*
 17 *niques and technologies, including optimizing*
 18 *the use of the Internet as an educational tool;*
 19 *and*

20 (C) *reducing and simplifying the paperwork*
 21 *required of motor carriers and shippers in inter-*
 22 *state transportation.*

23 (2) *DEADLINE.*—*Not later than 1 year after the*
 24 *date of enactment of this Act—*

1 (A) the working group shall make the rec-
2 ommendations described in paragraph (1); and

3 (B) the Secretary shall publish the rec-
4 ommendations on a publicly accessible Internet
5 Web site of the Department.

6 (d) *REPORT*.—Not later than 1 year after the date on
7 which the working group makes its recommendations under
8 subsection (c)(2), the Secretary shall issue a report to Con-
9 gress on the implementation of such recommendations.

10 (e) *EXEMPTION*.—The Federal Advisory Committee
11 Act (5 U.S.C. App.) shall not apply to the working group.

12 (f) *TERMINATION*.—The working group shall terminate
13 1 year after the date the working group makes its rec-
14 ommendations under subsection (c)(2).

15 **SEC. 5506. TECHNOLOGY IMPROVEMENTS.**

16 (a) *IN GENERAL*.—Not later than 1 year after the date
17 of enactment of this Act, the Comptroller General of the
18 United States shall conduct a comprehensive analysis of the
19 information technology and data collection and manage-
20 ment systems of the Federal Motor Carrier Safety Adminis-
21 tration.

22 (b) *REQUIREMENTS*.—The study conducted under sub-
23 section (a) shall—

24 (1) evaluate the efficacy of the existing informa-
25 tion technology, data collection, processing systems,

1 *data correction procedures, and data management*
2 *systems and programs, including their interaction*
3 *with each other and their efficacy in meeting user*
4 *needs;*

5 *(2) identify any redundancies among the sys-*
6 *tems, procedures, and programs described in para-*
7 *graph (1);*

8 *(3) explore the feasibility of consolidating data*
9 *collection and processing systems;*

10 *(4) evaluate the ability of the systems, proce-*
11 *dures, and programs described in paragraph (1) to*
12 *meet the needs of—*

13 *(A) the Federal Motor Carrier Safety Ad-*
14 *ministration, at both the headquarters and State*
15 *levels;*

16 *(B) the State agencies that implement the*
17 *motor carrier safety assistance program under*
18 *section 31102 of title 49, United States Code;*
19 *and*

20 *(C) other users;*

21 *(5) evaluate the adaptability of the systems, pro-*
22 *cedures, and programs described in paragraph (1), in*
23 *order to make necessary future changes to ensure user*
24 *needs are met in an easier, timely, and more cost-effi-*
25 *cient manner;*

1 (6) *investigate and make recommendations re-*
2 *garding—*

3 (A) *deficiencies in existing data sets im-*
4 *pacting program effectiveness; and*

5 (B) *methods to improve user interfaces; and*

6 (7) *identify the appropriate role the Federal*
7 *Motor Carrier Safety Administration should take*
8 *with respect to software and information systems de-*
9 *sign, development, and maintenance for the purpose*
10 *of improving the efficacy of the systems, procedures,*
11 *and programs described in paragraph (1).*

12 **SEC. 5507. NOTIFICATION REGARDING MOTOR CARRIER**
13 **REGISTRATION.**

14 *Not later than 30 days after the date of enactment of*
15 *this Act, the Secretary shall submit to the Committee on*
16 *Transportation and Infrastructure of the House of Rep-*
17 *resentatives and the Committee on Commerce, Science, and*
18 *Transportation of the Senate written notification of the ac-*
19 *tions the Secretary is taking to ensure, to the greatest extent*
20 *practicable, that each application for registration under*
21 *section 13902 of title 49, United States Code, is processed*
22 *not later than 30 days after the date on which the applica-*
23 *tion is received by the Secretary.*

1 **SEC. 5508. REPORT ON COMMERCIAL DRIVER'S LICENSE**

2 **SKILLS TEST DELAYS.**

3 *Not later than 1 year after the date of enactment of*
4 *this Act, and each year thereafter, the Administrator of the*
5 *Federal Motor Carrier Safety Administration shall submit*
6 *to the Committee on Commerce, Science, and Transpor-*
7 *tation of the Senate and the Committee on Transportation*
8 *and Infrastructure of the House of Representatives a report*
9 *that—*

10 *(1) describes, for each State, the status of skills*
11 *testing for applicants for a commercial driver's li-*
12 *cense, including—*

13 *(A) the average wait time, by month and lo-*
14 *cation, from the date an applicant requests to*
15 *take a skills test to the date the applicant com-*
16 *pletes such test;*

17 *(B) the average wait time, by month and lo-*
18 *cation, from the date an applicant, upon failure*
19 *of a skills test, requests a retest to the date the*
20 *applicant completes such retest;*

21 *(C) the actual number of qualified commer-*
22 *cial driver's license examiners, by month and lo-*
23 *cation, available to test applicants; and*

24 *(D) the number of testing sites available*
25 *through the State department of motor vehicles*

1 *and whether this number has increased or de-*
 2 *creased from the previous year; and*

3 *(2) describes specific steps that the Adminis-*
 4 *trator is taking to address skills testing delays in*
 5 *States that have average skills test or retest wait*
 6 *times of more than 7 days from the date an applicant*
 7 *requests to test or retest to the date the applicant com-*
 8 *pletes such test or retest.*

9 **SEC. 5509. COVERED FARM VEHICLES.**

10 *Section 32934(b)(1) of MAP-21 (49 U.S.C. 31136*
 11 *note) is amended by striking “from” and all that follows*
 12 *through the period at end and inserting the following:*
 13 *“from—*

14 *“(A) a requirement described in subsection*
 15 *(a) or a compatible State requirement; or*

16 *“(B) any other minimum standard pro-*
 17 *vided by a State relating to the operation of that*
 18 *vehicle.”.*

19 **SEC. 5510. OPERATORS OF HI-RAIL VEHICLES.**

20 *(a) IN GENERAL.—In the case of a commercial motor*
 21 *vehicle driver subject to the hours of service requirements*
 22 *in part 395 of title 49, Code of Federal Regulations, who*
 23 *is driving a hi-rail vehicle, the maximum on duty time*
 24 *under section 395.3 of such title for such driver shall not*

1 *include time in transportation to or from a duty assign-*
 2 *ment if such time in transportation—*

3 *(1) does not exceed 2 hours per calendar day or*
 4 *a total of 30 hours per calendar month; and*

5 *(2) is fully and accurately accounted for in*
 6 *records to be maintained by the motor carrier and*
 7 *such records are made available upon request of the*
 8 *Federal Motor Carrier Safety Administration or the*
 9 *Federal Railroad Administration.*

10 *(b) EMERGENCY.—In the case of a train accident, an*
 11 *act of God, a train derailment, or a major equipment fail-*
 12 *ure or track condition that prevents a train from advanc-*
 13 *ing, a driver described in subsection (a) may complete a*
 14 *run without being in violation of the provisions of part 395*
 15 *of title 49, Code of Federal Regulations.*

16 *(c) HI-RAIL VEHICLE DEFINED.—In this section, the*
 17 *term “hi-rail vehicle” has the meaning given the term in*
 18 *section 214.7 of title 49, Code of Federal Regulations, as*
 19 *in effect on the date of enactment of this Act.*

20 **SEC. 5511. ELECTRONIC LOGGING DEVICE REQUIREMENTS.**

21 *Section 31137(b) of title 49, United States Code, is*
 22 *amended—*

23 *(1) in paragraph (1)(C) by striking “apply to”*
 24 *and inserting “except as provided in paragraph (3),*
 25 *apply to”; and*

1 (2) *by adding at the end the following:*

2 “(3) *EXCEPTION.—A motor carrier, when trans-*
 3 *porting a motor home or recreation vehicle trailer*
 4 *within the definition of the term ‘driveaway-towaway*
 5 *operation’ (as defined in section 390.5 of title 49,*
 6 *Code of Federal Regulations), may comply with the*
 7 *hours of service requirements by requiring each driver*
 8 *to use—*

9 “(A) *a paper record of duty status form; or*

10 “(B) *an electronic logging device.*”.

11 **SEC. 5512. TECHNICAL CORRECTIONS.**

12 (a) *TITLE 49.—Title 49, United States Code, is*
 13 *amended as follows:*

14 (1) *Section 13902(i)(2) is amended by inserting*
 15 *“except as” before “described”.*

16 (2) *Section 13903(d) is amended by striking “(d)*
 17 *REGISTRATION AS MOTOR CARRIER REQUIRED.—”*
 18 *and all that follows through “(1) IN GENERAL.—A*
 19 *freight forwarder” and inserting “(d) REGISTRATION*
 20 *AS MOTOR CARRIER REQUIRED.—A freight for-*
 21 *warder”.*

22 (3) *Section 13905(d)(2)(D) is amended—*

23 (A) *by striking “the Secretary finds*
 24 *that—” and all that follows through “(i) the*

1 *motor carrier,” and inserting “the Secretary*
 2 *finds that the motor carrier,”; and*

3 *(B) by adding a period at the end.*

4 *(4) Section 14901(h) is amended by striking*
 5 *“HOUSEHOLD GOODS” in the heading.*

6 *(5) Section 14916 is amended by striking the*
 7 *section designation and heading and inserting the fol-*
 8 *lowing:*

9 ***“§ 14916. Unlawful brokerage activities”.***

10 *(b) MAP–21.—Effective as of July 6, 2012, and as if*
 11 *included therein as enacted, MAP–21 (Public Law 112–*
 12 *141) is amended as follows:*

13 *(1) Section 32108(a)(4) (126 Stat. 782) is*
 14 *amended by inserting “for” before “each additional*
 15 *day” in the matter proposed to be struck.*

16 *(2) Section 32301(b)(3) (126 Stat. 786) is*
 17 *amended by striking “by amending (a) to read as fol-*
 18 *lows:” and inserting “by striking subsection (a) and*
 19 *inserting the following:”.*

20 *(3) Section 32302(c)(2)(B) (126 Stat. 789) is*
 21 *amended by striking “section 32303(c)(1)” and in-*
 22 *serting “section 32302(c)(1)”.*

23 *(4) Section 32921(b) (126 Stat. 828) is amended,*
 24 *in the matter to be inserted, by striking “(A) In addi-*
 25 *tion” and inserting the following:*

1 “(A) *IN GENERAL*.—*In addition*”.

2 (5) *Section 32931(c) (126 Stat. 829) is amend-*
3 *ed—*

4 (A) *by striking “Secretary” and inserting*
5 *“Secretary of Transportation” in the matter to*
6 *be struck; and*

7 (B) *by striking “Secretary” and inserting*
8 *“Secretary of Transportation” in the matter to*
9 *be inserted.*

10 (c) *MOTOR CARRIER SAFETY IMPROVEMENT ACT OF*
11 *1999.—Section 229(a)(1) of the Motor Carrier Safety Im-*
12 *provement Act of 1999 (49 U.S.C. 31136 note) is amended*
13 *by inserting “of title 49, United States Code,” after “sec-*
14 *tions 31136 and 31502”.*

15 **SEC. 5513. AUTOMOBILE TRANSPORTER.**

16 (a) *AUTOMOBILE TRANSPORTER DEFINED.*—*Section*
17 *31111(a)(1) of title 49, United States Code, is amended—*

18 (1) *by striking “specifically”; and*

19 (2) *by adding at the end the following: “An*
20 *automobile transporter shall not be prohibited from*
21 *the transport of cargo or general freight on a*
22 *backhaul, so long as it complies with weight limita-*
23 *tions for a truck tractor and semitrailer combina-*
24 *tion.”.*

1 (b) *TRUCK TRACTOR DEFINED.*—Section
 2 31111(a)(3)(B) of title 49, United States Code, is amend-
 3 ed—

4 (1) by striking “only”; and

5 (2) by inserting before the period at the end the
 6 following: “or any other commodity, including cargo
 7 or general freight on a backhaul”.

8 (c) *BACKHAUL DEFINED.*—Section 31111(a) of title
 9 49, United States Code, is amended by adding at the end
 10 the following:

11 “(5) *BACKHAUL.*—The term ‘backhaul’ means the
 12 return trip of a vehicle transporting cargo or general
 13 freight, especially when carrying goods back over all
 14 or part of the same route.”.

15 (d) *STINGER-STEERED AUTOMOBILE TRANS-*
 16 *PORTERS.*—Section 31111(b)(1) of title 49, United States
 17 Code, is amended—

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

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

22 (3) by adding at the end the following:

23 “(G) imposes a vehicle length limitation of less
 24 than 80 feet on a stinger-steered automobile trans-

1 *porter with a front overhang of less than 4 feet and*
 2 *a rear overhang of less than 6 feet.”.*

3 **SEC. 5514. READY MIX CONCRETE DELIVERY VEHICLES.**

4 *Section 31502 of title 49, United States Code, is*
 5 *amended by adding at the end the following:*

6 *“(f) READY MIXED CONCRETE DELIVERY VEHI-*
 7 *CLES.—*

8 *“(1) IN GENERAL.—Notwithstanding any other*
 9 *provision of law, regulations issued under this section*
 10 *or section 31136 (including section 1(e)(1)(ii) of part*
 11 *395 of title 49, Code of Federal Regulations) regard-*
 12 *ing reporting, recordkeeping, or documentation of*
 13 *duty status, shall not apply to any driver of a ready*
 14 *mixed concrete delivery vehicle if—*

15 *“(A) the driver operates within a 100 air-*
 16 *mile radius of the normal work reporting loca-*
 17 *tion;*

18 *“(B) the driver returns to the work report-*
 19 *ing location and is released from work within 14*
 20 *consecutive hours;*

21 *“(C) the driver has at least 10 consecutive*
 22 *hours off duty following each 14 hours on duty;*

23 *“(D) the driver does not exceed 11 hours*
 24 *maximum driving time following 10 consecutive*
 25 *hours off duty; and*

1 “(E) the motor carrier that employs the
 2 driver maintains and retains for a period of 6
 3 months accurate and true time records that
 4 show—

5 “(i) the time the driver reports for
 6 duty each day;

7 “(ii) the total number of hours the
 8 driver is on duty each day;

9 “(iii) the time the driver is released
 10 from duty each day; and

11 “(iv) the total time for the preceding
 12 driving week the driver is used for the first
 13 time or intermittently.

14 “(2) *DEFINITION.*—In this section, the term
 15 ‘driver of ready mixed concrete delivery vehicle’
 16 means a driver of a vehicle designed to deliver ready
 17 mixed concrete on a daily basis and is equipped with
 18 a mechanism under which the vehicle’s propulsion en-
 19 gine provides the power to operate a mixer drum to
 20 agitate and mix the product en route to the delivery
 21 site.”.

22 **SEC. 5515. SAFETY STUDY REGARDING DOUBLE-DECKER**
 23 **MOTORCOACHES.**

24 (a) *STUDY.*—The Secretary of Transportation, in con-
 25 sultation with State transportation safety officials, shall

1 *conduct a study regarding the safety operations, fire sup-*
 2 *pression capability, tire loads, and pavement impacts of op-*
 3 *erating a double-decker motorcoach equipped with a device*
 4 *designed by the motorcoach manufacturer to attach to the*
 5 *rear of the motorcoach for use in transporting passenger*
 6 *baggage.*

7 *(b) REPORT.—Not later than 6 months after the date*
 8 *of enactment of this Act, the Secretary shall submit a report*
 9 *containing the results of the study to—*

10 *(1) the Committee on Transportation and Infra-*
 11 *structure of the House of Representatives; and*

12 *(2) the Committee on Commerce, Science, and*
 13 *Transportation of the Senate.*

14 **SEC. 5516. TRANSPORTATION OF CONSTRUCTION MATE-**
 15 **RIALS AND EQUIPMENT.**

16 *Section 229(e)(4) of the Motor Carrier Safety Improve-*
 17 *ment Act of 1999 (49 U.S.C. 31136 note) is amended—*

18 *(1) by striking “50 air mile radius” and insert-*
 19 *ing “75 air mile radius”; and*

20 *(2) by striking “the driver.” and inserting “the*
 21 *driver, except that a State, upon notice to the Sec-*
 22 *retary, may establish a different air mile radius limi-*
 23 *tation for purposes of this paragraph if such limita-*
 24 *tion is between 50 and 75 air miles and applies only*

1 to movements that take place entirely within the
2 State.”.

3 **SEC. 5517. COMMERCIAL DELIVERY OF LIGHT- AND ME-**
4 **DIUM-DUTY TRAILERS.**

5 (a) *DEFINITIONS.*—Section 31111(a) of title 49,
6 United States Code, is amended by adding at the end the
7 following:

8 “(5) *TRAILER TRANSPORTER TOWING UNIT.*—The
9 term ‘trailer transporter towing unit’ means a power
10 unit that is not used to carry property when oper-
11 ating in a towaway trailer transporter combination.

12 “(6) *TOWAWAY TRAILER TRANSPORTER COMBINA-*
13 *TION.*—The term ‘towaway trailer transporter com-
14 bination’ means a combination of vehicles consisting
15 of a trailer transporter towing unit and two trailers
16 or semitrailers—

17 “(A) with a total weight that does not ex-
18 ceed 26,000 pounds; and

19 “(B) in which the trailers or semitrailers
20 carry no property and constitute inventory prop-
21 erty of a manufacturer, distributor or dealer of
22 such trailers or semitrailers.”.

23 (b) *GENERAL LIMITATIONS.*—Section 31111(b)(1) of
24 such title is amended—

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

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

5 (3) by adding at the end the following:

6 “(G) has the effect of imposing an overall
7 length limitation of less than 82 feet on a
8 towaway trailer transporter combination.”.

9 (c) CONFORMING AMENDMENTS.—

10 (1) PROPERTY-CARRYING UNIT LIMITATION.—
11 Section 31112(a)(1) of such title is amended by in-
12 serting before the period at the end the following: “,
13 but not including a trailer or a semitrailer trans-
14 ported as part of a towaway trailer transporter com-
15 bination, as defined in section 31111(a)”.

16 (2) ACCESS TO INTERSTATE SYSTEM.—Section
17 31114(a)(2) of such title is amended by inserting
18 “any towaway trailer transporter combination, as de-
19 fined in section 31111(a),” after “passengers,”.

20 **SEC. 5518. GAO REVIEW OF SCHOOL BUS SAFETY.**

21 Not later than 1 year after the date of enactment of
22 this Act, the Comptroller General of the United States shall
23 submit to the Committee on Commerce, Science, and Trans-
24 portation of the Senate and the Committee on Transpor-

1 *tation and Infrastructure of the House of Representatives*
2 *a review of the following:*

3 (1) *Existing Federal and State rules and guid-*
4 *ance, as of the date of the review, concerning school*
5 *bus transportation of elementary school and sec-*
6 *ondary school students engaging in home-to-school*
7 *transport or other transport determined by the Comp-*
8 *troller General to be a routine part of kindergarten*
9 *through grade 12 education, including regulations*
10 *and guidance regarding driver training programs, ca-*
11 *capacity requirements, programs for special needs stu-*
12 *dents, inspection standards, vehicle age requirements,*
13 *best practices, and public access to inspection results*
14 *and crash records.*

15 (2) *Any correlation between public or private*
16 *school bus fleet operators whose vehicles are involved*
17 *in an accident as defined by section 390.5 of title 49,*
18 *Code of Federal Regulations, and each of the fol-*
19 *lowing:*

20 (A) *A failure by those same operators of*
21 *State or local safety inspections.*

22 (B) *The average age or odometer readings of*
23 *the school buses in the fleets of such operators.*

1 (C) *Violations of Federal laws administered*
 2 *by the Department of Transportation, or of State*
 3 *law equivalents of such laws.*

4 (D) *Violations of State or local law relating*
 5 *to illegal passing of a school bus.*

6 (3) *A regulatory framework comparison of public*
 7 *and private school bus operations.*

8 (4) *Expert recommendations on best practices for*
 9 *safe and reliable school bus transportation, including*
 10 *driver training programs, inspection standards,*
 11 *school bus age and odometer reading maximums for*
 12 *retirement, the percentage of buses in a local bus fleet*
 13 *needed as spare buses, and capacity levels per school*
 14 *bus for different age groups.*

15 ***TITLE VI—INNOVATION***

16 ***SEC. 6001. SHORT TITLE.***

17 *This title may be cited as the “Transportation for To-*
 18 *morrow Act of 2015”.*

19 ***SEC. 6002. AUTHORIZATION OF APPROPRIATIONS.***

20 (a) *IN GENERAL.*—*The following amounts are author-*
 21 *ized to be appropriated out of the Highway Trust Fund*
 22 *(other than the Mass Transit Account):*

23 (1) *HIGHWAY RESEARCH AND DEVELOPMENT*
 24 *PROGRAM.*—*To carry out section 503(b) of title 23,*

1 *United States Code, \$125,000,000 for each of fiscal*
2 *years 2016 through 2021.*

3 (2) *TECHNOLOGY AND INNOVATION DEPLOYMENT*
4 *PROGRAM.—To carry out section 503(c) of title 23,*
5 *United States Code—*

6 (A) *\$67,000,000 for fiscal year 2016;*

7 (B) *\$67,500,000 for fiscal year 2017;*

8 (C) *\$67,500,000 for fiscal year 2018;*

9 (D) *\$67,500,000 for fiscal year 2019;*

10 (E) *\$67,500,000 for fiscal year 2020; and*

11 (F) *\$67,500,000 for fiscal year 2021.*

12 (3) *TRAINING AND EDUCATION.—To carry out*
13 *section 504 of title 23, United States Code*
14 *\$24,000,000 for each of fiscal years 2016 through*
15 *2021.*

16 (4) *INTELLIGENT TRANSPORTATION SYSTEMS*
17 *PROGRAM.—To carry out sections 512 through 518 of*
18 *title 23, United States Code \$100,000,000 for each of*
19 *fiscal years 2016 through 2021.*

20 (5) *UNIVERSITY TRANSPORTATION CENTERS PRO-*
21 *GRAM.—To carry out section 5505 of title 49, United*
22 *States Code—*

23 (A) *\$72,500,000 for fiscal year 2016;*

24 (B) *\$75,000,000 for fiscal year 2017;*

25 (C) *\$75,000,000 for fiscal year 2018;*

1 (D) \$77,500,000 for fiscal year 2019;

2 (E) \$77,500,000 for fiscal year 2020; and

3 (F) \$77,500,000 for fiscal year 2021.

4 (6) *BUREAU OF TRANSPORTATION STATISTICS.*—

5 *To carry out chapter 63 of title 49, United States*
 6 *Code, \$26,000,000 for each of fiscal years 2016*
 7 *through 2021.*

8 (b) *APPLICABILITY OF TITLE 23, UNITED STATES*
 9 *CODE.*—*Funds authorized to be appropriated by subsection*
 10 *(a) shall—*

11 (1) *be available for obligation in the same man-*
 12 *ner as if those funds were apportioned under chapter*
 13 *1 of title 23, United States Code, except that the Fed-*
 14 *eral share of the cost of a project or activity carried*
 15 *out using those funds shall be 80 percent, unless oth-*
 16 *erwise expressly provided by this Act (including the*
 17 *amendments by this Act) or otherwise determined by*
 18 *the Secretary; and*

19 (2) *remain available until expended and not be*
 20 *transferable, except as otherwise provided in this Act.*

21 **SEC. 6003. ADVANCED TRANSPORTATION AND CONGESTION**

22 **MANAGEMENT TECHNOLOGIES DEPLOYMENT.**

23 *Section 503(c) of title 23, United States Code, is*
 24 *amended by adding at the end the following:*

1 “(4) ADVANCED TRANSPORTATION TECH-
2 NOLOGIES DEPLOYMENT.—

3 “(A) IN GENERAL.—Not later than 6
4 months after the date of enactment of this para-
5 graph, the Secretary shall establish an advanced
6 transportation and congestion management tech-
7 nologies deployment initiative to provide grants
8 to eligible entities to develop model deployment
9 sites for large scale installation and operation of
10 advanced transportation technologies to improve
11 safety, efficiency, system performance, and infra-
12 structure return on investment.

13 “(B) CRITERIA.—The Secretary shall de-
14 velop criteria for selection of an eligible entity to
15 receive a grant under this paragraph, including
16 how the deployment of technology will—

17 “(i) reduce costs and improve return
18 on investments, including through the en-
19 hanced use of existing transportation capac-
20 ity;

21 “(ii) deliver environmental benefits
22 that alleviate congestion and streamline
23 traffic flow;

1 “(iii) measure and improve the oper-
2 ational performance of the applicable trans-
3 portation network;

4 “(iv) reduce the number and severity of
5 traffic crashes and increase driver, pas-
6 senger, and pedestrian safety;

7 “(v) collect, disseminate, and use real-
8 time traffic, transit, parking, and other
9 transportation-related information to im-
10 prove mobility, reduce congestion, and pro-
11 vide for more efficient and accessible trans-
12 portation;

13 “(vi) monitor transportation assets to
14 improve infrastructure management, reduce
15 maintenance costs, prioritize investment de-
16 cisions, and ensure a state of good repair;

17 “(vii) deliver economic benefits by re-
18 ducing delays, improving system perform-
19 ance, and providing for the efficient and re-
20 liable movement of goods and services; or

21 “(viii) accelerate the deployment of ve-
22 hicle-to-vehicle, vehicle-to-infrastructure, au-
23 tonomous vehicles, and other technologies.

24 “(C) APPLICATIONS.—

1 “(i) *REQUEST.*—Not later than 6
2 months after the date of enactment of this
3 paragraph, and for every fiscal year there-
4 after, the Secretary shall request applica-
5 tions in accordance with clause (ii).

6 “(ii) *CONTENTS.*—An application sub-
7 mitted under this subparagraph shall in-
8 clude the following:

9 “(I) *PLAN.*—A plan to deploy and
10 provide for the long-term operation
11 and maintenance of advanced trans-
12 portation and congestion management
13 technologies to improve safety, effi-
14 ciency, system performance, and return
15 on investment.

16 “(II) *OBJECTIVES.*—Quantifiable
17 system performance improvements,
18 such as—

19 “(aa) reducing traffic-related
20 crashes, congestion, and costs;

21 “(bb) optimizing system effi-
22 ciency; and

23 “(cc) improving access to
24 transportation services.

1 “(III) *RESULTS.—Quantifiable*
2 *safety, mobility, and environmental*
3 *benefit projections such as data-driven*
4 *estimates of how the project will im-*
5 *prove the region’s transportation sys-*
6 *tem efficiency and reduce traffic con-*
7 *gestion.*

8 “(IV) *PARTNERSHIPS.—A plan*
9 *for partnering with the private sector*
10 *or public agencies, including*
11 *multimodal and multijurisdictional*
12 *entities, research institutions, organi-*
13 *zations representing transportation*
14 *and technology leaders, or other trans-*
15 *portation stakeholders.*

16 “(V) *LEVERAGING.—A plan to le-*
17 *verage and optimize existing local and*
18 *regional advanced transportation tech-*
19 *nology investments.*

20 “(D) *GRANT SELECTION.—*

21 “(i) *GRANT AWARDS.—Not later than 1*
22 *year after the date of enactment of this*
23 *paragraph, and for every fiscal year there-*
24 *after, the Secretary shall award grants to*

1 *not less than 5 and not more than 8 eligible*
2 *entities.*

3 “(ii) *GEOGRAPHIC DIVERSITY.—In*
4 *awarding a grant under this paragraph, the*
5 *Secretary shall ensure, to the extent prac-*
6 *ticable, that grant recipients represent di-*
7 *verse geographic areas of the United States.*

8 “(E) *USE OF GRANT FUNDS.—A grant re-*
9 *cipient may use funds awarded under this para-*
10 *graph to deploy advanced transportation and*
11 *congestion management technologies, including—*

12 “(i) *advanced traveler information sys-*
13 *tems;*

14 “(ii) *advanced transportation manage-*
15 *ment technologies;*

16 “(iii) *infrastructure maintenance,*
17 *monitoring, and condition assessment;*

18 “(iv) *advanced public transportation*
19 *systems;*

20 “(v) *transportation system perform-*
21 *ance data collection, analysis, and dissemi-*
22 *nation systems;*

23 “(vi) *advanced safety systems, includ-*
24 *ing vehicle-to-vehicle and vehicle-to-infra-*
25 *structure communications, technologies asso-*

1 *ciated with autonomous vehicles, and other*
2 *collision avoidance technologies, including*
3 *systems using cellular technology;*

4 “(vii) *integration of intelligent trans-*
5 *portation systems with the Smart Grid and*
6 *other energy distribution and charging sys-*
7 *tems;*

8 “(viii) *electronic pricing and payment*
9 *systems; or*

10 “(ix) *advanced mobility and access*
11 *technologies, such as dynamic ridesharing*
12 *and information systems to support human*
13 *services for elderly and disabled individuals.*

14 “(F) *REPORT TO SECRETARY.—Not later*
15 *than 1 year after an eligible entity receives a*
16 *grant under this paragraph, and each year*
17 *thereafter, the entity shall submit a report to the*
18 *Secretary that describes—*

19 “(i) *deployment and operational costs*
20 *of the project compared to the benefits and*
21 *savings the project provides; and*

22 “(ii) *how the project has met the origi-*
23 *nal expectations projected in the deployment*
24 *plan submitted with the application, such*
25 *as—*

1 “(I) data on how the project has
2 helped reduce traffic crashes, conges-
3 tion, costs, and other benefits of the de-
4 ployed systems;

5 “(II) data on the effect of meas-
6 uring and improving transportation
7 system performance through the de-
8 ployment of advanced technologies;

9 “(III) the effectiveness of pro-
10 viding real-time integrated traffic,
11 transit, and multimodal transpor-
12 tation information to the public to
13 make informed travel decisions; and

14 “(IV) lessons learned and rec-
15 ommendations for future deployment
16 strategies to optimize transportation
17 efficiency and multimodal system per-
18 formance.

19 “(G) *REPORT*.—Not later than 3 years after
20 the date that the first grant is awarded under
21 this paragraph, and each year thereafter, the
22 Secretary shall make available to the public on
23 an Internet Web site a report that describes the
24 effectiveness of grant recipients in meeting their
25 projected deployment plans, including data pro-

1 *vided under subparagraph (F) on how the pro-*
2 *gram has—*

3 *“(i) reduced traffic-related fatalities*
4 *and injuries;*

5 *“(ii) reduced traffic congestion and*
6 *improved travel time reliability;*

7 *“(iii) reduced transportation-related*
8 *emissions;*

9 *“(iv) optimized multimodal system*
10 *performance;*

11 *“(v) improved access to transportation*
12 *alternatives;*

13 *“(vi) provided the public with access to*
14 *real-time integrated traffic, transit, and*
15 *multimodal transportation information to*
16 *make informed travel decisions;*

17 *“(vii) provided cost savings to trans-*
18 *portation agencies, businesses, and the trav-*
19 *eling public; or*

20 *“(viii) provided other benefits to trans-*
21 *portation users and the general public.*

22 *“(H) ADDITIONAL GRANTS.—The Secretary*
23 *may cease to provide additional grant funds to*
24 *a recipient of a grant under this paragraph if—*

1 “(i) the Secretary determines from
2 such recipient’s report that the recipient is
3 not carrying out the requirements of the
4 grant; and

5 “(ii) the Secretary provides written no-
6 tice 60 days prior to withholding funds to
7 the Committee on Transportation and In-
8 frastructure of the House of Representatives
9 and the Committee on Environment and
10 Public Works of the Senate.

11 “(I) FUNDING.—

12 “(i) IN GENERAL.—From funds made
13 available to carry out section 503(b), this
14 subsection, and sections 512 through 518,
15 the Secretary shall set aside for grants
16 awarded under subparagraph (D)
17 \$75,000,000 for each of fiscal years 2016
18 through 2021.

19 “(ii) EXPENSES FOR THE SEC-
20 RETARY.—Of the amounts set aside under
21 clause (i), the Secretary may set aside
22 \$2,000,000 each fiscal year for program re-
23 porting, evaluation, and administrative
24 costs related to this paragraph.

1 “(J) *FEDERAL SHARE.*—*The Federal share*
2 *of the cost of a project for which a grant is*
3 *awarded under this subsection shall not exceed*
4 *50 percent of the cost of the project.*

5 “(K) *GRANT LIMITATION.*—*The Secretary*
6 *may not award more than 20 percent of the*
7 *amount described under subparagraph (I) in a*
8 *fiscal year to a single grant recipient.*

9 “(L) *EXPENSES FOR GRANT RECIPIENTS.*—
10 *A grant recipient under this paragraph may use*
11 *not more than 5 percent of the funds awarded*
12 *each fiscal year to carry out planning and re-*
13 *porting requirements.*

14 “(M) *GRANT FLEXIBILITY.*—

15 “(i) *IN GENERAL.*—*If, by August 1 of*
16 *each fiscal year, the Secretary determines*
17 *that there are not enough grant applications*
18 *that meet the requirements described in sub-*
19 *paragraph (C) to carry out this section for*
20 *a fiscal year, the Secretary shall transfer to*
21 *the programs specified in clause (ii)—*

22 “(I) *any of the funds reserved for*
23 *the fiscal year under subparagraph (I)*
24 *that the Secretary has not yet awarded*
25 *under this paragraph; and*

1 “(II) an amount of obligation
2 limitation equal to the amount of
3 funds that the Secretary transfers
4 under subclause (I).

5 “(ii) PROGRAMS.—The programs re-
6 ferred to in clause (i) are—

7 “(I) the program under section
8 503(b);

9 “(II) the program under section
10 503(c); and

11 “(III) the programs under sec-
12 tions 512 through 518.

13 “(iii) DISTRIBUTION.—Any transfer of
14 funds and obligation limitation under
15 clause (i) shall be divided among the pro-
16 grams referred to in that clause in the same
17 proportions as the Secretary originally re-
18 served funding from the programs for the
19 fiscal year under subparagraph (I).

20 “(N) DEFINITIONS.—In this paragraph, the
21 following definitions apply:

22 “(i) ELIGIBLE ENTITY.—The term ‘eli-
23 gible entity’ means a State or local govern-
24 ment, a transit agency, metropolitan plan-
25 ning organization representing a popu-

lation of over 200,000, or other political subdivision of a State or local government or a multijurisdictional group or a consortia of research institutions or academic institutions.

“(ii) *ADVANCED AND CONGESTION MANAGEMENT TRANSPORTATION TECHNOLOGIES.*—The term ‘advanced transportation and congestion management technologies’ means technologies that improve the efficiency, safety, or state of good repair of surface transportation systems, including intelligent transportation systems.

“(iii) *MULTIJURISDICTIONAL GROUP.*—The term ‘multijurisdictional group’ means a any combination of State governments, locals governments, metropolitan planning agencies, transit agencies, or other political subdivisions of a State for which each member of the group—

“(I) has signed a written agreement to implement the advanced transportation technologies deployment initiative across jurisdictional boundaries; and

1 “(II) is an eligible entity under
2 this paragraph.”.

3 **SEC. 6004. TECHNOLOGY AND INNOVATION DEPLOYMENT**
4 **PROGRAM.**

5 Section 503(c)(3) of title 23, United States Code, is
6 amended—

7 (1) in subparagraph (C) by striking “2013
8 through 2014” and inserting “2016 through 2021”;
9 and

10 (2) by adding at the end the following:

11 “(D) PUBLICATION.—The Secretary shall
12 make available to the public on an Internet Web
13 site on an annual basis a report on the cost and
14 benefits from deployment of new technology and
15 innovations that substantially and directly re-
16 sulted from the program established under this
17 paragraph. The report may include an analysis
18 of—

19 “(i) Federal, State, and local cost sav-
20 ings;

21 “(ii) project delivery time improve-
22 ments;

23 “(iii) reduced fatalities; and

24 “(iv) congestion impacts.”.

1 **SEC. 6005. INTELLIGENT TRANSPORTATION SYSTEM GOALS.**

2 *Section 514(a) of title 23, United States Code, is*
3 *amended—*

4 *(1) in paragraph (4) by striking “and” at the*
5 *end;*

6 *(2) in paragraph (5) by striking the period at*
7 *the end and inserting “; and”; and*

8 *(3) by adding at the end the following:*

9 *“(6) enhancement of the national freight system*
10 *and support to national freight policy goals by con-*
11 *ducting heavy duty vehicle demonstration activities*
12 *and accelerating adoption of intelligent transpor-*
13 *tation system applications in freight operations.”.*

14 **SEC. 6006. INTELLIGENT TRANSPORTATION SYSTEM PRO-**
15 **GRAM REPORT.**

16 *Section 515(h)(4) of title 23, United States Code, is*
17 *amended—*

18 *(1) by striking “February 1 of each year after*
19 *the date of enactment of the Transportation Research*
20 *and Innovative Technology Act of 2012” and insert-*
21 *ing “May 1 of each year”; and*

22 *(2) by striking “submit to Congress” and insert-*
23 *ing “make available to the public on a Department*
24 *of Transportation Web site”.*

1 **SEC. 6007. INTELLIGENT TRANSPORTATION SYSTEM NA-**
 2 **TIONAL ARCHITECTURE AND STANDARDS.**

3 *Section 517(a)(3) of title 23, United States Code, is*
 4 *amended by striking “memberships are comprised of, and*
 5 *represent,” and inserting “memberships include representa-*
 6 *tives of”.*

7 **SEC. 6008. COMMUNICATION SYSTEMS DEPLOYMENT RE-**
 8 **PORT.**

9 *Section 518(a) of title 23, United States Code, is*
 10 *amended by striking “Not later than 3” and all that follows*
 11 *through “House of Representatives” and inserting “Not*
 12 *later than July 6, 2016, the Secretary shall make available*
 13 *to the public on a Department of Transportation Web site*
 14 *a report”.*

15 **SEC. 6009. INFRASTRUCTURE DEVELOPMENT.**

16 *(a) IN GENERAL.—Chapter 5 of title 23, United States*
 17 *Code, is amended by adding at the end the following:*

18 **“§ 519. Infrastructure development**

19 *“Funds made available to carry out this chapter for*
 20 *operational tests—*

21 *“(1) shall be used primarily for the development*
 22 *of intelligent transportation system infrastructure,*
 23 *equipment, and systems; and*

24 *“(2) to the maximum extent practicable, shall*
 25 *not be used for the construction of physical surface*
 26 *transportation infrastructure unless the construction*

1 *is incidental and critically necessary to the imple-*
 2 *mentation of an intelligent transportation system*
 3 *project.”.*

4 *(b) TECHNICAL AND CONFORMING AMENDMENTS.—*

5 *(1) CLERICAL AMENDMENT.—The analysis for*
 6 *chapter 5 of title 23, United States Code, is amended*
 7 *by adding at the end the following new item:*

“519. Infrastructure development.”.

8 *(2) TECHNICAL AMENDMENT.—The item relating*
 9 *to section 512 in the analysis for chapter 5 of title*
 10 *23, United States Code, is amended to read as follows:*

“512. National ITS program plan.”.

11 **SEC. 6010. DEPARTMENTAL RESEARCH PROGRAMS.**

12 *(a) ASSISTANT SECRETARY FOR RESEARCH AND*
 13 *TECHNOLOGY.—Section 102(e) of title 49, United States*
 14 *Code, is amended—*

15 *(1) in paragraph (1) by striking “5” and insert-*
 16 *ing “6”; and*

17 *(2) in paragraph (1)(A) by inserting “an Assist-*
 18 *ant Secretary for Research and Technology,” after*
 19 *“Governmental Affairs,”.*

20 *(b) RESEARCH ACTIVITIES.—Section 330 of title 49,*
 21 *United States Code, is amended—*

22 *(1) in the section heading by striking “**con-***
 23 ***tracts**” and inserting “**activities**”;*

1 (2) in subsection (a) by striking “The Secretary
2 of” and inserting “IN GENERAL.—The Secretary of”;

3 (3) in subsection (b) by striking “In carrying”
4 and inserting “RESPONSIBILITIES.—In carrying”;

5 (4) in subsection (c) by striking “The Secretary”
6 and inserting “PUBLICATIONS.—The Secretary”; and

7 (5) by adding at the end the following:

8 “(d) DUTIES.—The Secretary shall provide for the fol-
9 lowing:

10 “(1) Coordination, facilitation, and review of
11 Department of Transportation research and develop-
12 ment programs and activities.

13 “(2) Advancement, and research and develop-
14 ment, of innovative technologies, including intelligent
15 transportation systems.

16 “(3) Comprehensive transportation statistics re-
17 search, analysis, and reporting.

18 “(4) Education and training in transportation
19 and transportation-related fields.

20 “(5) Activities of the Volpe National Transpor-
21 tation Systems Center.

22 “(6) Coordination in support of multimodal and
23 multidisciplinary research activities.

24 “(e) ADDITIONAL AUTHORITIES.—The Secretary
25 may—

1 “(1) enter into grants and cooperative agree-
2 ments with Federal agencies, State and local govern-
3 ment agencies, other public entities, private organiza-
4 tions, and other persons to conduct research into
5 transportation service and infrastructure assurance
6 and to carry out other research activities of the De-
7 partment of Transportation;

8 “(2) carry out, on a cost-shared basis, collabo-
9 rative research and development to encourage innova-
10 tive solutions to multimodal transportation problems
11 and stimulate the deployment of new technology
12 with—

13 “(A) non-Federal entities, including State
14 and local governments, foreign governments, in-
15 stitutions of higher education, corporations, in-
16 stitutions, partnerships, sole proprietorships, and
17 trade associations that are incorporated or estab-
18 lished under the laws of any State;

19 “(B) Federal laboratories; and

20 “(C) other Federal agencies; and

21 “(3) directly initiate contracts, grants, coopera-
22 tive research and development agreements (as defined
23 in section 12 of the Stevenson-Wydler Technology In-
24 novation Act of 1980 (15 U.S.C. 3710a)), and other
25 agreements to fund, and accept funds from, the

1 *Transportation Research Board of the National Acad-*
2 *emies, State departments of transportation, cities,*
3 *counties, institutions of higher education, associa-*
4 *tions, and the agents of those entities to carry out*
5 *joint transportation research and technology efforts.*

6 “(f) *FEDERAL SHARE.*—

7 “(1) *IN GENERAL.*—Subject to paragraph (2), the
8 *Federal share of the cost of an activity carried out*
9 *under subsection (e)(3) shall not exceed 50 percent.*

10 “(2) *EXCEPTION.*—If the Secretary determines
11 *that the activity is of substantial public interest or*
12 *benefit, the Secretary may approve a greater Federal*
13 *share.*

14 “(3) *NON-FEDERAL SHARE.*—All costs directly
15 *incurred by the non-Federal partners, including per-*
16 *sonnel, travel, facility, and hardware development*
17 *costs, shall be credited toward the non-Federal share*
18 *of the cost of an activity described in subsection*
19 *(e)(3).*

20 “(g) *PROGRAM EVALUATION AND OVERSIGHT.*—For
21 *each of fiscal years 2016 through 2021, the Secretary is au-*
22 *thorized to expend not more than 1 and a half percent of*
23 *the amounts authorized to be appropriated for the coordina-*
24 *tion, evaluation, and oversight of the programs adminis-*

1 *tered by the Office of the Assistant Secretary for Research*
 2 *and Technology.*

3 “(h) *USE OF TECHNOLOGY.*—*The research, develop-*
 4 *ment, or use of a technology under a contract, grant, cooper-*
 5 *ative research and development agreement, or other agree-*
 6 *ment entered into under this section, including the terms*
 7 *under which the technology may be licensed and the result-*
 8 *ing royalties may be distributed, shall be subject to the Ste-*
 9 *venson-Wylder Technology Innovation Act of 1980 (15*
 10 *U.S.C. 3701 et seq.).*

11 “(i) *WAIVER OF ADVERTISING REQUIREMENTS.*—*Sec-*
 12 *tion 6101 of title 41 shall not apply to a contract, grant,*
 13 *or other agreement entered into under this section.”.*

14 “(c) *CLERICAL AMENDMENT.*—*The item relating to sec-*
 15 *tion 330 in the analysis of chapter 3 of title 49, United*
 16 *States Code, is amended to read as follows:*

“330. Research activities.”.

17 “(d) *TECHNICAL AND CONFORMING AMENDMENTS.*—

18 “(1) *TITLE 5 AMENDMENTS.*—

19 “(A) *POSITIONS AT LEVEL II.*—*Section 5313*
 20 *of title 5, United States Code, is amended by*
 21 *striking “The Under Secretary of Transportation*
 22 *for Security.”.*

23 “(B) *POSITIONS AT LEVEL IV.*—*Section 5315*
 24 *of title 5, United States Code, is amended in the*
 25 *undesignated item relating to Assistant Secre-*

1 *taries of Transportation by striking “(4)” and*
 2 *inserting “(5)”.*

3 *(C) POSITIONS AT LEVEL V.—Section 5316*
 4 *of title 5, United States Code, is amended by*
 5 *striking “Associate Deputy Secretary, Depart-*
 6 *ment of Transportation.”.*

7 *(2) BUREAU OF TRANSPORTATION STATISTICS.—*
 8 *Section 6302(a) of title 49, United States Code, is*
 9 *amended to read as follows:*
 10 *“(a) IN GENERAL.—There shall be within the Depart-*
 11 *ment of Transportation the Bureau of Transportation Sta-*
 12 *tistics.”.*

13 **SEC. 6011. RESEARCH AND INNOVATIVE TECHNOLOGY AD-**
 14 **MINISTRATION.**

15 *(a) REPEAL.—Section 112 of title 49, United States*
 16 *Code, is repealed.*

17 *(b) CLERICAL AMENDMENT.—The analysis for chapter*
 18 *1 of title 49, United States Code, is amended by striking*
 19 *the item relating to section 112.*

20 **SEC. 6012. OFFICE OF INTERMODALISM.**

21 *(a) REPEAL.—Section 5503 of title 49, United States*
 22 *Code, is repealed.*

23 *(b) CLERICAL AMENDMENT.—The analysis for chapter*
 24 *55 of title 49, United States Code, is amended by striking*
 25 *the item relating to section 5503.*

1 **SEC. 6013. UNIVERSITY TRANSPORTATION CENTERS.**

2 *Section 5505 of title 49, United States Code, is amend-*
 3 *ed to read as follows:*

4 **“§ 5505. University transportation centers program**

5 “(a) *UNIVERSITY TRANSPORTATION CENTERS PRO-*
 6 *GRAM.*—

7 “(1) *ESTABLISHMENT AND OPERATION.*—*The*
 8 *Secretary shall make grants under this section to eli-*
 9 *gible nonprofit institutions of higher education to es-*
 10 *tablish and operate university transportation centers.*

11 “(2) *ROLE OF CENTERS.*—*The role of each uni-*
 12 *versity transportation center referred to in paragraph*
 13 *(1) shall be—*

14 “(A) *to advance transportation expertise*
 15 *and technology in the varied disciplines that*
 16 *comprise the field of transportation through edu-*
 17 *cation, research, and technology transfer activi-*
 18 *ties;*

19 “(B) *to provide for a critical transportation*
 20 *knowledge base outside of the Department of*
 21 *Transportation; and*

22 “(C) *to address critical workforce needs and*
 23 *educate the next generation of transportation*
 24 *leaders.*

25 “(b) *COMPETITIVE SELECTION PROCESS.*—

1 “(1) *APPLICATIONS.*—To receive a grant under
2 this section, a consortium of nonprofit institutions of
3 higher education shall submit to the Secretary an ap-
4 plication that is in such form and contains such in-
5 formation as the Secretary may require.

6 “(2) *RESTRICTION.*—

7 “(A) *LIMITATION.*—A lead institution of a
8 consortium of nonprofit institutions of higher
9 education, as applicable, may only submit 1
10 grant application per fiscal year for each of the
11 transportation centers described under para-
12 graphs (2), (3), and (4) of subsection (c).

13 “(B) *EXCEPTION FOR CONSORTIUM MEM-*
14 *BERS THAT ARE NOT LEAD INSTITUTIONS.*—Sub-
15 paragraph (A) shall not apply to a nonprofit in-
16 stitution of higher education that is a member of
17 a consortium of nonprofit institutions of higher
18 education but not the lead institution of such
19 consortium.

20 “(3) *COORDINATION.*—The Secretary shall solicit
21 grant applications for national transportation cen-
22 ters, regional transportation centers, and Tier 1 uni-
23 versity transportation centers with identical adver-
24 tisement schedules and deadlines.

25 “(4) *GENERAL SELECTION CRITERIA.*—

1 “(A) *IN GENERAL.*—*Except as otherwise*
2 *provided by this section, the Secretary shall*
3 *award grants under this section in nonexclusive*
4 *candidate topic areas established by the Sec-*
5 *retary that address the research priorities identi-*
6 *fied in section 503 of title 23.*

7 “(B) *CRITERIA.*—*The Secretary, in con-*
8 *sultation with the Assistant Secretary for Re-*
9 *search and Technology and the Administrator of*
10 *the Federal Highway Administration, shall select*
11 *each recipient of a grant under this section*
12 *through a competitive process based on the as-*
13 *essment of the Secretary relating to—*

14 “(i) *the demonstrated ability of the re-*
15 *cipient to address each specific topic area*
16 *described in the research and strategic plans*
17 *of the recipient;*

18 “(ii) *the demonstrated research, tech-*
19 *nology transfer, and education resources*
20 *available to the recipient to carry out this*
21 *section;*

22 “(iii) *the ability of the recipient to*
23 *provide leadership in solving immediate*
24 *and long-range national and regional trans-*
25 *portation problems;*

1 “(iv) the ability of the recipient to
2 carry out research, education, and tech-
3 nology transfer activities that are
4 multimodal and multidisciplinary in scope;

5 “(v) the demonstrated commitment of
6 the recipient to carry out transportation
7 workforce development programs through—

8 “(I) degree-granting programs or
9 programs that provide other industry-
10 recognized credentials; and

11 “(II) outreach activities to attract
12 new entrants into the transportation
13 field, including women and underrep-
14 resented populations;

15 “(vi) the demonstrated ability of the
16 recipient to disseminate results and spur
17 the implementation of transportation re-
18 search and education programs through na-
19 tional or statewide continuing education
20 programs;

21 “(vii) the demonstrated commitment of
22 the recipient to the use of peer review prin-
23 ciples and other research best practices in
24 the selection, management, and dissemina-
25 tion of research projects;

1 “(viii) the strategic plan submitted by
2 the recipient describing the proposed re-
3 search to be carried out by the recipient and
4 the performance metrics to be used in as-
5 sessing the performance of the recipient in
6 meeting the stated research, technology
7 transfer, education, and outreach goals; and

8 “(ix) the ability of the recipient to im-
9 plement the proposed program in a cost-effi-
10 cient manner, such as through cost sharing
11 and overall reduced overhead, facilities, and
12 administrative costs.

13 “(5) TRANSPARENCY.—

14 “(A) IN GENERAL.—The Secretary shall
15 provide to each applicant, upon request, any
16 materials, including copies of reviews (with any
17 information that would identify a reviewer re-
18 dacted), used in the evaluation process of the
19 proposal of the applicant.

20 “(B) REPORTS.—The Secretary shall sub-
21 mit to the Committees on Transportation and
22 Infrastructure and Science, Space, and Tech-
23 nology of the House of Representatives and the
24 Committee on Environment and Public Works of

1 *the Senate a report describing the overall review*
 2 *process under paragraph (3) that includes—*

3 *“(i) specific criteria of evaluation used*
 4 *in the review;*

5 *“(ii) descriptions of the review process;*
 6 *and*

7 *“(iii) explanations of the selected*
 8 *awards.*

9 *“(6) OUTSIDE STAKEHOLDERS.—The Secretary*
 10 *shall, to the maximum extent practicable, consult ex-*
 11 *ternal stakeholders such as the Transportation Re-*
 12 *search Board of the National Research Council of the*
 13 *National Academies to evaluate and competitively re-*
 14 *view all proposals.*

15 *“(c) GRANTS.—*

16 *“(1) IN GENERAL.—Not later than 1 year after*
 17 *the date of enactment of this section, the Secretary,*
 18 *Assistant Secretary for Research and Technology, and*
 19 *the Administrator of the Federal Highway Adminis-*
 20 *tration shall select grant recipients under subsection*
 21 *(b) and make grant amounts available to the selected*
 22 *recipients.*

23 *“(2) NATIONAL TRANSPORTATION CENTERS.—*

24 *“(A) IN GENERAL.—Subject to subpara-*
 25 *graph (B), the Secretary shall provide grants to*

1 5 consortia that the Secretary determines best
2 meet the criteria described in subsection (b)(4).

3 “(B) *RESTRICTIONS.*—

4 “(i) *IN GENERAL.*—For each fiscal
5 year, a grant made available under this
6 paragraph shall be not greater than
7 \$4,000,000 and not less than \$2,000,000 per
8 recipient.

9 “(ii) *FOCUSED RESEARCH.*—A consor-
10 tium receiving a grant under this para-
11 graph shall focus research on 1 of the trans-
12 portation issue areas specified in section
13 508(a)(2) of title 23.

14 “(C) *MATCHING REQUIREMENT.*—

15 “(i) *IN GENERAL.*—As a condition of
16 receiving a grant under this paragraph, a
17 grant recipient shall match 100 percent of
18 the amounts made available under the
19 grant.

20 “(ii) *SOURCES.*—The matching
21 amounts referred to in clause (i) may in-
22 clude amounts made available to the recipi-
23 ent under—

24 “(I) section 504(b) of title 23; or

25 “(II) section 505 of title 23.

1 “(3) *REGIONAL UNIVERSITY TRANSPORTATION*
2 *CENTERS.*—

3 “(A) *LOCATION OF REGIONAL CENTERS.*—
4 *One regional university transportation center*
5 *shall be located in each of the 10 Federal regions*
6 *that comprise the Standard Federal Regions es-*
7 *tablished by the Office of Management and*
8 *Budget in the document entitled ‘Standard Fed-*
9 *eral Regions’ and dated April 1974 (circular A-*
10 *105).*

11 “(B) *SELECTION CRITERIA.*—*In conducting*
12 *a competition under subsection (b), the Secretary*
13 *shall provide grants to 10 consortia on the basis*
14 *of—*

15 “(i) *the criteria described in subsection*
16 *(b)(4);*

17 “(ii) *the location of the lead center*
18 *within the Federal region to be served; and*

19 “(iii) *whether the consortium of insti-*
20 *tutions demonstrates that the consortium*
21 *has a well-established, nationally recognized*
22 *program in transportation research and*
23 *education, as evidenced by—*

1 “(I) recent expenditures by the in-
2 stitution in highway or public trans-
3 portation research;

4 “(II) a historical track record of
5 awarding graduate degrees in profes-
6 sional fields closely related to highways
7 and public transportation; and

8 “(III) an experienced faculty who
9 specialize in professional fields closely
10 related to highways and public trans-
11 portation.

12 “(C) *RESTRICTIONS.*—For each fiscal year,
13 a grant made available under this paragraph
14 shall be not greater than \$3,000,000 and not less
15 than \$1,500,000 per recipient.

16 “(D) *MATCHING REQUIREMENTS.*—

17 “(i) *IN GENERAL.*—As a condition of
18 receiving a grant under this paragraph, a
19 grant recipient shall match 100 percent of
20 the amounts made available under the
21 grant.

22 “(ii) *SOURCES.*—The matching
23 amounts referred to in clause (i) may in-
24 clude amounts made available to the recipi-
25 ent under—

1 “(I) section 504(b) of title 23; or

2 “(II) section 505 of title 23.

3 “(E) *FOCUSED RESEARCH.*—*The Secretary*
4 *shall make a grant to 1 of the 10 regional uni-*
5 *versity transportation centers established under*
6 *this paragraph for the purpose of furthering the*
7 *objectives described in subsection (a)(2) in the*
8 *field of comprehensive transportation safety, con-*
9 *gestion, connected vehicles, connected infrastruc-*
10 *ture, and autonomous vehicles.*

11 “(4) *TIER 1 UNIVERSITY TRANSPORTATION CEN-*
12 *TERS.*—

13 “(A) *IN GENERAL.*—*The Secretary shall*
14 *provide grants of not greater than \$2,000,000*
15 *and not less than \$1,000,000 to not more than*
16 *20 recipients to carry out this paragraph.*

17 “(B) *MATCHING REQUIREMENT.*—

18 “(i) *IN GENERAL.*—*As a condition of*
19 *receiving a grant under this paragraph, a*
20 *grant recipient shall match 50 percent of*
21 *the amounts made available under the*
22 *grant.*

23 “(ii) *SOURCES.*—*The matching*
24 *amounts referred to in clause (i) may in-*

1 *clude amounts made available to the recipi-*
 2 *ent under—*

3 *“(I) section 504(b) of title 23; or*

4 *“(II) section 505 of title 23.*

5 *“(C) FOCUSED RESEARCH.—In awarding*
 6 *grants under this section, consideration shall be*
 7 *given to minority institutions, as defined by sec-*
 8 *tion 365 of the Higher Education Act of 1965*
 9 *(20 U.S.C. 1067k), or consortia that include such*
 10 *institutions that have demonstrated an ability in*
 11 *transportation-related research.*

12 *“(d) PROGRAM COORDINATION.—*

13 *“(1) IN GENERAL.—The Secretary shall—*

14 *“(A) coordinate the research, education, and*
 15 *technology transfer activities carried out by*
 16 *grant recipients under this section; and*

17 *“(B) disseminate the results of that research*
 18 *through the establishment and operation of a*
 19 *publicly accessible online information clearing-*
 20 *house.*

21 *“(2) ANNUAL REVIEW AND EVALUATION.—Not*
 22 *less frequently than annually, and consistent with the*
 23 *plan developed under section 508 of title 23, the Sec-*
 24 *retary shall—*

1 “(A) review and evaluate the programs car-
2 ried out under this section by grant recipients;
3 and

4 “(B) submit to the Committees on Trans-
5 portation and Infrastructure and Science, Space,
6 and Technology of the House of Representatives
7 and the Committee on Environment and Public
8 Works of the Senate a report describing that re-
9 view and evaluation.

10 “(3) PROGRAM EVALUATION AND OVERSIGHT.—
11 For each of fiscal years 2016 through 2021, the Sec-
12 retary shall expend not more than 1 and a half per-
13 cent of the amounts made available to the Secretary
14 to carry out this section for any coordination, evalua-
15 tion, and oversight activities of the Secretary under
16 this section.

17 “(e) LIMITATION ON AVAILABILITY OF AMOUNTS.—
18 Amounts made available to the Secretary to carry out this
19 section shall remain available for obligation by the Sec-
20 retary for a period of 3 years after the last day of the fiscal
21 year for which the amounts are authorized.

22 “(f) INFORMATION COLLECTION.—Any survey, ques-
23 tionnaire, or interview that the Secretary determines to be
24 necessary to carry out reporting requirements relating to
25 any program assessment or evaluation activity under this

1 *section, including customer satisfaction assessments, shall*
 2 *not be subject to chapter 35 of title 44.”.*

3 **SEC. 6014. BUREAU OF TRANSPORTATION STATISTICS.**

4 *(a) BUREAU OF TRANSPORTATION STATISTICS.—Sec-*
 5 *tion 6302(b)(3)(B) of title 49, United States Code, is*
 6 *amended—*

7 *(1) in clause (vi)(III) by striking “section 6310”*
 8 *and inserting “section 6309”;*

9 *(2) by redesignating clauses (vii), (viii), (ix),*
 10 *and (x) as clauses (x), (xi), (xii), and (xiii), respec-*
 11 *tively; and*

12 *(3) by inserting after clause (vi) the following:*

13 *“(vii) develop and improve transpor-*
 14 *tation economic accounts to meet demand*
 15 *for methods for estimating the economic*
 16 *value of transportation infrastructure, in-*
 17 *vestment, and services;*

18 *“(viii) not be required to obtain the*
 19 *approval of any other officer or employee of*
 20 *the Department in connection with the col-*
 21 *lection or analysis of any information;*

22 *“(ix) not be required, prior to publica-*
 23 *tion, to obtain the approval of any other of-*
 24 *ficer or employee of the Federal Government*
 25 *with respect to the substance of any statis-*

1 tical technical reports or press releases that
 2 the Director has prepared in accordance
 3 with the law;”.

4 (b) *TECHNICAL AMENDMENT.*—Section 6311(5) of title
 5 49, United States Code, is amended by striking “section
 6 6310” and inserting “section 6309”.

7 **SEC. 6015. SURFACE TRANSPORTATION SYSTEM FUNDING**
 8 **ALTERNATIVES.**

9 (a) *IN GENERAL.*—The Secretary shall establish a pro-
 10 gram to provide grants to States to demonstrate user-based
 11 alternative revenue mechanisms that utilize a user fee struc-
 12 ture to maintain the long-term solvency of the Highway
 13 Trust Fund.

14 (b) *APPLICATION.*—To be eligible for a grant under
 15 this section, a State or group of States shall submit to the
 16 Secretary an application in such form and containing such
 17 information as the Secretary may require.

18 (c) *OBJECTIVES.*—The Secretary shall ensure that the
 19 activities carried out using funds provided under this sec-
 20 tion meet the following objectives:

21 (1) *To test the design, acceptance, and imple-*
 22 *mentation of 2 or more future user-based alternative*
 23 *revenue mechanisms.*

24 (2) *To improve the functionality of such user-*
 25 *based alternative revenue mechanisms.*

1 (3) *To conduct outreach to increase public*
2 *awareness regarding the need for alternative funding*
3 *sources for surface transportation programs and to*
4 *provide information on possible approaches.*

5 (4) *To provide recommendations regarding adop-*
6 *tion and implementation of user-based alternative*
7 *revenue mechanisms.*

8 (5) *To minimize the administrative cost of any*
9 *potential user-based alternative revenue mechanisms.*

10 (d) *USE OF FUNDS.—A State or group of States re-*
11 *ceiving funds under this section to test the design, accept-*
12 *ance, and implementation of a user-based alternative rev-*
13 *enue mechanism—*

14 (1) *shall address—*

15 (A) *the implementation, interoperability,*
16 *public acceptance, and other potential hurdles to*
17 *the adoption of the user-based alternative revenue*
18 *mechanism;*

19 (B) *the protection of personal privacy;*

20 (C) *the use of independent and private*
21 *third-party vendors to collect fees and operate the*
22 *user-based alternative revenue mechanism;*

23 (D) *market-based congestion mitigation, if*
24 *appropriate;*

1 (E) equity concerns, including the impacts
 2 of the user-based alternative revenue mechanism
 3 on differing income groups, various geographic
 4 areas, and the relative burdens on rural and
 5 urban drivers;

6 (F) ease of compliance for different users of
 7 the transportation system; and

8 (G) the reliability and security of tech-
 9 nology used to implement the user-based alter-
 10 native revenue mechanism; and

11 (2) may address—

12 (A) the flexibility and choices of user-based
 13 alternative revenue mechanisms, including the
 14 ability of users to select from various technology
 15 and payment options;

16 (B) the cost of administering the user-based
 17 alternative revenue mechanism; and

18 (C) the ability of the administering entity
 19 to audit and enforce user compliance.

20 (e) *CONSIDERATION.*—The Secretary shall consider ge-
 21 ographic diversity in awarding grants under this section.

22 (f) *LIMITATIONS ON REVENUE COLLECTED.*—Any rev-
 23 enue collected through a user-based alternative revenue
 24 mechanism established using funds provided under this sec-

tion shall not be considered a toll under section 301 of title 23, United States Code.

(g) *FEDERAL SHARE*.—The Federal share of the cost of an activity carried out under this section may not exceed 50 percent of the total cost of the activity.

(h) *REPORT TO SECRETARY*.—Not later than 1 year after the date on which the first eligible entity receives a grant under this section, and each year thereafter, each recipient of a grant under this section shall submit to the Secretary a report that describes—

(1) how the demonstration activities carried out with grant funds meet the objectives described in subsection (c); and

(2) lessons learned for future deployment of alternative revenue mechanisms that utilize a user fee structure.

(i) *BIENNIAL REPORTS*.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter until the completion of the demonstration activities under this section, the Secretary shall make available to the public on an Internet Web site a report describing the progress of the demonstration activities.

(j) *FUNDING*.—Of the funds authorized to carry out section 503(b) of title 23, United States Code—

1 (1) \$15,000,000 shall be used to carry out this
2 section for fiscal year 2016; and

3 (2) \$20,000,000 shall be used to carry out this
4 section for each of fiscal years 2017 through 2021.

5 (k) *GRANT FLEXIBILITY*.—If, by August 1 of each fis-
6 cal year, the Secretary determines that there are not enough
7 grant applications that meet the requirements of this section
8 for a fiscal year, Secretary shall transfer to the program
9 under section 503(b) of title 23, United States Code—

10 (1) any of the funds reserved for the fiscal year
11 under subsection (j) that the Secretary has not yet
12 awarded under this section; and

13 (2) an amount of obligation limitation equal to
14 the amount of funds that the Secretary transfers
15 under paragraph (1).

16 **SEC. 6016. FUTURE INTERSTATE STUDY.**

17 (a) *FUTURE INTERSTATE SYSTEM STUDY*.—Not later
18 than 180 days after the date of enactment of this Act, the
19 Secretary shall enter into an agreement with the Transpor-
20 tation Research Board of the National Academies to conduct
21 a study on the actions needed to upgrade and restore the
22 Dwight D. Eisenhower National System of Interstate and
23 Defense Highways to its role as a premier system that meets
24 the growing and shifting demands of the 21st century.

1 (b) *METHODOLOGIES.*—*In conducting the study, the*
2 *Transportation Research Board shall build on the meth-*
3 *odologies examined and recommended in the report pre-*
4 *pared for the American Association of State Highway and*
5 *Transportation Officials titled “National Cooperative*
6 *Highway Research Program Project 20–24(79): Specifica-*
7 *tions for a National Study of the Future 3R, 4R, and Ca-*
8 *capacity Needs of the Interstate System”, dated December*
9 *2013.*

10 (c) *CONTENTS OF STUDY.*—*The study—*

11 (1) *shall include specific recommendations re-*
12 *garding the features, standards, capacity needs, ap-*
13 *plication of technologies, and intergovernmental roles*
14 *to upgrade the Interstate System, including any revi-*
15 *sions to law (including regulations) that the Trans-*
16 *portation Research Board determines appropriate;*
17 *and*

18 (2) *is encouraged to build on the institutional*
19 *knowledge in the highway industry in applying the*
20 *techniques involved in implementing the study.*

21 (d) *CONSIDERATIONS.*—*In carrying out the study, the*
22 *Transportation Research Board shall determine the need for*
23 *reconstruction and improvement of the Interstate System*
24 *by considering—*

1 (1) *future demands on transportation infrastruc-*
2 *ture determined for national planning purposes, in-*
3 *cluding commercial and private traffic flows to serve*
4 *future economic activity and growth;*

5 (2) *the expected condition of the current Inter-*
6 *state System over the period of 50 years beginning on*
7 *the date of enactment of this Act, including long-term*
8 *deterioration and reconstruction needs;*

9 (3) *features that would take advantage of techno-*
10 *logical capabilities to address modern standards of*
11 *construction, maintenance, and operations, for pur-*
12 *poses of safety, and system management, taking into*
13 *further consideration system performance and cost;*
14 *and*

15 (4) *the resources necessary to maintain and im-*
16 *prove the Interstate System.*

17 (e) *CONSULTATION.—In carrying out the study, the*
18 *Transportation Research Board—*

19 (1) *shall convene and consult with a panel of na-*
20 *tional experts, including operators and users of the*
21 *Interstate System and private sector stakeholders; and*

22 (2) *is encouraged to consult with—*

23 (A) *the Federal Highway Administration;*

24 (B) *States;*

- 1 (C) *planning agencies at the metropolitan,*
- 2 *State, and regional levels;*
- 3 (D) *the motor carrier industry;*
- 4 (E) *freight shippers;*
- 5 (F) *highway safety groups; and*
- 6 (G) *other appropriate entities.*

7 (f) *REPORT.*—Not later than 3 years after the date of
 8 *enactment of this Act, the Transportation Research Board*
 9 *shall make available to the public on an Internet Web site*
 10 *the results of the study conducted under this section.*

11 (g) *FUNDING.*—From funds made available to carry
 12 *out section 503(b) of title 23, United States Code, the Sec-*
 13 *retary may use to carry out this section up to \$5,000,000*
 14 *for fiscal year 2016.*

15 **SEC. 6017. HIGHWAY EFFICIENCY.**

16 (a) *STUDY.*—

17 (1) *IN GENERAL.*—The Assistant Secretary of
 18 *Transportation for Research and Technology may ex-*
 19 *amine the impact of pavement durability and sus-*
 20 *tainability on vehicle fuel consumption, vehicle wear*
 21 *and tear, road conditions, and road repairs.*

22 (2) *METHODOLOGY.*—In carrying out the study,
 23 *the Assistant Secretary shall—*

1 (A) conduct a thorough review of relevant
 2 peer-reviewed research published during at least
 3 the past 5 years;

4 (B) analyze impacts of different types of
 5 pavement on all motor vehicle types, including
 6 commercial vehicles;

7 (C) specifically examine the impact of pave-
 8 ment deformation and deflection; and

9 (D) analyze impacts of different types of
 10 pavement on road conditions and road repairs.

11 (3) CONSULTATION.—In carrying out the study,
 12 the Assistant Secretary shall consult with—

13 (A) experts from the different modal admin-
 14 istrations of the Department and from other Fed-
 15 eral agencies, including the National Institute of
 16 Standards and Technology;

17 (B) State departments of transportation;

18 (C) local government engineers and public
 19 works professionals;

20 (D) industry stakeholders; and

21 (E) appropriate academic experts active in
 22 the field.

23 (b) REPORT.—

24 (1) IN GENERAL.—Not later than 1 year after
 25 the date of enactment of this Act, the Assistant Sec-

1 *retary shall publish on a public Web site the results*
2 *of the study.*

3 (2) *CONTENTS.—The report shall include—*

4 (A) *a summary of the different types of*
5 *pavements analyzed in the study and the im-*
6 *pacts of pavement durability and sustainability*
7 *on vehicle fuel consumption, vehicle wear and*
8 *tear, road conditions, and road repairs; and*

9 (B) *recommendations for State and local*
10 *governments on best practice methods for im-*
11 *proving pavement durability and sustainability*
12 *to maximize vehicle fuel economy, ride quality,*
13 *and road conditions and to minimize the need*
14 *for road and vehicle repairs.*

15 **SEC. 6018. MOTORCYCLE SAFETY.**

16 (a) *STUDY.—The Assistant Secretary for Research and*
17 *Technology of the Department of Transportation may enter*
18 *into an agreement, within 45 days after the date of enact-*
19 *ment of this Act, with the National Academy of Sciences*
20 *to conduct a study on the most effective means of preventing*
21 *motorcycle crashes.*

22 (b) *PUBLICATION.—The Assistant Secretary may make*
23 *available the findings on a public Web site within 30 days*
24 *after receiving the results of the study from the National*
25 *Academy of Sciences.*

1 **SEC. 6019. HAZARDOUS MATERIALS RESEARCH AND DEVEL-**
2 **OPMENT.**

3 *Section 5118 of title 49, United States Code, is amend-*
4 *ed—*

5 *(1) in subsection (a)(2)—*

6 *(A) in subparagraph (A) by striking “and”*
7 *at the end;*

8 *(B) in subparagraph (B) by striking the pe-*
9 *riod at the end and inserting “; and”; and*

10 *(C) by adding at the end the following:*

11 *“(C) coordinate, as appropriate, with other*
12 *Federal agencies.”; and*

13 *(2) by adding at the end the following new sub-*
14 *section:*

15 *“(c) COOPERATIVE RESEARCH.—*

16 *“(1) IN GENERAL.—As part of the program es-*
17 *tablished in subsection (a), the Secretary may carry*
18 *out cooperative research on hazardous materials*
19 *transport.*

20 *“(2) NATIONAL ACADEMIES.—The Secretary may*
21 *enter into an agreement with the National Academies*
22 *to support such research.*

23 *“(3) RESEARCH.—Research conducted under this*
24 *subsection may include activities related to—*

25 *“(A) emergency planning and response, in-*
26 *cluding information and programs that can be*

1 *readily assessed and implemented in local juris-*
 2 *dictions;*

3 *“(B) risk analysis and perception and data*
 4 *assessment;*

5 *“(C) commodity flow data, including vol-*
 6 *untary collaboration between shippers and first*
 7 *responders for secure data exchange of critical*
 8 *information;*

9 *“(D) integration of safety and security;*

10 *“(E) cargo packaging and handling;*

11 *“(F) hazmat release consequences; and*

12 *“(G) materials and equipment testing.”.*

13 **SEC. 6020. WEB-BASED TRAINING FOR EMERGENCY RE-**
 14 **SPONDERS.**

15 *Section 5115(a) of title 49, United States Code, is*
 16 *amended by inserting “, including online curriculum as ap-*
 17 *propriate,” after “a current curriculum of courses”.*

18 **SEC. 6021. TRANSPORTATION TECHNOLOGY POLICY WORK-**
 19 **ING GROUP.**

20 *To improve the scientific pursuit and research proce-*
 21 *dures concerning transportation, the Assistant Secretary for*
 22 *Research and Technology may convene an interagency*
 23 *working group to—*

1 (1) *develop within 1 year after the date of enact-*
 2 *ment of this Act a national transportation research*
 3 *framework;*

4 (2) *identify opportunities for coordination be-*
 5 *tween the Department and universities and the pri-*
 6 *rate sector, and prioritize these opportunities;*

7 (3) *identify and develop a plan to implement*
 8 *best practices for moving transportation research re-*
 9 *sults out of the laboratory and into application; and*

10 (4) *identify and develop a plan to address re-*
 11 *lated workforce development needs.*

12 **SEC. 6022. COLLABORATION AND SUPPORT.**

13 *The Secretary may solicit the support of, and identify*
 14 *opportunities to collaborate with, other Federal research*
 15 *agencies and national laboratories to assist in the effective*
 16 *and efficient pursuit and resolution of research challenges*
 17 *identified by the Secretary.*

18 **SEC. 6023. PRIZE COMPETITIONS.**

19 *Section 502(b)(7) of title 23, United States Code, is*
 20 *amended—*

21 (1) *in subparagraph (D)—*

22 (A) *by inserting “(such as*
 23 *www.challenge.gov)” after “public website”;*

24 (B) *by redesignating clauses (iii) and (iv)*
 25 *as clauses (iv) and (v), respectively;*

1 (C) by inserting after clause (ii) the fol-
2 lowing:

3 “(iii) the process for participants to
4 register for the competition;”; and

5 (D) in clause (iv) (as redesignated by sub-
6 paragraph (B)) by striking “prize” and insert-
7 ing “cash prize purse”;

8 (2) in subparagraph (E) by striking “prize” both
9 places it appears and inserting “cash prize purse”;

10 (3) by redesignating subparagraphs (F) through
11 (K) as subparagraphs (G) through (L), respectively;

12 (4) by inserting after subparagraph (E) the fol-
13 lowing:

14 “(F) *USE OF FEDERAL FACILITIES; CON-*
15 *SULTATION WITH FEDERAL EMPLOYEES.—An in-*
16 *dividual or entity is not ineligible to receive a*
17 *cash prize purse under this paragraph as a re-*
18 *sult of the individual or entity using a Federal*
19 *facility or consulting with a Federal employee*
20 *related to the individual or entity’s participa-*
21 *tion in a prize competition under this para-*
22 *graph unless the same facility or employee is*
23 *made available to all individuals and entities*
24 *participating in the prize competition on an eq-*
25 *uitable basis.*”;

1 (5) in subparagraph (G) (as redesignated by
2 paragraph (3) of this section)—

3 (A) in clause (i)(I) by striking “competi-
4 tion” and inserting “prize competition under
5 this paragraph”;

6 (B) in clause (ii)(I)—

7 (i) by striking “participation in a
8 competition” and inserting “participation
9 in a prize competition under this para-
10 graph”; and

11 (ii) by striking “competition activi-
12 ties” and inserting “prize competition ac-
13 tivities”; and

14 (C) by adding at the end the following:

15 “(iii) INTELLECTUAL PROPERTY.—

16 “(I) PROHIBITION ON REQUIRING
17 WAIVER.—The Secretary may not re-
18 quire a participant to waive claims
19 against the Department arising out of
20 the unauthorized use or disclosure by
21 the Department of the intellectual
22 property, trade secrets, or confidential
23 business information of the partici-
24 pant.

1 “(II) *PROHIBITION ON GOVERN-*
 2 *MENT ACQUISITION OF INTELLECTUAL*
 3 *PROPERTY RIGHTS.*—*The Federal Gov-*
 4 *ernment may not gain an interest in*
 5 *intellectual property developed by a*
 6 *participant for a prize competition*
 7 *under this paragraph without the writ-*
 8 *ten consent of the participant.*

9 “(III) *LICENSES.*—*The Federal*
 10 *Government may negotiate a license*
 11 *for the use of intellectual property de-*
 12 *veloped by a participant for a prize*
 13 *competition under this paragraph.”;*

14 (6) *in subparagraph (H)(i) (as redesignated by*
 15 *paragraph (3) of this section) by striking “subpara-*
 16 *graph (H)” and inserting “subparagraph (I)”;*

17 (7) *in subparagraph (I) (as redesignated by*
 18 *paragraph (3) of this section) by striking “an agree-*
 19 *ment with a private, nonprofit entity” and inserting*
 20 *“a grant, contract, cooperative agreement, or other*
 21 *agreement with a private sector for-profit or non-*
 22 *profit entity”;*

23 (8) *in subparagraph (J) (as redesignated by*
 24 *paragraph (3) of this section)—*

25 (A) *in clause (i)—*

1 (i) in subclause (I) by striking “the
2 private sector” and inserting “private sector
3 for-profit and nonprofit entities, to be avail-
4 able to the extent provided by appropria-
5 tions Acts”;

6 (ii) in subclause (II) by striking “and
7 metropolitan planning organizations” and
8 inserting “metropolitan planning organiza-
9 tions, and private sector for-profit and non-
10 profit entities”; and

11 (iii) in subclause (III) by inserting
12 “for-profit or nonprofit” after “private sec-
13 tor”;

14 (B) in clause (ii) by striking “prize
15 awards” and inserting “cash prize purses”;

16 (C) in clause (iv)—

17 (i) by inserting “competition” after “A
18 prize”; and

19 (ii) by striking “the prize” and insert-
20 ing “the cash prize purse”;

21 (D) in clause (v)—

22 (i) by striking “amount of a prize”
23 and inserting “amount of a cash prize
24 purse”;

- 1 (ii) by inserting “competition” after
- 2 “announcement of the prize”; and
- 3 (iii) in subclause (I) by inserting
- 4 “competition” after “prize”;
- 5 (E) in clause (vi) by striking “offer a prize”
- 6 and inserting “offer a cash prize purse”; and
- 7 (F) in clause (vii) by striking “cash prizes”
- 8 and inserting “cash prize purses”;
- 9 (9) in subparagraph (K) (as redesignated by
- 10 paragraph (3) of this section) by striking “or pro-
- 11 viding a prize” and inserting “a prize competition or
- 12 providing a cash prize purse”; and
- 13 (10) in subparagraph (L)(ii) (as redesignated by
- 14 paragraph (3) of this section)—
- 15 (A) in subclause (I) by striking “The Sec-
- 16 retary” and inserting “Not later than March 1
- 17 of each year, the Secretary”; and
- 18 (B) in subclause (II)—
- 19 (i) in item (cc) by striking “cash
- 20 prizes” both places it appears and inserting
- 21 “cash prize purses”; and
- 22 (ii) in item (ee) by striking “agency”
- 23 and inserting “Department”.

1 **SEC. 6024. GAO REPORT.**

2 *Not later than 2 years after the date of enactment of*
3 *this Act, the Comptroller General of the United States shall*
4 *make available to the public a report that—*

5 *(1) assesses the status of autonomous transpor-*
6 *tation technology policy developed by public entities*
7 *in the United States;*

8 *(2) assesses the organizational readiness of the*
9 *Department to address autonomous vehicle technology*
10 *challenges, including consumer privacy protections;*
11 *and*

12 *(3) recommends implementation paths for auton-*
13 *omous transportation technology, applications, and*
14 *policies that are based on the assessment described in*
15 *paragraph (2).*

16 **SEC. 6025. INTELLIGENT TRANSPORTATION SYSTEM PUR-**
17 **POSES.**

18 *Section 514(b) of title 23, United States Code, is*
19 *amended—*

20 *(1) in paragraph (8) by striking “and” at the*
21 *end;*

22 *(2) in paragraph (9) by striking the period at*
23 *the end and inserting “; and”; and*

24 *(3) by adding at the end the following:*

25 *“(10) to assist in the development of cybersecu-*
26 *rity standards in cooperation with relevant modal*

1 *administrations of the Department of Transportation*
 2 *and other Federal agencies to help prevent hacking,*
 3 *spoofing, and disruption of connected and automated*
 4 *transportation vehicles.”.*

5 **SEC. 6026. INFRASTRUCTURE INTEGRITY.**

6 *Section 503(b)(3)(C) of title 23, United States Code,*
 7 *is amended—*

8 *(1) in clause (xviii) by striking “and” at the*
 9 *end;*

10 *(2) in clause (xix) by striking the period at the*
 11 *end and inserting “; and”; and*

12 *(3) by adding at the end the following:*

13 *“(xx) corrosion prevention measures*
 14 *for the structural integrity of bridges.”.*

15 **SEC. 6027. TRANSPORTATION RESEARCH AND DEVELOP-**
 16 **MENT 5-YEAR STRATEGIC PLAN.**

17 *(a) IN GENERAL.—The Secretary shall develop a 5-*
 18 *year transportation research and development strategic*
 19 *plan for fiscal years 2018 through 2022 to guide future Fed-*
 20 *eral transportation research and development activities.*

21 *(b) CONSISTENCY.—The strategic plan developed under*
 22 *subsection (a) shall be consistent with—*

23 *(1) section 306 of title 5, United States Code;*

24 *(2) sections 1115 and 1116 of title 31, United*
 25 *States Code;*

1 (3) *section 508 of title 23, United States Code;*
2 *and*

3 (4) *any other research and development plan*
4 *within the Department.*

5 (c) *CONTENTS.—The strategic plan developed under*
6 *subsection (a) shall—*

7 (1) *describe the primary purposes of the trans-*
8 *portation research and development program;*

9 (2) *list the proposed research and development*
10 *activities that the Department intends to pursue to*
11 *accomplish under the strategic plan, which may in-*
12 *clude—*

13 (A) *fundamental research pertaining to the*
14 *applied physical and natural sciences;*

15 (B) *applied science and research;*

16 (C) *technology development research; and*

17 (D) *social science research; and*

18 (3) *for each research and development activity—*

19 (A) *identify the anticipated annual funding*
20 *levels for the period covered by the strategic plan;*
21 *and*

22 (B) *describe the research findings the De-*
23 *partment expects to discover at the end of the pe-*
24 *riod covered by the strategic plan.*

1 (d) *CONSIDERATIONS.—The Secretary shall ensure*
2 *that the strategic plan developed under this section—*

3 (1) *reflects input from external stakeholders;*

4 (2) *includes and integrates the research and de-*
5 *velopment programs of all of the Department’s modal*
6 *administrations and joint programs;*

7 (3) *takes into account research and development*
8 *by other Federal, State, local, private sector, and non-*
9 *profit institutions; and*

10 (4) *is published on a public website by December*
11 *31, 2016.*

12 (e) *REPORT.—*

13 (1) *NATIONAL RESEARCH COUNCIL REVIEW.—*
14 *The Secretary shall enter into an agreement with the*
15 *National Research Council for a review and analysis*
16 *of the Department’s 5-year research and development*
17 *strategic plan described in this section. By March 31,*
18 *2017, the Secretary shall publish on a public website*
19 *the National Research Council’s analysis of the De-*
20 *partment’s plan.*

21 (2) *INTERIM REPORT.—By June 30, 2019, the*
22 *Secretary shall publish on a public website an in-*
23 *terim report that—*

24 (A) *provides an assessment of the Depart-*
25 *ment’s 5-year research and development strategic*

1 *plan described in this section that includes a de-*
 2 *scription of the extent to which the research and*
 3 *development is or is not successfully meeting the*
 4 *purposes described under subsection (c)(1); and*

5 *(B) addresses any concerns and identifies*
 6 *any gaps that may have been raised by the Na-*
 7 *tional Research Council analysis under para-*
 8 *graph (1), including how the plan is or is not*
 9 *responsive to the National Research Council re-*
 10 *view.*

11 **SEC. 6028. TRAFFIC CONGESTION.**

12 *(a) CONGESTION RESEARCH.—The Assistant Sec-*
 13 *retary may conduct research on the reduction of traffic con-*
 14 *gestion.*

15 *(b) CONSIDERATION.—The Assistant Secretary shall—*

16 *(1) recommend research to accelerate the adop-*
 17 *tion of transportation management systems that allow*
 18 *traffic to flow in the safest and most efficient manner*
 19 *possible while alleviating current and future traffic*
 20 *congestion challenges;*

21 *(2) assess and analyze traffic, transit, and*
 22 *freight data from various sources relevant to efforts to*
 23 *reduce traffic congestion so as to maximize mobility,*
 24 *efficiency, and capacity while decreasing congestion*
 25 *and travel times;*

1 (3) *examine the use and integration of multiple*
2 *data types from multiple sources and technologies, in-*
3 *cluding road weather data, private vehicle (including*
4 *Global Positioning System) data, arterial and high-*
5 *way traffic conditions, transit vehicle arrival and de-*
6 *parture times, real time navigation routing, construc-*
7 *tion zone information, and reports of incidents, to*
8 *suggest improvements in effective communication of*
9 *such data and information in real time;*

10 (4) *develop and disseminate suggested strategies*
11 *and solutions to reduce congestion for high-density*
12 *traffic regions and to provide mobility in the event of*
13 *an emergency or natural disaster; and*

14 (5) *collaborate with other relevant Federal agen-*
15 *cies, State and local agencies, industry and industry*
16 *associations, and university research centers to fulfill*
17 *goals and objectives under this section.*

18 (c) *IDENTIFYING INFORMATION.—The Assistant Sec-*
19 *retary shall ensure that information used pursuant to this*
20 *section does not contain identifying information of any in-*
21 *dividual.*

22 (d) *REPORT.—Not later than 1 year after the date of*
23 *enactment of this Act, the Assistant Secretary shall make*
24 *available on a public website a report on its activities under*
25 *this section.*

1 **SEC. 6029. RAIL SAFETY.**

2 *Not later than 1 year after the date of enactment of*
3 *this Act, the Assistant Secretary of Transportation for Re-*
4 *search and Technology may transmit to Congress a report*
5 *containing—*

6 *(1) the results of a study to examine the state of*
7 *rail safety technologies and an analysis of whether the*
8 *passenger, commuter, and transit rail transportation*
9 *industries are keeping up with innovations in tech-*
10 *nologies to make rail cars safer for passengers and*
11 *transport of commerce; and*

12 *(2) a determination of how much additional*
13 *time and public and private resources will be re-*
14 *quired for railroad carriers to meet the positive train*
15 *control system implementation requirements under*
16 *section 20157 of title 49, United States Code.*

17 **SEC. 6030. STUDY AND REPORT ON REDUCING THE AMOUNT**
18 **OF VEHICLES OWNED BY CERTAIN FEDERAL**
19 **DEPARTMENTS AND INCREASING THE USE OF**
20 **COMMERCIAL RIDE-SHARING BY THOSE DE-**
21 **PARTMENTS.**

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

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

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

3 (b) *REPORT.*—*Not later than 1 year after the date of*
 4 *the enactment of this Act, the Comptroller General of the*
 5 *United States shall submit to Congress a report that con-*
 6 *tains the results and conclusions of the study conducted*
 7 *under subsection (a).*

8 (c) *COVERED DEPARTMENT DEFINED.*—*In this sec-*
 9 *tion, the term “covered department” means each of the fol-*
 10 *lowing:*

11 (1) *The Department of Agriculture.*

12 (2) *The Department of the Interior.*

13 (3) *The Department of Energy.*

14 **TITLE VII—HAZARDOUS**
 15 **MATERIALS TRANSPORTATION**

16 **SEC. 7001. SHORT TITLE.**

17 *This title may be cited as the “Hazardous Materials*
 18 *Transportation Safety Improvement Act of 2015”.*

19 **SEC. 7002. AUTHORIZATION OF APPROPRIATIONS.**

20 *Section 5128 of title 49, United States Code, is amend-*
 21 *ed to read as follows:*

22 **“§ 5128. Authorization of appropriations**

23 *“(a) IN GENERAL.—There are authorized to be appro-*
 24 *priated to the Secretary to carry out this chapter (except*
 25 *sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and 5119)—*

- 1 “(1) \$53,000,000 for fiscal year 2016;
 2 “(2) \$55,000,000 for fiscal year 2017;
 3 “(3) \$57,000,000 for fiscal year 2018;
 4 “(4) \$58,000,000 for fiscal year 2019;
 5 “(5) \$60,000,000 for fiscal year 2020; and
 6 “(6) \$62,000,000 for fiscal year 2021.

7 “(b) *HAZARDOUS MATERIALS EMERGENCY PRE-*
 8 *PAREDNESS FUND.*—*From the Hazardous Materials Emer-*
 9 *gency Preparedness Fund established under section 5116(h),*
 10 *the Secretary may expend, for each of fiscal years 2016*
 11 *through 2021—*

- 12 “(1) \$21,988,000 to carry out section 5116(a);
 13 “(2) \$150,000 to carry out section 5116(e);
 14 “(3) \$625,000 to publish and distribute the
 15 *Emergency Response Guidebook under section*
 16 *5116(h)(3); and*
 17 “(4) \$1,000,000 to carry out section 5116(i).

18 “(c) *HAZARDOUS MATERIALS TRAINING GRANTS.*—
 19 *From the Hazardous Materials Emergency Preparedness*
 20 *Fund established pursuant to section 5116(h), the Secretary*
 21 *may expend \$5,000,000 for each of fiscal years 2016*
 22 *through 2021 to carry out section 5107(e).*

23 “(d) *CREDITS TO APPROPRIATIONS.*—

- 24 “(1) *EXPENSES.*—*In addition to amounts other-*
 25 *wise made available to carry out this chapter, the*

1 *Secretary may credit amounts received from a State,*
 2 *Indian tribe, or other public authority or private en-*
 3 *tity for expenses the Secretary incurs in providing*
 4 *training to the State, Indian tribe, authority, or enti-*
 5 *ty.*

6 “(2) *AVAILABILITY OF AMOUNTS.—Amounts*
 7 *made available under this section shall remain avail-*
 8 *able until expended.”.*

9 **SEC. 7003. NATIONAL EMERGENCY AND DISASTER RE-**
 10 **SPONSE.**

11 *Section 5103 of title 49, United States Code, is amend-*
 12 *ed—*

13 (1) *by redesignating subsections (c) and (d) as*
 14 *subsections (d) and (e), respectively; and*

15 (2) *by inserting after subsection (b) the fol-*
 16 *lowing:*

17 “(c) *FEDERALLY DECLARED DISASTERS AND EMER-*
 18 *GENCIES.—*

19 “(1) *IN GENERAL.—The Secretary may by order*
 20 *waive compliance with any part of an applicable*
 21 *standard prescribed under this chapter without prior*
 22 *notice and comment and on terms the Secretary con-*
 23 *siders appropriate if the Secretary determines that—*

24 “(A) *it is in the public interest to grant the*
 25 *waiver;*

1 “(B) the waiver is not inconsistent with the
2 safety of transporting hazardous materials; and

3 “(C) the waiver is necessary to facilitate the
4 safe movement of hazardous materials into, from,
5 and within an area of a major disaster or emer-
6 gency that has been declared under the Robert T.
7 Stafford Disaster Relief and Emergency Assist-
8 ance Act (42 U.S.C. 5121 et seq.).

9 “(2) *PERIOD OF WAIVER.*—A waiver under this
10 subsection may be issued for a period of not more
11 than 60 days and may be renewed upon application
12 to the Secretary only after notice and an opportunity
13 for a hearing on the waiver. The Secretary shall im-
14 mediately revoke the waiver if continuation of the
15 waiver would not be consistent with the goals and ob-
16 jectives of this chapter.

17 “(3) *STATEMENT OF REASONS.*—The Secretary
18 shall include in any order issued under this section
19 the reason for granting the waiver.”.

20 **SEC. 7004. ENHANCED REPORTING.**

21 Section 5121(h) of title 49, United States Code, is
22 amended by striking “transmit to the Committee on Trans-
23 portation and Infrastructure of the House of Representa-
24 tives and the Committee on Commerce, Science, and Trans-
25 portation of the Senate” and inserting “make available to

1 *the public on the Department of Transportation’s Internet*
 2 *Web site”.*

3 **SEC. 7005. WETLINES.**

4 (a) *WITHDRAWAL.*—Not later than 30 days after the
 5 date of enactment of this Act, the Secretary shall withdraw
 6 the proposed rule described in the notice of proposed rule-
 7 making issued on January 27, 2011, entitled “Safety Re-
 8 quirements for External Product Piping on Cargo Tanks
 9 Transporting Flammable Liquids” (76 Fed. Reg. 4847).

10 (b) *SAVINGS CLAUSE.*—Nothing in this section shall
 11 prohibit the Secretary from issuing standards or regula-
 12 tions regarding the safety of external product piping on
 13 cargo tanks transporting flammable liquids after the with-
 14 drawal is carried out pursuant to subsection (a).

15 **SEC. 7006. IMPROVING PUBLICATION OF SPECIAL PERMITS**
 16 **AND APPROVALS.**

17 *Section 5117 of title 49, United States Code, is amend-*
 18 *ed—*

19 (1) *in subsection (b)—*

20 (A) *by striking “an application for a spe-*
 21 *cial permit” and inserting “an application for a*
 22 *new special permit or a modification to an exist-*
 23 *ing special permit”; and*

24 (B) *by inserting after the first sentence the*
 25 *following: “The Secretary shall make available to*

1 *the public on the Department of Transportation’s*
2 *Internet Web site any special permit other than*
3 *a new special permit or a modification to an ex-*
4 *isting special permit and shall give the public an*
5 *opportunity to inspect the safety analysis and*
6 *comment on the application for a period of not*
7 *more than 15 days.”; and*

8 *(2) in subsection (c)—*

9 *(A) by striking “publish” and inserting*
10 *“make available to the public”;*

11 *(B) by striking “in the Federal Register”;*

12 *(C) by striking “180” and inserting “120”;*

13 *and*

14 *(D) by striking “the special permit” each*
15 *place it appears and inserting “a special permit*
16 *or approval”; and*

17 *(3) by adding at the end the following:*

18 *“(g) DISCLOSURE OF FINAL ACTION.—The Secretary*
19 *shall periodically, but at least every 120 days—*

20 *“(1) publish in the Federal Register notice of the*
21 *final disposition of each application for a new special*
22 *permit, modification to an existing special permit, or*
23 *approval during the preceding quarter; and*

24 *“(2) make available to the public on the Depart-*
25 *ment of Transportation’s Internet Web site notice of*

1 *the final disposition of any other special permit dur-*
2 *ing the preceding quarter.”.*

3 **SEC. 7007. GAO STUDY ON ACCEPTANCE OF CLASSIFICA-**
4 **TION EXAMINATIONS.**

5 *(a) IN GENERAL.—Not later than 120 days after the*
6 *date of enactment of this Act, the Comptroller General of*
7 *the United States shall evaluate and transmit to the Sec-*
8 *retary, the Committee on Transportation and Infrastruc-*
9 *ture of the House of Representatives, and the Committee*
10 *on Commerce, Science, and Transportation of the Senate,*
11 *a report on the standards, metrics, and protocols that the*
12 *Secretary uses to regulate the performance of persons ap-*
13 *proved to recommend hazard classifications pursuant to sec-*
14 *tion 173.56(b) of title, 49, Code of Federal Regulations*
15 *(commonly referred to as “third-party labs”).*

16 *(b) EVALUATION.—The evaluation required under sub-*
17 *section (a) shall—*

18 *(1) identify what standards and protocols are*
19 *used to approve such persons, assess the adequacy of*
20 *such standards and protocols to ensure that persons*
21 *seeking approval are qualified and capable of per-*
22 *forming classifications, and make recommendations to*
23 *address any deficiencies identified;*

24 *(2) assess the adequacy of the Secretary’s over-*
25 *sight of persons approved to perform the classifica-*

1 *tions, including the qualification of individuals en-*
2 *gaged in the oversight of approved persons, and make*
3 *recommendations to enhance oversight sufficiently to*
4 *ensure that classifications are issued as required;*

5 *(3) identify what standards and protocols exist*
6 *to rescind, suspend, or deny approval of persons who*
7 *perform such classifications, assess the adequacy of*
8 *such standards and protocols, and make recommenda-*
9 *tions to enhance such standards and protocols if nec-*
10 *essary; and*

11 *(4) include annual data for fiscal years 2005*
12 *through 2015 on the number of applications received*
13 *for new classifications pursuant to section 173.56(b)*
14 *of title 49, Code of Federal Regulations, of those ap-*
15 *plications how many classifications recommended by*
16 *persons approved by the Secretary were changed to*
17 *another classification and the reasons for the change,*
18 *and how many hazardous materials incidents have*
19 *been attributed to a classification recommended by*
20 *such approved persons in the United States.*

21 *(c) ACTION PLAN.—Not later than 120 days after re-*
22 *ceiving the report required under subsection (a), the Sec-*
23 *retary shall make available to the public a plan describing*
24 *any actions the Secretary will take to establish standards,*
25 *metrics, and protocols based on the findings and rec-*

1 ommendations in the report to ensure that persons approved
 2 to perform classification examinations required under sec-
 3 tion 173.56(b) of title 49, Code of Federal Regulations, can
 4 sufficiently perform such examinations in a manner that
 5 meets the hazardous materials regulations.

6 (d) *REGULATIONS.*—If the report required under sub-
 7 section (a) recommends new regulations in order for the
 8 Secretary to have confidence in the accuracy of classifica-
 9 tion recommendations rendered by persons approved to per-
 10 form classification examinations required under section
 11 173.56(b) of title 49, Code of Federal Regulations, the Sec-
 12 retary shall issue such regulations not later than 24 months
 13 after the date of enactment of this Act.

14 **SEC. 7008. IMPROVING THE EFFECTIVENESS OF PLANNING**
 15 **AND TRAINING GRANTS.**

16 (a) *PLANNING AND TRAINING GRANTS.*—Section 5116
 17 of title 49, United States Code, is amended—

18 (1) by redesignating subsections (c) through (k)
 19 as subsections (b) through (j), respectively,

20 (2) by striking subsection (b); and

21 (3) by striking subsection (a) and inserting the
 22 following:

23 “(a) *PLANNING AND TRAINING GRANTS.*—(1) The Sec-
 24 retary shall make grants to States and Indian tribes—

1 “(A) to develop, improve, and carry out emer-
2 gency plans under the Emergency Planning and
3 Community Right-To-Know Act of 1986 (42 U.S.C.
4 11001 et seq.), including ascertaining flow patterns of
5 hazardous material on lands under the jurisdiction of
6 a State or Indian tribe, and between lands under the
7 jurisdiction of a State or Indian tribe and lands of
8 another State or Indian tribe;

9 “(B) to decide on the need for regional hazardous
10 material emergency response teams; and

11 “(C) to train public sector employees to respond
12 to accidents and incidents involving hazardous mate-
13 rial.

14 “(2) To the extent that a grant is used to train emer-
15 gency responders under paragraph (1)(C), the State or In-
16 dian tribe shall provide written certification to the Sec-
17 retary that the emergency responders who receive training
18 under the grant will have the ability to protect nearby per-
19 sons, property, and the environment from the effects of acci-
20 dents or incidents involving the transportation of hazardous
21 material in accordance with existing regulations or Na-
22 tional Fire Protection Association standards for competence
23 of responders to accidents and incidents involving haz-
24 ardous materials.

1 “(3) *The Secretary may make a grant to a State or*
2 *Indian tribe under paragraph (1) of this subsection only*
3 *if—*

4 “(A) *the State or Indian tribe certifies that the*
5 *total amount the State or Indian tribe expends (ex-*
6 *cept amounts of the Federal Government) for the pur-*
7 *pose of the grant will at least equal the average level*
8 *of expenditure for the last 5 years; and*

9 “(B) *any emergency response training provided*
10 *under the grant shall consist of—*

11 “(i) *a course developed or identified under*
12 *section 5115 of this title; or*

13 “(ii) *any other course the Secretary deter-*
14 *mines is consistent with the objectives of this sec-*
15 *tion.*

16 “(4) *A State or Indian tribe receiving a grant under*
17 *this subsection shall ensure that planning and emergency*
18 *response training under the grant is coordinated with adja-*
19 *cent States and Indian tribes.*

20 “(5) *A training grant under paragraph (1)(C) may*
21 *be used—*

22 “(A) *to pay—*

23 “(i) *the tuition costs of public sector em-*
24 *ployees being trained;*

1 “(ii) travel expenses of those employees to
2 and from the training facility;

3 “(iii) room and board of those employees
4 when at the training facility; and

5 “(iv) travel expenses of individuals pro-
6 viding the training;

7 “(B) by the State, political subdivision, or In-
8 dian tribe to provide the training; and

9 “(C) to make an agreement with a person (in-
10 cluding an authority of a State, a political subdivi-
11 sion of a State or Indian tribe, or a local jurisdic-
12 tion), subject to approval by the Secretary, to provide
13 the training—

14 “(i) if the agreement allows the Secretary
15 and the State or Indian tribe to conduct random
16 examinations, inspections, and audits of the
17 training without prior notice;

18 “(ii) the person agrees to have an auditable
19 accounting system; and

20 “(iii) if the State or Indian tribe conducts
21 at least one on-site observation of the training
22 each year.

23 “(6) The Secretary shall allocate amounts made avail-
24 able for grants under this subsection among eligible States
25 and Indian tribes based on the needs of the States and In-

1 *dian tribes for emergency response training and planning.*
 2 *In making a decision about those needs, the Secretary shall*
 3 *consider—*

4 “(A) *the number of hazardous material facilities*
 5 *in the State or on land under the jurisdiction of the*
 6 *Indian tribe;*

7 “(B) *the types and amounts of hazardous mate-*
 8 *rial transported in the State or on such land;*

9 “(C) *whether the State or Indian tribe imposes*
 10 *and collects a fee on transporting hazardous material;*

11 “(D) *whether such fee is used only to carry out*
 12 *a purpose related to transporting hazardous material;*

13 “(E) *the past record of the State or Indian tribe*
 14 *in effectively managing planning and training*
 15 *grants; and*

16 “(F) *any other factors the Secretary determines*
 17 *are appropriate to carry out this subsection.”.*

18 ***(b) TECHNICAL AND CONFORMING AMENDMENTS.—***

19 (1) *Section 5108(g) of title 49, United States*
 20 *Code, is amended by striking “5116(i)” each place it*
 21 *appears and inserting “5116(h)”.*

22 (2) *Section 5116 of such title is amended—*

23 (A) *in subsection (d), as redesignated by*
 24 *this section, by striking “subsections (a)(2)(A)*

1 *and (b)(2)(A)” and inserting “subsection*
2 *(a)(3)(A)”;*

3 *(B) in subsection (h), as redesignated by*
4 *this section—*

5 *(i) in paragraph (1) by inserting “and*
6 *section 5107(e)” after “section”;*

7 *(ii) in paragraph (2) by striking “(f)”*
8 *and inserting “(e)”;* *and*

9 *(iii) in paragraph (4) by striking*
10 *“5108(g)(2) and 5115” and inserting*
11 *“5107(e) and 5108(g)(2)”;*

12 *(C) in subsection (i), as redesignated by this*
13 *section, by striking “subsection (b)” and insert-*
14 *ing “subsection (a)”;* *and*

15 *(D) in subsection (j), as redesignated by*
16 *this section—*

17 *(i) by striking “planning grants allo-*
18 *cated under subsection (a), training grants*
19 *under subsection (b), and grants under sub-*
20 *section (j)” and inserting “planning and*
21 *training grants under subsection (a) and*
22 *grants under subsection (i)”;* *and*

23 *(ii) by redesignating subparagraphs*
24 *(A) through (D) as paragraphs (1) through*
25 *(4), respectively.*

1 (c) *ENFORCEMENT PERSONNEL*.—Section 5107(e) of
 2 title 49, United States Code, is amended by inserting “,
 3 State and local personnel responsible for enforcing the safe
 4 transportation of hazardous materials, or both” after
 5 “hazmat employees” each place it appears.

6 **SEC. 7009. MOTOR CARRIER SAFETY PERMITS.**

7 Section 5109(h) of title 49, United States Code, is
 8 amended to read as follows:

9 “(h) *LIMITATION ON DENIAL*.—The Secretary may not
 10 deny a non-temporary permit held by a motor carrier pur-
 11 suant to this section based on a comprehensive review of
 12 that carrier triggered by safety management system scores
 13 or out-of-service disqualification standards, unless—

14 “(1) the carrier has the opportunity, prior to the
 15 denial of such permit, to submit a written description
 16 of corrective actions taken and other documentation
 17 the carrier wishes the Secretary to consider, including
 18 a corrective action plan; and

19 “(2) the Secretary determines the actions or plan
 20 is insufficient to address the safety concerns identified
 21 during the course of the comprehensive review.”.

22 **SEC. 7010. THERMAL BLANKETS.**

23 (a) *REQUIREMENTS*.—Not later than 180 days after
 24 the date of enactment of this Act, the Secretary shall issue
 25 such regulations as are necessary to require that each tank

1 car built to meet the DOT-117 specification and each non-
 2 jacketed tank car modified to meet the DOT-117R specifica-
 3 tion be equipped with an insulating blanket with at least
 4 1/2-inch-thick material that has been approved by the Sec-
 5 retary pursuant to section 179.18(c) of title 49, Code of Fed-
 6 eral Regulations.

7 (b) SAVINGS CLAUSE.—Nothing in this section shall
 8 prohibit the Secretary from approving new or alternative
 9 technologies or materials as they become available that pro-
 10 vide a level of safety at least equivalent to the level of safety
 11 provided for under subsection (a).

12 **SEC. 7011. COMPREHENSIVE OIL SPILL RESPONSE PLANS.**

13 (a) IN GENERAL.—Chapter 51 of title 49, United
 14 States Code, is amended by inserting after section 5110 the
 15 following:

16 **“§5111. Comprehensive oil spill response plans**

17 “(a) REQUIREMENTS.—Not later than 120 days after
 18 the date of enactment of this section, the Secretary shall
 19 issue such regulations as are necessary to require any rail-
 20 road carrier transporting a Class 3 flammable liquid to
 21 maintain a comprehensive oil spill response plan. In devel-
 22 oping such regulations, the Secretary shall consult with
 23 States to determine whether there are safety hazards or con-
 24 cerns specific to a State that should be taken into account

1 *in developing the requirements for a comprehensive oil spill*
2 *response plan.*

3 “(b) *CONTENTS.*—*The regulations under subsection (a)*
4 *shall require each railroad carrier described in that sub-*
5 *section to—*

6 “(1) *include in the comprehensive oil spill re-*
7 *sponse plan procedures and resources, including*
8 *equipment, for responding, to the maximum extent*
9 *practicable, to a worst-case discharge;*

10 “(2) *ensure that the comprehensive oil spill re-*
11 *sponse plan is consistent with the National Contin-*
12 *gency Plan and each applicable Area Contingency*
13 *Plan;*

14 “(3) *include in the comprehensive oil spill re-*
15 *sponse plan appropriate notification and training*
16 *procedures and procedures for coordinating with Fed-*
17 *eral, State, and local emergency responders;*

18 “(4) *review and update its comprehensive oil*
19 *spill response plan as appropriate; and*

20 “(5) *provide the comprehensive oil spill response*
21 *plan for acceptance by the Secretary.*

22 “(c) *SAVINGS CLAUSE.*—*Nothing in the section may*
23 *be construed to prohibit the Secretary from promulgating*
24 *differing comprehensive oil response plan standards for*

1 *Class I railroads, Class II railroads, and Class III rail-*
2 *roads.*

3 “(d) *RESPONSE PLANS.*—*The Secretary shall—*

4 “(1) *maintain on file a copy of the most recent*
5 *comprehensive oil spill response plans prepared by a*
6 *railroad carrier transporting a Class 3 flammable liq-*
7 *uid; and*

8 “(2) *provide to a person, upon written request,*
9 *a copy of the plan, which may exclude, as the Sec-*
10 *retary determines appropriate—*

11 “(A) *proprietary information;*

12 “(B) *security-sensitive information, includ-*
13 *ing information described in section 1520.5(a) of*
14 *title 49, Code of Federal Regulations;*

15 “(C) *specific response resources and tactical*
16 *resource deployment plans; and*

17 “(D) *the specific amount and location of*
18 *worst-case discharges, including the process by*
19 *which a railroad carrier determines the worst-*
20 *case discharge.*

21 “(e) *RELATIONSHIP TO FOIA.*—*Nothing in this sec-*
22 *tion may be construed to require disclosure of information*
23 *or records that are exempt from disclosure under section*
24 *552 of title 5.*

25 “(f) *DEFINITIONS.*—

1 “(1) *AREA CONTINGENCY PLAN*.—The term ‘Area
2 *Contingency Plan*’ has the meaning given the term in
3 section 311(a) of the *Federal Water Pollution Control*
4 *Act* (33 U.S.C. 1321(a)).

5 “(2) *CLASS 3 FLAMMABLE LIQUID*.—The term
6 ‘Class 3 flammable liquid’ has the meaning given the
7 term *flammable liquid* in section 173.120 of title 49,
8 *Code of Federal Regulations*.

9 “(3) *CLASS I RAILROAD; CLASS II RAILROAD;*
10 *AND CLASS III RAILROAD*.—The terms ‘Class I rail-
11 road’, ‘Class II railroad’, and ‘Class III railroad’
12 have the meaning given those terms in section 20102.

13 “(4) *NATIONAL CONTINGENCY PLAN*.—The term
14 ‘National Contingency Plan’ has the meaning given
15 the term in section 1001 of the *Oil Pollution Act* of
16 1990 (33 U.S.C. 2701).

17 “(5) *RAILROAD CARRIER*.—The term ‘railroad
18 carrier’ has the meaning given the term in section
19 20102.

20 “(6) *WORST-CASE DISCHARGE*.—The term
21 ‘worst-case discharge’ means the largest foreseeable
22 discharge of oil in the event of an accident or inci-
23 dent, as determined by each railroad carrier in ac-
24 cordance with regulations issued under this section.”.

1 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
 2 *51 of title 49, United States Code, is amended by inserting*
 3 *after the item relating to section 5110 the following:*

“5111. Comprehensive oil spill response plans.”.

4 **SEC. 7012. INFORMATION ON HIGH-HAZARD FLAMMABLE**
 5 **TRAINS.**

6 (a) *INFORMATION ON HIGH-HAZARD FLAMMABLE*
 7 *TRAINS.*—*Not later than 90 days after the date of enact-*
 8 *ment of this Act, the Secretary shall issue regulations to*
 9 *require each applicable railroad carrier to provide informa-*
 10 *tion on high-hazard flammable trains to State emergency*
 11 *response commissions consistent with Emergency Order*
 12 *Docket No. DOT–OST–2014–0067, and include appro-*
 13 *priate protections from public release of proprietary infor-*
 14 *mation and security-sensitive information, including infor-*
 15 *mation described in section 1520.5(a) of title 49, Code of*
 16 *Federal Regulations.*

17 (b) *HIGH-HAZARD FLAMMABLE TRAIN.*—*The term*
 18 *“high-hazard flammable train” means a single train trans-*
 19 *porting 20 or more tank cars loaded with a Class 3 flam-*
 20 *mable liquid, as such term is defined in section 173.120*
 21 *of title 49, Code of Federal Regulations, in a continuous*
 22 *block or a single train transporting 35 or more tank cars*
 23 *loaded with a Class 3 flammable liquid throughout the train*
 24 *consist.*

1 **SEC. 7013. STUDY AND TESTING OF ELECTRONICALLY CON-**
2 **TROLLED PNEUMATIC BRAKES.**

3 (a) *GOVERNMENT ACCOUNTABILITY OFFICE STUDY.*—

4 (1) *IN GENERAL.*—*The Comptroller General of*
5 *the United States shall conduct an independent eval-*
6 *uation of ECP brake systems, pilot program data,*
7 *and the Department's research and analysis on the*
8 *costs, benefits, and effects of ECP brake systems.*

9 (2) *STUDY ELEMENTS.*—*In completing the inde-*
10 *pendent evaluation under paragraph (1), the Comp-*
11 *troller General of the United States shall examine the*
12 *following issues related to ECP brake systems:*

13 (A) *Data and modeling results on safety*
14 *benefits relative to conventional brakes and to*
15 *other braking technologies or systems, such as*
16 *distributed power and 2-way end-of-train de-*
17 *vices.*

18 (B) *Data and modeling results on business*
19 *benefits, including the effects of dynamic brak-*
20 *ing.*

21 (C) *Data on costs, including up-front cap-*
22 *ital costs and on-going maintenance costs.*

23 (D) *Analysis of potential operational bene-*
24 *fits and challenges, including the effects of poten-*
25 *tial locomotive and car segregation, technical re-*
26 *liability issues, and network disruptions.*

1 (E) *Analysis of potential implementation*
2 *challenges, including installation time, positive*
3 *train control integration complexities, compo-*
4 *nent availability issues, and tank car shop capa-*
5 *bilities.*

6 (F) *Analysis of international experiences*
7 *with the use of advanced braking technologies.*

8 (3) *REPORT.*—*Not later than 18 months after the*
9 *date of enactment of this Act, the Comptroller General*
10 *of the United States shall transmit to the Committee*
11 *on Transportation and Infrastructure of the House of*
12 *Representatives and the Committee on Commerce,*
13 *Science, and Transportation of the Senate a report on*
14 *the results of the independent evaluation under para-*
15 *graph (1).*

16 (b) *EMERGENCY BRAKING APPLICATION TESTING.*—

17 (1) *IN GENERAL.*—*The Secretary shall enter into*
18 *an agreement with the National Academy of Sciences*
19 *to—*

20 (A) *complete testing of ECP brake systems*
21 *during emergency braking application, including*
22 *more than 1 scenario involving the uncoupling of*
23 *a train with 70 or more DOT–117-specification*
24 *or DOT–117R-specification tank cars; and*

1 (B) transmit, not later than 18 months
 2 after the date of enactment of this Act, to the
 3 Committee on Transportation and Infrastructure
 4 of the House of Representatives and the Com-
 5 mittee on Commerce, Science, and Transpor-
 6 tation of the Senate a report on the results of the
 7 testing.

8 (2) *INDEPENDENT EXPERTS.*—In completing the
 9 testing under paragraph (1)(A), the National Acad-
 10 emy of Sciences may contract with 1 or more engi-
 11 neering or rail experts, as appropriate, that—

12 (A) are not railroad carriers, entities fund-
 13 ed by such carriers, or entities directly impacted
 14 by the final rule issued on May 8, 2015, entitled
 15 “Enhanced Tank Car Standards and Oper-
 16 ational Controls for High-Hazard Flammable
 17 Trains” (80 Fed. Reg. 26643); and

18 (B) have relevant experience in conducting
 19 railroad safety technology tests or similar crash
 20 tests.

21 (3) *TESTING FRAMEWORK.*—In completing the
 22 testing under paragraph (1), the National Academy of
 23 Sciences and each contractor described in paragraph
 24 (2) shall ensure that the testing objectively, accu-
 25 rately, and reliably measures the performance of ECP

1 *brake systems relative to other braking technologies or*
2 *systems, such as distributed power and 2-way end-of-*
3 *train devices, including differences in—*

4 *(A) the number of cars derailed;*

5 *(B) the number of cars punctured;*

6 *(C) the measures of in-train forces; and*

7 *(D) the stopping distance.*

8 *(4) FUNDING.—The Secretary shall provide*
9 *funding, as part of the agreement under paragraph*
10 *(1), to the National Academy of Sciences for the test-*
11 *ing required under this section—*

12 *(A) using sums made available to carry out*
13 *sections 20108 and 5118 of title 49, United*
14 *States Code; and*

15 *(B) to the extent funding under subpara-*
16 *graph (A) is insufficient or unavailable to fund*
17 *the testing required under this section, using*
18 *such sums as are necessary from the amounts*
19 *appropriated to the Secretary, the Federal Rail-*
20 *road Administration, or the Pipeline and Haz-*
21 *ardous Materials Safety Administration, or a*
22 *combination thereof.*

23 *(5) EQUIPMENT.—The National Academy of*
24 *Sciences and each contractor described in paragraph*
25 *(2) may receive or use rolling stock, track, and other*

1 *equipment or infrastructure from a private entity for*
2 *the purposes of conducting the testing required under*
3 *this section.*

4 *(c) EVIDENCE-BASED APPROACH.—*

5 *(1) ANALYSIS.—The Secretary shall—*

6 *(A) not later than 90 days after the report*
7 *date, fully incorporate and update the regulatory*
8 *impact analysis of the final rule described in*
9 *subsection (b)(2)(A) of the costs, benefits, and ef-*
10 *fects of the applicable ECP brake system require-*
11 *ments;*

12 *(B) as soon as practicable after completion*
13 *of the updated analysis under subparagraph (A),*
14 *solicit public comment on the analysis for a pe-*
15 *riod of not more than 30 days; and*

16 *(C) not later than 60 days after the end of*
17 *the public comment period under subparagraph*
18 *(B), post the final updated regulatory impact*
19 *analysis on the Department of Transportation's*
20 *Internet Web site.*

21 *(2) DETERMINATION.—Not later than 180 days*
22 *after the report date, the Secretary shall—*

23 *(A) determine, based on whether the final*
24 *regulatory impact analysis described in para-*
25 *graph (1)(C) demonstrates that the benefits, in-*

1 cluding safety benefits, of the applicable ECP
2 brake system requirements exceed the costs of
3 such requirements, whether the applicable ECP
4 brake system requirements are justified;

5 (B) if the applicable ECP brake system re-
6 quirements are justified, publish in the Federal
7 Register the determination and reasons for such
8 determination; and

9 (C) if the Secretary does not publish the de-
10 termination under subparagraph (B), repeal the
11 applicable ECP brake system requirements.

12 (3) SAVINGS CLAUSE.—Nothing in this section
13 shall be construed to prohibit the Secretary from im-
14 plementing the final rule described under subsection
15 (b)(2)(A) prior to the determination required under
16 subsection (c)(2) of this section, or require the Sec-
17 retary to promulgate a new rulemaking on the provi-
18 sions of such final rule, other than the applicable
19 ECP brake system requirements, if the Secretary de-
20 termines that the applicable ECP brake system re-
21 quirements are not justified pursuant to this sub-
22 section.

23 (d) DEFINITIONS.—In this section, the following defi-
24 nitions apply:

1 (1) *APPLICABLE ECP BRAKE SYSTEM REQUIRE-*
 2 *MENTS.—The term “applicable ECP brake system re-*
 3 *quirements” means sections 174.310(a)(3)(ii),*
 4 *174.310(a)(3)(iii), 174.310(a)(5)(v), 179.202–12(g),*
 5 *and 179.202–13(i) of title 49, Code of Federal Regula-*
 6 *tions, and any other regulation in effect on the date*
 7 *of enactment of this Act requiring the installation of*
 8 *ECP brakes or operation in ECP brake mode.*

9 (2) *CLASS 3 FLAMMABLE LIQUID.—The term*
 10 *“Class 3 flammable liquid” has the meaning given the*
 11 *term flammable liquid in section 173.120(a) of title*
 12 *49, Code of Federal Regulations.*

13 (3) *ECP.—The term “ECP” means electroni-*
 14 *cally controlled pneumatic when applied to a brake or*
 15 *brakes.*

16 (4) *ECP BRAKE MODE.—The term “ECP brake*
 17 *mode” includes any operation of a rail car or an en-*
 18 *tire train using an ECP brake system.*

19 (5) *ECP BRAKE SYSTEM.—*

20 (A) *IN GENERAL.—The term “ECP brake*
 21 *system” means a train power braking system ac-*
 22 *tuated by compressed air and controlled by elec-*
 23 *tronic signals from the locomotive or an ECP–*
 24 *EOT to the cars in the consist for service and*
 25 *emergency applications in which the brake pipe*

1 *is used to provide a constant supply of com-*
 2 *pressed air to the reservoirs on each car but does*
 3 *not convey braking signals to the car.*

4 (B) *INCLUSIONS.*—*The term “ECP brake*
 5 *system” includes dual mode and stand-alone*
 6 *ECP brake systems.*

7 (6) *RAILROAD CARRIER.*—*The term “railroad*
 8 *carrier” has the meaning given the term in section*
 9 *20102 of title 49, United States Code.*

10 (7) *REPORT DATE.*—*The term “report date”*
 11 *means the date that the reports under subsections*
 12 *(a)(3) and (b)(1)(B) are required to be transmitted*
 13 *pursuant to those subsections.*

14 **SEC. 7014. STUDY ON THE EFFICACY AND IMPLEMENTATION**
 15 **OF THE EUROPEAN TRAIN CONTROL SYSTEM.**

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

20 (b) *ISSUES.*—*In conducting the study described in sub-*
 21 *section (a), the Comptroller General shall examine, at a*
 22 *minimum, the following issues:*

23 (1) *The process by which the European Train*
 24 *Control System came to replace the more than 20 sep-*

1 *arate national train control systems throughout the*
2 *European continent.*

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

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

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

13 (5) *A comparison of the costs associated with*
14 *adopting European Train Control System technology*
15 *with the costs associated with developing and imple-*
16 *menting Positive Train Control in the United States.*

17 (c) *REPORT.—Not later than 180 days after the date*
18 *of the enactment of this section, the Comptroller General*
19 *shall submit to the Committee on Transportation and In-*
20 *frastructure of the House of Representatives and the Com-*
21 *mittee on Commerce, Science, and Transportation of the*
22 *Senate a report on the results of the study described in sub-*
23 *section (a).*

1 **SEC. 7015. PHASE-OUT OF ALL TANK CARS USED TO TRANS-**
2 **PORT CLASS 3 FLAMMABLE LIQUIDS.**

3 (a) *IN GENERAL.*—*Except as provided for in sub-*
4 *section (b), beginning on the date of enactment of this Act,*
5 *all railroad tank cars used to transport Class 3 flammable*
6 *liquids shall meet the DOT–117 or DOT–117R specifica-*
7 *tions in part 179 of title 49, Code of Federal Regulations,*
8 *regardless of train composition.*

9 (b) *PHASE-OUT SCHEDULE.*—*Certain tank cars not*
10 *meeting DOT–117 or DOT–117R specifications on the date*
11 *of enactment of this Act may be used, regardless of train*
12 *composition, until the following end-dates:*

13 (1) *For transport of unrefined petroleum prod-*
14 *ucts in Class 3 flammable service, including crude*
15 *oil—*

16 (A) *January 1, 2018, for non-jacketed*
17 *DOT–111 tank cars;*

18 (B) *March 1, 2018, for jacketed DOT–111*
19 *tank cars;*

20 (C) *April 1, 2020, for non-jacketed CPC–*
21 *1232 tank cars; and*

22 (D) *May 1, 2025, for jacketed CPC–1232*
23 *tank cars.*

24 (2) *For transport of ethanol—*

25 (A) *May 1, 2023, for non-jacketed and jack-*
26 *eted DOT–111 tank cars;*

1 (B) *July 1, 2023, for non-jacketed CPC–*
2 *1232 tank cars; and*

3 (C) *May 1, 2025, for jacketed CPC–1232*
4 *tank cars.*

5 (3) *For transport of Class 3 flammable liquids*
6 *in Packing Group I, other than Class 3 flammable*
7 *liquids specified in paragraphs (1) and (2), May 1,*
8 *2025.*

9 (4) *For transport of Class 3 flammable liquids*
10 *in Packing Groups II and III, other than Class 3*
11 *flammable liquids specified in paragraphs (1) and*
12 *(2), May 1, 2029.*

13 (c) *RETROFITTING SHOP CAPACITY.—The Secretary*
14 *may extend the deadlines established under paragraphs (3)*
15 *and (4) of subsection (b) for a period not to exceed 2 years*
16 *if the Secretary determines that insufficient retrofitting*
17 *shop capacity will prevent the phase-out of tank cars not*
18 *meeting the DOT–117 or DOT–117R specifications by the*
19 *deadlines set forth in such paragraphs.*

20 (d) *IMPLEMENTATION.—Nothing in this section shall*
21 *be construed to require the Secretary to issue regulations*
22 *to implement this section.*

23 (e) *SAVINGS CLAUSE.—Nothing in this section shall be*
24 *construed to prohibit the Secretary from implementing the*
25 *final rule issued on May 08, 2015, entitled “Enhanced*

1 *Tank Car Standards and Operational Controls for High-*
 2 *Hazard Flammable Trains” (80 Fed. Reg. 26643), other*
 3 *than the provisions of the final rule that are inconsistent*
 4 *with this section.*

5 (f) *CLASS 3 FLAMMABLE LIQUID DEFINED.*—*In this*
 6 *section, the term “Class 3 flammable liquid” has the mean-*
 7 *ing given the term flammable liquid in section 173.120(a)*
 8 *of title 49, Code of Federal Regulations.*

9 **SEC. 7016. TRACK SAFETY: VERTICAL TRACK DEFLECTION.**

10 (a) *REPORT.*—*Not later than March 31, 2016, the Sec-*
 11 *retary shall transmit a report to the Committee on Trans-*
 12 *portation and Infrastructure of the House of Representa-*
 13 *tives and the Committee on Commerce, Science, and Trans-*
 14 *portation of the Senate detailing research conducted or pro-*
 15 *cured by the Federal Railroad Administration on devel-*
 16 *oping a system that measures Vertical Track Deflection (in*
 17 *this section referred to as “VTD”) from a moving railroad*
 18 *car, including the ability of such a system to identify poor*
 19 *track support from fouled ballast, deteriorated cross ties, or*
 20 *other conditions.*

21 (b) *INCLUSIONS.*—*This report shall include—*

22 (1) *the findings and results of testing of VTD in-*
 23 *strumentation during field trials on revenue service*
 24 *track;*

1 (2) *the findings and results of subsequent testing*
 2 *of VTD instrumentation on a Federal Railroad Ad-*
 3 *ministration Automated Track Inspection Program*
 4 *geometry car;*

5 (3) *if considered appropriate by the Secretary*
 6 *based on the report and related research, a plan for*
 7 *developing quantitative inspection criteria for poor*
 8 *track support using existing VTD instrumentation on*
 9 *Federal Railroad Administration Automated Track*
 10 *Inspection Program geometry cars; and*

11 (4) *if considered appropriate by the Secretary*
 12 *based on the report and related research, a plan for*
 13 *installing VTD instrumentation on all remaining*
 14 *Federal Railroad Administration Automated Track*
 15 *Inspection Program geometry cars within 3 years*
 16 *after the date of enactment of this Act.*

17 **SEC. 7017. MINIMUM REQUIREMENTS FOR TOP FITTINGS**

18 **PROTECTION FOR CLASS DOT-117R TANK**

19 **CARS.**

20 (a) *PROTECTIVE HOUSING.*—*Except as provided in*
 21 *subsections (b) and (c), top fittings on DOT specification*
 22 *117R tank cars shall be located inside a protective housing*
 23 *not less than 1/2-inch in thickness and constructed of a ma-*
 24 *terial having a tensile strength not less than 65 kilopound*
 25 *per square inch and conform to the following specifications:*

1 (1) *The protective housing shall be as tall as the*
2 *tallest valve or fitting involved and the height of a*
3 *valve or fitting within the protective housing must be*
4 *kept to the minimum compatible with their proper*
5 *operation.*

6 (2) *The protective housing or cover may not re-*
7 *duce the flow capacity of the pressure relief device*
8 *below the minimum required.*

9 (3) *The protective housing shall provide a means*
10 *of drainage with a minimum flow area equivalent to*
11 *six 1-inch diameter holes.*

12 (4) *When connected to the nozzle or fittings cover*
13 *plate and subject to a horizontal force applied perpen-*
14 *dicular to and uniformly over the projected plane of*
15 *the protective housing, the tensile connection strength*
16 *of the protective housing shall be designed to be—*

17 (A) *no greater than 70 percent of the nozzle*
18 *to tank tensile connection strength;*

19 (B) *no greater than 70 percent of the cover*
20 *plate to nozzle connection strength; and*

21 (C) *no less than either 40 percent of the*
22 *nozzle to tank tensile connection strength or the*
23 *shear strength of twenty 1/2-inch bolts.*

24 (b) *PRESSURE RELIEF DEVICES.—*

1 (1) *The pressure relief device shall be located in-*
2 *side the protective housing, unless space does not per-*
3 *mit. If multiple pressure relief devices are equipped,*
4 *no more than 1 may be located outside of a protective*
5 *housing.*

6 (2) *The highest point on any pressure relief de-*
7 *vice located outside of a protective housing may not*
8 *be more than 12 inches above the tank jacket.*

9 (3) *The highest point on the closure of any un-*
10 *used pressure relief device nozzle may not be more*
11 *than 6 inches above the tank jacket.*

12 (c) *ALTERNATIVE PROTECTION.—As an alternative to*
13 *the protective housing requirements in subsection (a) of this*
14 *section, the tank car may be equipped with a system that*
15 *prevents the release of product from any top fitting in the*
16 *case of an incident where any top fitting would be sheared*
17 *off.*

18 (d) *IMPLEMENTATION.—Nothing in this section shall*
19 *be construed to require the Secretary to issue regulations*
20 *to implement this section.*

21 (e) *SAVINGS CLAUSE.—Nothing in this section shall*
22 *prohibit the Secretary from approving new technologies,*
23 *methods or requirements that provide a level of safety equiv-*
24 *alent to or greater than the level of safety provided for in*
25 *this section.*

1 **SEC. 7018. HAZARDOUS MATERIALS ENDORSEMENT EXEMP-**
 2 **TION.**

3 *The Secretary shall allow a State, at the discretion of*
 4 *the State, to waive the requirement for a holder of a Class*
 5 *A commercial driver’s license to obtain a hazardous mate-*
 6 *rials endorsement under part 383 of title 49, Code of Fed-*
 7 *eral Regulations, if the license holder—*

8 *(1) is acting within the scope of the license hold-*
 9 *er’s employment as an employee of a custom harvester*
 10 *operation, agrichemical business, farm retail outlet*
 11 *and supplier, or livestock feeder; and*

12 *(2) is operating a service vehicle that is—*

13 *(A) transporting diesel in a quantity of*
 14 *3,785 liters (1,000 gallons) or less; and*

15 *(B) clearly marked with a “flammable” or*
 16 *“combustible” placard, as appropriate.*

17 **SEC. 7019. HAZARDOUS MATERIALS BY RAIL LIABILITY**
 18 **STUDY.**

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

23 *(b) CONTENTS.—In conducting the study under sub-*
 24 *section (a), the Secretary shall evaluate—*

25 *(1) the level and structure of insurance, includ-*
 26 *ing self-insurance, available in the private market*

1 *against the full liability potential for damages arising*
2 *from an accident or incident involving a train trans-*
3 *porting hazardous materials; and*

4 *(2) the level and structure of insurance that*
5 *would be necessary and appropriate—*

6 *(A) to efficiently allocate risk and financial*
7 *responsibility for claims; and*

8 *(B) to ensure that a railroad carrier trans-*
9 *porting hazardous materials can continue to op-*
10 *erate despite the risk of an accident or incident.*

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

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

18 *(2) the Committee on Transportation and Infra-*
19 *structure of the House of Representatives.*

20 *(d) DEFINITIONS.—In this section:*

21 *(1) HAZARDOUS MATERIAL.—The term “haz-*
22 *ardous material” means a substance or material the*
23 *Secretary designates under section 5103(a) of title 49,*
24 *United States Code.*

1 (2) *RAILROAD CARRIER*.—The term “railroad
2 *carrier*” has the meaning given the term in section
3 20102 of title 49, United States Code.

4 ***TITLE VIII—MULTIMODAL***
5 ***FREIGHT TRANSPORTATION***

6 ***SEC. 8001. MULTIMODAL FREIGHT TRANSPORTATION.***

7 (a) *IN GENERAL*.—Subtitle IX of title 49, United
8 States Code, is amended to read as follows:

9 ***“Subtitle IX—Multimodal Freight***
10 ***Transportation***

<i>“Chapter</i>	<i>Sec.</i>
<i>“701. Multimodal freight policy</i>	<i>70101</i>
<i>“702. Multimodal freight transportation planning and information</i>	<i>70201</i>

11 ***“CHAPTER 701—MULTIMODAL FREIGHT***
12 ***POLICY***

“Sec.
“70101. National multimodal freight policy.
“70102. National freight strategic plan.
“70103. National Multimodal Freight Network.

13 ***“§ 70101. National multimodal freight policy***

14 “(a) *IN GENERAL*.—It is the policy of the United
15 States to maintain and improve the condition and perform-
16 ance of the National Multimodal Freight Network estab-
17 lished under section 70103 to ensure that the Network pro-
18 vides a foundation for the United States to compete in the
19 global economy and achieve the goals described in subsection
20 (b).

1 “(b) *GOALS.—The goals of the national multimodal*
2 *freight policy are—*

3 “(1) *to identify infrastructure improvements,*
4 *policies, and operational innovations that—*

5 “(A) *strengthen the contribution of the Na-*
6 *tional Multimodal Freight Network to the eco-*
7 *nomict competitiveness of the United States;*

8 “(B) *reduce congestion and eliminate bottle-*
9 *necks on the National Multimodal Freight Net-*
10 *work; and*

11 “(C) *increase productivity, particularly for*
12 *domestic industries and businesses that create*
13 *high-value jobs;*

14 “(2) *to improve the safety, security, efficiency,*
15 *and resiliency of multimodal freight transportation;*

16 “(3) *to achieve and maintain a state of good re-*
17 *pair on the National Multimodal Freight Network;*

18 “(4) *to use innovation and advanced technology*
19 *to improve the safety, efficiency, and reliability of the*
20 *National Multimodal Freight Network;*

21 “(5) *to improve the economic efficiency of the*
22 *National Multimodal Freight Network;*

23 “(6) *to improve the short- and long-distance*
24 *movement of goods that—*

1 “(A) travel across rural areas between pop-
2 ulation centers;

3 “(B) travel between rural areas and popu-
4 lation centers; and

5 “(C) travel from the Nation’s ports, air-
6 ports, and gateways to the National Multimodal
7 Freight Network;

8 “(7) to improve the flexibility of States to sup-
9 port multi-State corridor planning and the creation
10 of multi-State organizations to increase the ability of
11 States to address multimodal freight connectivity;
12 and

13 “(8) to reduce the adverse environmental impacts
14 of freight movement on the National Multimodal
15 Freight Network.

16 **“§ 70102. National freight strategic plan**

17 “(a) *IN GENERAL.*—Not later than 2 years after the
18 date of enactment of this section, the Secretary of Transpor-
19 tation shall—

20 “(1) develop a national freight strategic plan in
21 accordance with this section; and

22 “(2) publish the plan on the public Internet Web
23 site of the Department of Transportation.

24 “(b) *CONTENTS.*—The national freight strategic plan
25 shall include—

1 “(1) an assessment of the condition and perform-
2 ance of the National Multimodal Freight Network;

3 “(2) forecasts of freight volumes for the suc-
4 ceeding 5-, 10-, and 20-year periods;

5 “(3) an identification of major trade gateways
6 and national freight corridors that connect major
7 population centers, trade gateways, and other major
8 freight generators;

9 “(4) an identification of bottlenecks on the Na-
10 tional Multimodal Freight Network that create sig-
11 nificant freight congestion, based on a quantitative
12 methodology developed by the Secretary, which shall,
13 at a minimum, include—

14 “(A) information from the Freight Analysis
15 Framework of the Federal Highway Administra-
16 tion; and

17 “(B) to the maximum extent practicable, an
18 estimate of the cost of addressing each bottleneck
19 and any operational improvements that could be
20 implemented;

21 “(5) an assessment of statutory, regulatory, tech-
22 nological, institutional, financial, and other barriers
23 to improved freight transportation performance, and
24 a description of opportunities for overcoming the bar-
25 riers;

1 “(6) an identification of best practices for im-
 2 proving the performance of the National Multimodal
 3 Freight Network;

4 “(7) a process for addressing multistate projects
 5 and encouraging jurisdictions to collaborate; and

6 “(8) strategies to improve freight intermodal
 7 connectivity.

8 “(c) *UPDATES*.—Not later than 5 years after the date
 9 of completion of the national freight strategic plan under
 10 subsection (a), and every 5 years thereafter, the Secretary
 11 shall update the plan and publish the updated plan on the
 12 public Internet Web site of the Department of Transpor-
 13 tation.

14 “(d) *CONSULTATION*.—The Secretary shall develop and
 15 update the national freight strategic plan in consultation
 16 with State departments of transportation, metropolitan
 17 planning organizations, and other appropriate public and
 18 private transportation stakeholders.

19 **“§ 70103. National Multimodal Freight Network**

20 “(a) *IN GENERAL*.—Not later than 180 days after the
 21 date of enactment of this section, the Secretary of Transpor-
 22 tation shall establish the National Multimodal Freight Net-
 23 work in accordance with this section—

24 “(1) to focus Federal policy on the most strategic
 25 freight assets; and

1 “(2) to assist in strategically directing resources
2 and policies toward improved performance of the Na-
3 tional Multimodal Freight Network.

4 “(b) NETWORK COMPONENTS.—The National
5 Multimodal Freight Network shall include—

6 “(1) the National Highway Freight Network, as
7 established under section 167 of title 23;

8 “(2) the freight rail systems of Class I railroads,
9 as designated by the Surface Transportation Board;

10 “(3) the public ports of the United States that
11 have total annual foreign and domestic trade of at
12 least 2,000,000 short tons, as identified by the Water-
13 borne Commerce Statistics Center of the Army Corps
14 of Engineers, using the data from the latest year for
15 which such data is available;

16 “(4) the inland and intracoastal waterways of
17 the United States, as described in section 206 of the
18 Inland Waterways Revenue Act of 1978 (33 U.S.C.
19 1804);

20 “(5) the Great Lakes, the St. Lawrence Seaway,
21 and coastal routes along which domestic freight is
22 transported;

23 “(6) the 50 airports located in the United States
24 with the highest annual landed weight, as identified
25 by the Federal Aviation Administration; and

1 “(7) *other strategic freight assets, including stra-*
2 *tegic intermodal facilities and freight rail lines of*
3 *Class II and Class III railroads, designated by the*
4 *Secretary as critical to interstate commerce.*

5 “(c) *OTHER STRATEGIC FREIGHT ASSETS.*—*In deter-*
6 *mining network components in subsection (b), the Secretary*
7 *may consider strategic freight assets identified by States,*
8 *including public ports if such ports do not meet the annual*
9 *tonnage threshold, for inclusion on the National Multimodal*
10 *Freight Network.*

11 “(d) *REDESIGNATION.*—*Not later than 5 years after*
12 *the date of establishment of the National Multimodal*
13 *Freight Network under subsection (a), and every 5 years*
14 *thereafter, the Secretary shall update the National*
15 *Multimodal Freight Network.*

16 “(e) *CONSULTATION.*—*The Secretary shall establish*
17 *and update the National Multimodal Freight Network in*
18 *consultation with State departments of transportation and*
19 *other appropriate public and private transportation stake-*
20 *holders.*

21 “(f) *LANDED WEIGHT DEFINED.*—*In this section, the*
22 *term ‘landed weight’ means the weight of an aircraft trans-*
23 *porting only cargo in intrastate, interstate, or foreign air*
24 *transportation, as such terms are defined in section*
25 *40102(a).*

1 **“CHAPTER 702—MULTIMODAL FREIGHT**
 2 **TRANSPORTATION PLANNING AND IN-**
 3 **FORMATION**

“Sec.

“70201. State freight advisory committees.

“70202. State freight plans.

“70203. Data and tools.

4 **“§ 70201. State freight advisory committees**

5 “(a) *IN GENERAL.*—The Secretary of Transportation
 6 shall encourage each State to establish a freight advisory
 7 committee consisting of a representative cross-section of
 8 public and private sector freight stakeholders, including
 9 representatives of ports, freight railroads, shippers, carriers,
 10 freight-related associations, third-party logistics providers,
 11 the freight industry workforce, the transportation depart-
 12 ment of the State, and local governments.

13 “(b) *ROLE OF COMMITTEE.*—A freight advisory com-
 14 mittee of a State described in subsection (a) shall—

15 “(1) advise the State on freight-related priorities,
 16 issues, projects, and funding needs;

17 “(2) serve as a forum for discussion for State
 18 transportation decisions affecting freight mobility;

19 “(3) communicate and coordinate regional prior-
 20 ities with other organizations;

21 “(4) promote the sharing of information between
 22 the private and public sectors on freight issues; and

1 “(5) participate in the development of the freight
2 plan of the State described in section 70202.

3 **“§ 70202. State freight plans**

4 “(a) *IN GENERAL.*—Each State shall develop a freight
5 plan that provides a comprehensive plan for the immediate
6 and long-range planning activities and investments of the
7 State with respect to freight.

8 “(b) *PLAN CONTENTS.*—A freight plan described in
9 subsection (a) shall include, at a minimum—

10 “(1) an identification of significant freight sys-
11 tem trends, needs, and issues with respect to the
12 State;

13 “(2) a description of the freight policies, strate-
14 gies, and performance measures that will guide the
15 freight-related transportation investment decisions of
16 the State;

17 “(3) a description of how the plan will improve
18 the ability of the State to meet the national freight
19 goals described in section 70101;

20 “(4) evidence of consideration of innovative tech-
21 nologies and operational strategies, including intel-
22 ligent transportation systems, that improve the safety
23 and efficiency of freight movement;

24 “(5) in the case of routes on which travel by
25 heavy vehicles (including mining, agricultural, energy

1 *cargo or equipment, and timber vehicles) is projected*
 2 *to substantially deteriorate the condition of roadways,*
 3 *a description of improvements that may be required*
 4 *to reduce or impede the deterioration; and*

5 *“(6) an inventory of facilities with freight mobil-*
 6 *ity issues, such as truck bottlenecks, within the State,*
 7 *and a description of the strategies the State is em-*
 8 *ploying to address those freight mobility issues.*

9 *“(c) RELATIONSHIP TO STATE PLANS.—*

10 *“(1) IN GENERAL.—A freight plan described in*
 11 *subsection (a) may be developed separately from or*
 12 *incorporated into the statewide transportation plans*
 13 *required by section 135 of title 23.*

14 *“(2) UPDATES.—If the freight plan described in*
 15 *subsection (a) is developed separately from the State*
 16 *transportation improvement program, the freight*
 17 *plan shall be updated at least every 5 years.*

18 **“§ 70203. Data and tools**

19 *“(a) IN GENERAL.—Not later than 1 year after the*
 20 *date of enactment of this section, the Secretary shall—*

21 *“(1) begin development of new tools or improve*
 22 *existing tools to support an outcome-oriented, per-*
 23 *formance-based approach to evaluate proposed freight-*
 24 *related and other transportation projects, including—*

1 “(A) methodologies for systematic analysis
2 of benefits and costs;

3 “(B) tools for ensuring that the evaluation
4 of freight-related and other transportation
5 projects may consider safety, economic competi-
6 tiveness, environmental sustainability, and sys-
7 tem condition in the project selection process;
8 and

9 “(C) other elements to assist in effective
10 transportation planning;

11 “(2) identify transportation-related freight travel
12 models and model data elements to support a broad
13 range of evaluation methods and techniques to assist
14 in making transportation investment decisions; and

15 “(3) at a minimum, in consultation with other
16 relevant Federal agencies, consider any improvements
17 to existing freight flow data collection efforts, includ-
18 ing improved methods to standardize and manage the
19 data, that could reduce identified freight data gaps
20 and deficiencies and help improve forecasts of freight
21 transportation demand.

22 “(b) CONSULTATION.—The Secretary shall consult
23 with Federal, State, and other stakeholders to develop, im-
24 prove, and implement the tools and collect the data de-
25 scribed in subsection (a).”.

1 (b) *CLERICAL AMENDMENT.*—*The analysis of subtitles*
 2 *for title 49, United States Code, is amended by striking the*
 3 *item relating to subtitle IX and inserting the following:*

“IX. Multimodal Freight Transportation70101”.

4 (c) *REPEALS.*—*Sections 1117 and 1118 of MAP–21*
 5 *(Public Law 112–141), and the items relating to such sec-*
 6 *tions in the table of contents in section 1(c) of such Act,*
 7 *are repealed.*

8 **TITLE IX—NATIONAL SURFACE**
 9 **TRANSPORTATION AND INNO-**
 10 **VATIVE FINANCE BUREAU**

11 **SEC. 9001. NATIONAL SURFACE TRANSPORTATION AND IN-**
 12 **NOVATIVE FINANCE BUREAU.**

13 (a) *IN GENERAL.*—*Chapter 1 of title 49, United States*
 14 *Code, is amended by adding at the end the following:*

15 **“§ 116. National Surface Transportation and Innova-**
 16 **tive Finance Bureau**

17 **“(a) ESTABLISHMENT.**—*The Secretary of Transpor-*
 18 *tation shall establish a National Surface Transportation*
 19 *and Innovative Finance Bureau in the Department.*

20 **“(b) PURPOSES.**—*The purposes of the Bureau shall*
 21 *be—*

22 **“(1)** *to administer the application processes for*
 23 *programs within the Department in accordance with*
 24 *subsection (d);*

1 “(2) to promote innovative financing best prac-
2 tices in accordance with subsection (e);

3 “(3) to reduce uncertainty and delays with re-
4 spect to environmental reviews and permitting in ac-
5 cordance with subsection (f);

6 “(4) to reduce costs and risks to taxpayers in
7 project delivery and procurement in accordance with
8 subsection (g); and

9 “(5) to carry out subtitle IX of this title.

10 “(c) *EXECUTIVE DIRECTOR.*—

11 “(1) *APPOINTMENT.*—*The Bureau shall be head-*
12 *ed by an Executive Director, who shall be appointed*
13 *in the competitive service by the Secretary, with the*
14 *approval of the President.*

15 “(2) *DUTIES.*—*The Executive Director shall—*

16 “(A) report to the Under Secretary of
17 *Transportation for Policy;*

18 “(B) be responsible for the management and
19 oversight of the daily activities, decisions, oper-
20 ations, and personnel of the Bureau;

21 “(C) support the Council on Credit and Fi-
22 nance established under section 117 in accord-
23 ance with this section; and

24 “(D) carry out such additional duties as the
25 Secretary may prescribe.

1 “(d) *ADMINISTRATION OF CERTAIN APPLICATION*
2 *PROCESSES.*—

3 “(1) *IN GENERAL.*—*The Bureau shall administer*
4 *the application processes for the following programs:*

5 “(A) *The infrastructure finance programs*
6 *authorized under chapter 6 of title 23.*

7 “(B) *The railroad rehabilitation and im-*
8 *provement financing program authorized under*
9 *sections 501 through 503 of the Railroad Revital-*
10 *ization and Regulatory Reform Act of 1976 (45*
11 *U.S.C. 821–823).*

12 “(C) *Amount allocations authorized under*
13 *section 142(m) of the Internal Revenue Code of*
14 *1986.*

15 “(D) *The nationally significant freight and*
16 *highway projects program under section 117 of*
17 *title 23.*

18 “(2) *CONGRESSIONAL NOTIFICATION.*—*The Sec-*
19 *retary shall ensure that the congressional notification*
20 *requirements for each program referred to in para-*
21 *graph (1) are followed in accordance with the statu-*
22 *tory provisions applicable to the program.*

23 “(3) *REPORTS.*—*The Secretary shall ensure that*
24 *the reporting requirements for each program referred*

1 to in paragraph (1) are followed in accordance with
2 the statutory provisions applicable to the program.

3 “(4) COORDINATION.—In administering the ap-
4 plication processes for the programs referred to in
5 paragraph (1), the Executive Director of the Bureau
6 shall coordinate with appropriate officials in the De-
7 partment and its modal administrations responsible
8 for administering such programs.

9 “(5) STREAMLINING APPROVAL PROCESSES.—Not
10 later than 1 year after the date of enactment of this
11 section, the Secretary shall submit to the Committee
12 on Transportation and Infrastructure of the House of
13 Representatives and the Committee on Commerce,
14 Science, and Transportation, the Committee on Bank-
15 ing, Housing, and Urban Affairs, and the Committee
16 on Environment and Public Works of the Senate a re-
17 port that—

18 “(A) evaluates the application processes for
19 the programs referred to in paragraph (1);

20 “(B) identifies administrative and legisla-
21 tive actions that would improve the efficiency of
22 the application processes without diminishing
23 Federal oversight; and

24 “(C) describes how the Secretary will imple-
25 ment administrative actions identified under

1 *subparagraph (B) that do not require an Act of*
2 *Congress.*

3 “(6) *PROCEDURES AND TRANSPARENCY.*—

4 “(A) *PROCEDURES.*—*The Secretary shall,*
5 *with respect to the programs referred to in para-*
6 *graph (1)—*

7 “(i) *establish procedures for analyzing*
8 *and evaluating applications and for uti-*
9 *lizing the recommendations of the Council*
10 *on Credit and Finance;*

11 “(ii) *establish procedures for address-*
12 *ing late-arriving applications, as applica-*
13 *ble, and communicating the Bureau’s deci-*
14 *sions for accepting or rejecting late applica-*
15 *tions to the applicant and the public; and*

16 “(iii) *document major decisions in the*
17 *application evaluation process through a*
18 *decision memorandum or similar mecha-*
19 *nism that provides a clear rationale for*
20 *such decisions.*

21 “(B) *REVIEW.*—

22 “(i) *IN GENERAL.*—*The Comptroller*
23 *General of the United States shall review*
24 *the compliance of the Secretary with the re-*
25 *quirements of this paragraph.*

1 “(ii) *RECOMMENDATIONS.*—*The Com-*
 2 *troller General may make recommendations*
 3 *to the Secretary in order to improve compli-*
 4 *ance with the requirements of this para-*
 5 *graph.*

6 “(iii) *REPORT.*—*Not later than 3*
 7 *years after the date of enactment of this sec-*
 8 *tion, the Comptroller General shall submit*
 9 *to the Committee on Transportation and*
 10 *Infrastructure of the House of Representa-*
 11 *tives and the Committee on Environment*
 12 *and Public Works and the Committee on*
 13 *Commerce, Science, and Transportation of*
 14 *the Senate a report on the results of the re-*
 15 *view conducted under clause (i), including*
 16 *findings and recommendations for improve-*
 17 *ment.*

18 “(e) *INNOVATIVE FINANCING BEST PRACTICES.*—

19 “(1) *IN GENERAL.*—*The Bureau shall work with*
 20 *the modal administrations within the Department,*
 21 *the States, and other public and private interests to*
 22 *develop and promote best practices for innovative fi-*
 23 *nancing and public-private partnerships.*

24 “(2) *ACTIVITIES.*—*The Bureau shall carry out*
 25 *paragraph (1)—*

1 “(A) by making Federal credit assistance
2 programs more accessible to eligible recipients;

3 “(B) by providing advice and expertise to
4 State and local governments that seek to leverage
5 public and private funding;

6 “(C) by sharing innovative financing best
7 practices and case studies from State and local
8 governments with other State and local govern-
9 ments that are interested in utilizing innovative
10 financing methods; and

11 “(D) by developing and monitoring—

12 “(i) best practices with respect to
13 standardized State public-private partner-
14 ship authorities and practices, including
15 best practices related to—

16 “(I) accurate and reliable as-
17 sumptions for analyzing public-private
18 partnership procurements;

19 “(II) procedures for the handling
20 of unsolicited bids;

21 “(III) policies with respect to
22 noncompete clauses; and

23 “(IV) other significant terms of
24 public-private partnership procure-

1 *ments, as determined appropriate by*
2 *the Bureau;*

3 *“(ii) standard contracts for the most*
4 *common types of public-private partner-*
5 *ships for transportation facilities; and*

6 *“(iii) analytical tools and other tech-*
7 *niques to aid State and local governments*
8 *in determining the appropriate project de-*
9 *livery model, including a value for money*
10 *analysis.*

11 *“(3) TRANSPARENCY.—The Bureau shall—*

12 *“(A) ensure transparency of a project re-*
13 *ceiving credit assistance under a program identi-*
14 *fied in subsection (d)(1) and procured as a pub-*
15 *lic-private partnership by—*

16 *“(i) requiring the project sponsor of*
17 *such project to undergo a value for money*
18 *analysis or a comparable analysis prior to*
19 *deciding to advance the project as a public-*
20 *private partnership;*

21 *“(ii) requiring the analysis required*
22 *under subparagraph (A) and other key*
23 *terms of the relevant public-private partner-*
24 *ship agreement, to be made publicly avail-*

1 able by the project sponsor at an appro-
2 priate time;

3 “(iii) not later than 3 years after the
4 completion of the project, requiring the
5 project sponsor of such project to conduct a
6 review regarding whether the private part-
7 ner is meeting the terms of the relevant pub-
8 lic private partnership agreement for the
9 project; and

10 “(iv) providing a publicly available
11 summary of the total level of Federal assist-
12 ance in such project; and

13 “(B) develop guidance to implement this
14 paragraph that takes into consideration vari-
15 ations in State and local laws and requirements
16 related to public-private partnerships.

17 “(4) *SUPPORT TO PROJECTS SPONSORS.*—At the
18 request of a State or local government, the Bureau
19 shall provide technical assistance to the State or local
20 government regarding proposed public-private part-
21 nership agreements for transportation facilities, in-
22 cluding assistance in performing a value for money
23 analysis or comparable analysis.

24 “(5) *FIXED GUIDEWAY TRANSIT PROCEDURES*
25 *REPORT.*—Not later than 1 year after the date of en-

actment of this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report that—

“(A) evaluates the differences between traditional design-bid-build, design-build, and public-private partnership procurements for projects carried out under the fixed guideway capital investment program authorized under section 5309;

“(B) identifies, for project procured as public-private partnerships whether the review and approval process under the program requires modification to better suit the unique nature of such procurements; and

“(C) describes how the Secretary will implement any administrative actions identified under subparagraph (B) that do not require an Act of Congress.

“(f) ENVIRONMENTAL REVIEW AND PERMITTING.—

“(1) IN GENERAL.—The Bureau shall take such actions as are appropriate and consistent with the goals and policies set forth in this title and title 23, including with the concurrence of other Federal agen-

1 *cies as required under this title and title 23, to im-*
2 *prove delivery timelines for projects.*

3 *“(2) ACTIVITIES.—The Bureau shall carry out*
4 *paragraph (1)—*

5 *“(A) by serving as the Department’s liaison*
6 *to the Council on Environmental Quality;*

7 *“(B) by coordinating Department-wide ef-*
8 *forts to improve the efficiency and effectiveness of*
9 *the environmental review and permitting proc-*
10 *ess;*

11 *“(C) by coordinating Department efforts*
12 *under section 139 of title 23;*

13 *“(D) by supporting modernization efforts at*
14 *Federal agencies to achieve innovative ap-*
15 *proaches to the permitting and review of*
16 *projects;*

17 *“(E) by providing technical assistance and*
18 *training to field and headquarters staff of Fed-*
19 *eral agencies on policy changes and innovative*
20 *approaches to the delivery of projects;*

21 *“(F) by identifying, developing, and track-*
22 *ing metrics for permit reviews and decisions by*
23 *Federal agencies for projects under the National*
24 *Environmental Policy Act of 1969; and*

1 “(G) by administering and expanding the
2 use of Internet-based tools providing for—

3 “(i) the development and posting of
4 schedules for permit reviews and permit de-
5 cisions for projects; and

6 “(ii) the sharing of best practices re-
7 lated to efficient permitting and reviews for
8 projects.

9 “(3) *SUPPORT TO PROJECT SPONSORS.*—At the
10 request of a State or local government, the Bureau, in
11 coordination with the other appropriate modal agen-
12 cies within the Department, shall provide technical
13 assistance with regard to the compliance of a project
14 sponsored by the State or local government with the
15 requirements of the National Environmental Policy
16 Act 1969 and relevant Federal environmental per-
17 mits.

18 “(g) *PROJECT PROCUREMENT.*—

19 “(1) *IN GENERAL.*—The Bureau shall promote
20 best practices in procurement for a project receiving
21 assistance under a program identified in subsection
22 (d)(1) by developing, in coordination with the Federal
23 Highway Administration and other modal agencies as
24 appropriate, procurement benchmarks in order to en-

1 *sure accountable expenditure of Federal assistance*
 2 *over the life cycle of such project.*

3 “(2) *PROCUREMENT BENCHMARKS.—The pro-*
 4 *curement benchmarks developed under paragraph (1)*
 5 *shall, to the maximum extent practicable—*

6 “(A) *establish maximum thresholds for ac-*
 7 *ceptable project cost increases and delays in*
 8 *project delivery;*

9 “(B) *establish uniform methods for States to*
 10 *measure cost and delivery changes over the life*
 11 *cycle of a project; and*

12 “(C) *be tailored, as necessary, to various*
 13 *types of project procurements, including design-*
 14 *bid-build, design-build, and public private part-*
 15 *nerships.*

16 “(h) *ELIMINATION AND CONSOLIDATION OF DUPLICA-*
 17 *TIVE OFFICES.—*

18 “(1) *ELIMINATION OF OFFICES.—The Secretary*
 19 *may eliminate any office within the Department if*
 20 *the Secretary determines that the purposes of the of-*
 21 *fice are duplicative of the purposes of the Bureau, and*
 22 *the elimination of such office shall not adversely affect*
 23 *the obligations of the Secretary under any Federal*
 24 *law.*

1 “(2) *CONSOLIDATION OF OFFICES.*—*The Sec-*
2 *retary may consolidate any office within the Depart-*
3 *ment into the Bureau that the Secretary determines*
4 *has duties, responsibilities, resources, or expertise that*
5 *support the purposes of the Bureau.*

6 “(3) *STAFFING AND BUDGETARY RESOURCES.*—

7 “(A) *IN GENERAL.*—*The Secretary shall en-*
8 *sure that the Bureau is adequately staffed and*
9 *funded.*

10 “(B) *STAFFING.*—*The Secretary may trans-*
11 *fer to the Bureau a position within the Depart-*
12 *ment from any office that is eliminated or con-*
13 *solidated under this subsection if the Secretary*
14 *determines that the position is necessary to carry*
15 *out the purposes of the Bureau.*

16 “(C) *BUDGETARY RESOURCES.*—

17 “(i) *TRANSFER OF FUNDS FROM ELIMI-*
18 *NATED OR CONSOLIDATED OFFICES.*—*The*
19 *Secretary may transfer to the Bureau funds*
20 *allocated to any office that is eliminated or*
21 *consolidated under this subsection to carry*
22 *out the purposes of the Bureau.*

23 “(ii) *TRANSFER OF FUNDS ALLOCATED*
24 *TO ADMINISTRATIVE COSTS.*—*The Secretary*
25 *shall transfer to the Bureau funds allocated*

1 to the administrative costs of processing ap-
2 plications for the programs referred to in
3 subsection (d)(1).

4 “(4) *REPORT*.—Not later than 180 days after the
5 date of enactment of this section, the Secretary shall
6 submit to the Committee on Transportation and In-
7 frastructure of the House of Representatives and the
8 Committee on Environment and Public Works and
9 the Committee on Commerce, Science, and Transpor-
10 tation of the Senate a report that—

11 “(A) lists the offices eliminated under para-
12 graph (1) and provides the rationale for elimi-
13 nation of the offices;

14 “(B) lists the offices consolidated under
15 paragraph (2) and provides the rationale for
16 consolidation of the offices; and

17 “(C) describes the actions taken under para-
18 graph (3) and provides the rationale for taking
19 such actions.

20 “(i) *SAVINGS PROVISIONS*.—

21 “(1) *LAWS AND REGULATIONS*.—Nothing in this
22 section may be construed to change a law or regula-
23 tion with respect to a program referred to in sub-
24 section (d)(1).

1 “(2) *RESPONSIBILITIES.*—*Nothing in this section*
 2 *may be construed to abrogate the responsibilities of*
 3 *an agency, operating administration, or office within*
 4 *the Department otherwise charged by a law or regula-*
 5 *tion with other aspects of program administration,*
 6 *oversight, and project approval or implementation for*
 7 *the programs and projects subject to this section.*

8 “(j) *DEFINITIONS.*—*In this section, the following defi-*
 9 *nitions apply:*

10 “(1) *BUREAU.*—*The term ‘Bureau’ means the*
 11 *National Surface Transportation and Innovative Fi-*
 12 *nance Bureau of the Department.*

13 “(2) *DEPARTMENT.*—*The term ‘Department’*
 14 *means the Department of Transportation.*

15 “(3) *MULTIMODAL PROJECT.*—*The term*
 16 *‘multimodal project’ means a project involving the*
 17 *participation of more than one modal administration*
 18 *or secretarial office within the Department.*

19 “(4) *PROJECT.*—*The term ‘project’ means a*
 20 *highway project, public transportation capital*
 21 *project, freight or passenger rail project, or*
 22 *multimodal project.”.*

23 “(b) *CLERICAL AMENDMENT.*—*The analysis for such*
 24 *chapter is amended by adding at the end the following:*

 “116. *National Surface Transportation and Innovative Finance Bureau.*”.

1 **SEC. 9002. COUNCIL ON CREDIT AND FINANCE.**

2 (a) *IN GENERAL.*—Chapter 1 of title 49, United States
3 Code, as amended by this Act, is further amended by adding
4 at the end the following:

5 **“§ 117. Council on Credit and Finance**

6 “(a) *ESTABLISHMENT.*—The Secretary of Transpor-
7 tation shall establish a Council on Credit and Finance in
8 accordance with this section.

9 “(b) *MEMBERSHIP.*—

10 “(1) *IN GENERAL.*—The Council shall be com-
11 posed of the following members:

12 “(A) The Under Secretary of Transpor-
13 tation for Policy.

14 “(B) The Chief Financial Officer and As-
15 sistant Secretary for Budget and Programs.

16 “(C) The General Counsel of the Depart-
17 ment of Transportation.

18 “(D) The Assistant Secretary for Transpor-
19 tation Policy.

20 “(E) The Administrator of the Federal
21 Highway Administration.

22 “(F) The Administrator of the Federal
23 Transit Administration.

24 “(G) The Administrator of the Federal
25 Railroad Administration.

1 “(2) *ADDITIONAL MEMBERS.*—*The Secretary*
 2 *may designate up to 3 additional officials of the De-*
 3 *partment to serve as at-large members of the Council.*

4 “(3) *CHAIRPERSON AND VICE CHAIRPERSON.*—

5 “(A) *CHAIRPERSON.*—*The Under Secretary*
 6 *of Transportation for Policy shall serve as the*
 7 *chairperson of the Council.*

8 “(B) *VICE CHAIRPERSON.*—*The Chief Fi-*
 9 *nancial Officer and Assistant Secretary for*
 10 *Budget and Programs shall serve as the vice*
 11 *chairperson of the Council.*

12 “(4) *EXECUTIVE DIRECTOR.*—*The Executive Di-*
 13 *rector of the National Surface Transportation and In-*
 14 *novative Finance Bureau shall serve as a nonvoting*
 15 *member of the Council.*

16 “(c) *DUTIES.*—*The Council shall—*

17 “(1) *review applications for assistance submitted*
 18 *under the programs referred to in section 116(d)(1);*

19 “(2) *make recommendations to the Secretary re-*
 20 *garding the selection of projects to receive assistance*
 21 *under the programs referred to in section 116(d)(1);*

22 “(3) *review, on a regular basis, projects that re-*
 23 *ceived assistance under the programs referred to in*
 24 *section 116(d)(1); and*

1 “(4) carry out such additional duties as the Sec-
2 retary may prescribe.”.

3 (b) *CLERICAL AMENDMENT.*—*The analysis for such*
4 *chapter is further amended by adding at the end the fol-*
5 *lowing:*

“117. Council on Credit and Finance.”.

6 ***TITLE X—SPORT FISH RESTORA-***
7 ***TION AND RECREATIONAL***
8 ***BOATING SAFETY***

9 ***SEC. 10001. ALLOCATIONS.***

10 (a) *AUTHORIZATION.*—*Section 3 of the Dingell-John-*
11 *son Sport Fish Restoration Act (16 U.S.C. 777b) is amend-*
12 *ed by striking “57 percent” and inserting “58.012 percent”.*

13 (b) *IN GENERAL.*—*Section 4 of the Dingell-Johnson*
14 *Sport Fish Restoration Act (16 U.S.C. 777c) is amended—*

15 (1) *in subsection (a)—*

16 (A) *in the matter preceding paragraph*

17 (1)—

18 (i) *by striking “For each” and all that*
19 *follows through “the balance” and inserting*
20 *“For each fiscal year through fiscal year*
21 *2021, the balance”; and*

22 (ii) *by striking “multistate conserva-*
23 *tion grants under section 14” and inserting*
24 *“activities under section 14(e)”;*

1 (B) in paragraph (1), by striking “18.5
2 percent” and inserting “18.673 percent”;

3 (C) in paragraph (2) by striking “18.5 per-
4 cent” and inserting “17.315 percent”;

5 (D) by striking paragraphs (3) and (4);

6 (E) by redesignating paragraph (5) as
7 paragraph (4); and

8 (F) by inserting after paragraph (2) the fol-
9 lowing:

10 “(3) *BOATING INFRASTRUCTURE IMPROVE-*
11 *MENT.*—

12 “(A) *IN GENERAL.*—An amount equal to 4
13 percent to the Secretary of the Interior for quali-
14 fied projects under section 5604(c) of the Clean
15 Vessel Act of 1992 (33 U.S.C. 1322 note) and
16 section 7404(d) of the Sportfishing and Boating
17 Safety Act of 1998 (16 U.S.C. 777g–1(d)).

18 “(B) *LIMITATION.*—Not more than 75 per-
19 cent of the amount under subparagraph (A) shall
20 be available for projects under either of the sec-
21 tions referred to in subparagraph (A).”;

22 (2) in subsection (b)—

23 (A) in paragraph (1)(A) by striking “for
24 each” and all that follows through “the Sec-

1 *retary” and inserting “for each fiscal year*
2 *through fiscal year 2021, the Secretary”;*

3 *(B) by redesignating paragraph (2) as*
4 *paragraph (3);*

5 *(C) by inserting after paragraph (1) the fol-*
6 *lowing:*

7 *“(2) SET-ASIDE FOR COAST GUARD ADMINISTRA-*
8 *TION.—*

9 *“(A) IN GENERAL.—From the annual ap-*
10 *propriation made in accordance with section 3,*
11 *for each of fiscal years 2016 through 2021, the*
12 *Secretary of the department in which the Coast*
13 *Guard is operating may use no more than the*
14 *amount specified in subparagraph (B) for the*
15 *fiscal year for the purposes set forth in section*
16 *13107(c) of title 46, United States Code. The*
17 *amount specified in subparagraph (B) for a fis-*
18 *cal year may not be included in the amount of*
19 *the annual appropriation distributed under sub-*
20 *section (a) for the fiscal year.*

21 *“(B) AVAILABLE AMOUNTS.—The available*
22 *amount referred to in subparagraph (A) is—*

23 *“(i) for fiscal year 2016, \$7,300,000;*

24 *“(ii) for fiscal year 2017, \$7,400,000;*

25 *“(iii) for fiscal year 2018, \$7,500,000;*

1 “(iv) for fiscal year 2019, \$7,600,000;

2 “(v) for fiscal year 2020, \$7,700,000;

3 and

4 “(vi) for fiscal year 2021,
5 \$7,800,000.”; and

6 (D) in paragraph (3), as so redesignated—

7 (i) in subparagraph (A), by striking
8 “until the end of the fiscal year.” and in-
9 serting “until the end of the subsequent fis-
10 cal year.”; and

11 (ii) in subparagraph (B) by striking
12 “under subsection (e)” and inserting “under
13 subsection (c)”;

14 (3) in subsection (c)—

15 (A) by striking “(c) The Secretary” and in-
16 serting “(c)(1) The Secretary,”;

17 (B) by striking “grants under section 14 of
18 this title” and inserting “activities under section
19 14(e)”;

20 (C) by striking “57 percent” and inserting
21 “58.012 percent”; and

22 (D) by adding at the end the following:

23 “(2) The Secretary shall deduct from the amount to
24 be apportioned under paragraph (1) the amounts used for
25 grants under section 14(a).”; and

1 (4) in subsection (e)(1), by striking “those sub-
2 sections,” and inserting “those paragraphs,”.

3 (c) *SUBMISSION AND APPROVAL OF PLANS AND*
4 *PROJECTS.*—Section 6(d) of the Dingell-Johnson Sport
5 *Fish Restoration Act* (16 U.S.C. 777e(d)) is amended by
6 striking “for appropriations” and inserting “from appro-
7 priations”.

8 (d) *UNEXPENDED OR UNOBLIGATED FUNDS.*—Section
9 8(b)(2) of the Dingell-Johnson Sport Fish Restoration Act
10 (16 U.S.C. 777g(b)(2)) is amended by striking “57 percent”
11 and inserting “58.012 percent”.

12 (e) *COOPERATION.*—Section 12 of the Dingell-Johnson
13 *Sport Fish Restoration Act* (16 U.S.C. 777k) is amended—

14 (1) by striking “57 percent” and inserting
15 “58.012 percent”; and

16 (2) by striking “under section 4(b)” and insert-
17 ing “under section 4(c)”.

18 (f) *OTHER ACTIVITIES.*—Section 14 of the Dingell-
19 *Johnson Sport Fish Restoration Act* (16 U.S.C. 777m) is
20 amended—

21 (1) in subsection (a)(1), by striking “of each an-
22 nual appropriation made in accordance with the pro-
23 visions of section 3”; and

24 (2) in subsection (e)—

1 (A) in the matter preceding paragraph (1)
 2 by striking “Of amounts made available under
 3 section 4(b) for each fiscal year—” and inserting
 4 “Not more than \$1,200,000 of each annual ap-
 5 propriation made in accordance with the provi-
 6 sions of section 3 shall be distributed to the Sec-
 7 retary of the Interior for use as follows.”; and

8 (B) in paragraph (1)(D) by striking “;
 9 and” and inserting a period.

10 (g) *REPEAL.*—The Dingell-Johnson Sport Fish Res-
 11 toration Act (16 U.S.C. 777 et seq.) is amended—

12 (1) by striking section 15; and

13 (2) by redesignating section 16 as section 15.

14 **SEC. 10002. RECREATIONAL BOATING SAFETY.**

15 Section 13107 of title 46, United States Code, is
 16 amended—

17 (1) in subsection (a)—

18 (A) by striking “(1) Subject to paragraph
 19 (2) and subsection (c),” and inserting “Subject
 20 to subsection (c),”;

21 (B) by striking “the sum of (A) the amount
 22 made available from the Boat Safety Account for
 23 that fiscal year under section 15 of the Dingell-
 24 Johnson Sport Fish Restoration Act and (B)”;
 25 and

1 (C) by striking paragraph (2); and

2 (2) in subsection (c)—

3 (A) by striking the subsection designation

4 and paragraph (1) and inserting the following:

5 “(c)(1)(A) The Secretary may use amounts made
6 available each fiscal year under section 4(b)(2) of the Din-
7 gell-Johnson Sport Fish Restoration Act (16 U.S.C.
8 777c(b)(2)) for payment of expenses of the Coast Guard for
9 investigations, personnel, and activities directly related
10 to—

11 “(i) administering State recreational boating
12 safety programs under this chapter; or

13 “(ii) coordinating or carrying out the national
14 recreational boating safety program under this title.

15 “(B) Of the amounts used by the Secretary each fiscal
16 year under subparagraph (A)—

17 “(i) not less than \$2,000,000 is available to en-
18 sure compliance with chapter 43 of this title; and

19 “(ii) not more than \$1,500,000 is available to
20 conduct a survey of levels of recreational boating par-
21 ticipation and related matters in the United States.”;

22 and

23 (B) in paragraph (2)—

1 (i) by striking “No funds” and insert-
 2 ing “On and after October 1, 2016, no
 3 funds”; and

4 (ii) by striking “traditionally”.

5 ***DIVISION B—COMPREHENSIVE***
 6 ***TRANSPORTATION AND CON-***
 7 ***SUMER PROTECTION ACT OF***
 8 ***2015***

9 ***TITLE XXIV—HIGHWAY AND***
 10 ***MOTOR VEHICLE SAFETY***
 11 ***Subtitle A—Vehicle Safety***

12 ***SEC. 24101. AUTHORIZATION OF APPROPRIATIONS.***

13 (a) *IN GENERAL.*—Subject to subsection (b), there is
 14 authorized to be appropriated to the Secretary to carry out
 15 chapter 301 of title 49, and part C of subtitle VI of title
 16 49, United States Code, amounts as follows:

17 (1) \$132,730,000 for fiscal year 2016.

18 (2) \$135,517,330 for fiscal year 2017.

19 (3) \$138,363,194 for fiscal year 2018.

20 (4) \$141,268,821 for fiscal year 2019.

21 (5) \$144,235,466 for fiscal year 2020.

22 (6) \$147,264,411 for fiscal year 2021.

23 (b) *ADDITIONAL AUTHORIZATION OF APPROPRIATIONS*

24 *IF A CERTIFICATION IS MADE.*—

1 (1) *IN GENERAL.*—*In addition to the amounts*
2 *authorized to be appropriated under subsection (a) to*
3 *carry out chapter 301 of title 49, and part C of sub-*
4 *title VI of title 49, United States Code, if the certifi-*
5 *cation described in paragraph (2) is made during a*
6 *fiscal year there is authorized to be appropriated to*
7 *the Secretary for that purpose for that fiscal year and*
8 *subsequent fiscal years an additional amount as fol-*
9 *lows:*

10 (A) *\$31,270,000 for fiscal year 2016.*

11 (B) *\$36,537,670 for fiscal year 2017.*

12 (C) *\$42,296,336 for fiscal year 2018.*

13 (D) *\$47,999,728 for fiscal year 2019.*

14 (E) *\$54,837,974 for fiscal year 2020.*

15 (F) *\$61,656,407 for fiscal year 2021.*

16 (2) *CERTIFICATION DESCRIBED.*—*The certifi-*
17 *cation described in this paragraph is a certification*
18 *made by the Secretary and submitted to Congress that*
19 *the National Highway Traffic Safety Administration*
20 *has implemented all of the recommendations in the*
21 *Office of Inspector General Audit Report issued June*
22 *18, 2015 (ST–2015–063). As part of the certification,*
23 *the Secretary shall review the actions the National*
24 *Highway Traffic Safety Administration has taken to*
25 *implement the recommendations and issue a report to*

1 Congress detailing how the recommendations were im-
2 plemented. The Secretary shall not delegate or assign
3 the responsibility under this paragraph.

4 **SEC. 24102. INSPECTOR GENERAL RECOMMENDATIONS.**

5 (a) *IN GENERAL.*—Not later than 90 days after the
6 date of enactment of this Act, and periodically thereafter
7 until the completion date, the Department of Transpor-
8 tation Inspector General shall report to the appropriate
9 committees of Congress on whether and what progress has
10 been made to implement the recommendations in the Office
11 of Inspector General Audit Report issued June 18, 2015
12 (ST–2015–063).

13 (b) *IMPLEMENTATION PROGRESS.*—The Administrator
14 of the National Highway Traffic Safety Administration
15 shall—

16 (1) not later than 90 days after the date of en-
17 actment of this Act, and periodically thereafter until
18 the completion date, provide a briefing to the appro-
19 priate committees of Congress on the actions the Ad-
20 ministrator has taken to implement the recommenda-
21 tions in the audit report described in subsection (a),
22 including a plan for implementing any remaining
23 recommendations; and

24 (2) not later than 1 year after the date of enact-
25 ment of this Act, issue a final report to the appro-

1 *prate committees of Congress on the implementation*
 2 *of all of the recommendations in the audit report de-*
 3 *scribed in subsection (a).*

4 *(c) DEFINITIONS.—In this section:*

5 *(1) APPROPRIATE COMMITTEES OF CONGRESS.—*

6 *The term “appropriate committees of Congress”*
 7 *means the Committee on Commerce, Science, and*
 8 *Transportation of the Senate and the Committee on*
 9 *Energy and Commerce of the House of Representa-*
 10 *tives.*

11 *(2) COMPLETION DATE.—The term “completion*
 12 *date” means the date that the National Highway*
 13 *Traffic Safety Administration has implemented all of*
 14 *the recommendations in the Office of Inspector Gen-*
 15 *eral Audit Report issued June 18, 2015 (ST–2015–*
 16 *063).*

17 **SEC. 24103. IMPROVEMENTS IN AVAILABILITY OF RECALL**
 18 **INFORMATION.**

19 *(a) VEHICLE RECALL INFORMATION.—Not later than*
 20 *2 years after the date of enactment of this Act, the Secretary*
 21 *shall implement current information technology, web design*
 22 *trends, and best practices that will help ensure that motor*
 23 *vehicle safety recall information available to the public on*
 24 *the Federal website is readily accessible and easy to use,*
 25 *including—*

1 (1) *by improving the organization, availability,*
2 *readability, and functionality of the website;*

3 (2) *by accommodating high-traffic volume; and*

4 (3) *by establishing best practices for scheduling*
5 *routine website maintenance.*

6 (b) *GOVERNMENT ACCOUNTABILITY OFFICE PUBLIC*
7 *AWARENESS REPORT.—*

8 (1) *IN GENERAL.—The Comptroller General shall*
9 *study the current use by consumers, dealers, and*
10 *manufacturers of the safety recall information made*
11 *available to the public, including the usability and*
12 *content of the Federal and manufacturers' websites*
13 *and the National Highway Traffic Safety Adminis-*
14 *tration's efforts to publicize and educate consumers*
15 *about safety recall information.*

16 (2) *REPORT.—Not later than 2 years after the*
17 *date of enactment of this Act, the Comptroller General*
18 *shall issue a report with the findings of the study*
19 *under paragraph (1), including recommending any*
20 *actions the Secretary can take to improve public*
21 *awareness and use of the websites for safety recall in-*
22 *formation.*

23 (c) *PROMOTION OF PUBLIC AWARENESS.—Section*
24 *31301(c) of the Moving Ahead for Progress in the 21st Cen-*

1 *tury Act (49 U.S.C. 30166 note) is amended to read as fol-*
2 *lows:*

3 “(c) *PROMOTION OF PUBLIC AWARENESS.*—*The Sec-*
4 *retary shall improve public awareness of safety recall infor-*
5 *mation made publicly available by periodically updating*
6 *the method of conveying that information to consumers,*
7 *dealers, and manufacturers, such as through public service*
8 *announcements.”.*

9 (d) *CONSUMER GUIDANCE.*—*Not later than 1 year*
10 *after the date of enactment of this Act, the Secretary shall*
11 *make available to the public on the Internet detailed guid-*
12 *ance for consumers submitting safety complaints, includ-*
13 *ing—*

14 (1) *a detailed explanation of what information*
15 *a consumer should include in a complaint; and*

16 (2) *a detailed explanation of the possible actions*
17 *the National Highway Traffic Safety Administration*
18 *can take to address a complaint and respond to the*
19 *consumer, including information on—*

20 (A) *the consumer records, such as photo-*
21 *graphs and police reports, that could assist with*
22 *an investigation; and*

23 (B) *the length of time a consumer should re-*
24 *tain the records described in subparagraph (A).*

25 (e) *VIN SEARCH.*—

1 (1) *IN GENERAL.*—*The Secretary, in coordina-*
 2 *tion with industry, including manufacturers and*
 3 *dealers, shall study—*

4 (A) *the feasibility of searching multiple ve-*
 5 *hicle identification numbers at a time to retrieve*
 6 *motor vehicle safety recall information; and*

7 (B) *the feasibility of making the search*
 8 *mechanism described under subparagraph (A)*
 9 *publicly available.*

10 (2) *CONSIDERATIONS.*—*In conducting the study*
 11 *under paragraph (1), the Secretary shall consider the*
 12 *potential costs, and potential risks to privacy and se-*
 13 *curity in implementing such a search mechanism.*

14 **SEC. 24104. RECALL PROCESS.**

15 (a) *NOTIFICATION IMPROVEMENT.*—

16 (1) *IN GENERAL.*—*Not later than 270 days after*
 17 *the date of enactment of this Act, the Secretary shall*
 18 *prescribe a final rule revising the regulations under*
 19 *section 577.7 of title 49, Code of Federal Regulations,*
 20 *to include notification by electronic means in addi-*
 21 *tion to notification by first class mail.*

22 (2) *DEFINITION OF ELECTRONIC MEANS.*—*In this*
 23 *subsection, the term “electronic means” includes elec-*
 24 *tronic mail and may include such other means of*
 25 *electronic notification, such as social media or tar-*

1 *geted online campaigns, as determined by the Sec-*
 2 *retary.*

3 *(b) NOTIFICATION BY MANUFACTURER.—Section*
 4 *30118(c) is amended by inserting “or electronic mail” after*
 5 *“certified mail”.*

6 *(c) RECALL COMPLETION RATES REPORT.—*

7 *(1) IN GENERAL.—Not later than 1 year after*
 8 *the date of enactment of this Act, and biennially*
 9 *thereafter for 4 years, the Secretary shall—*

10 *(A) conduct an analysis of vehicle safety re-*
 11 *call completion rates to assess potential actions*
 12 *by the National Highway Traffic Safety Admin-*
 13 *istration to improve vehicle safety recall comple-*
 14 *tion rates; and*

15 *(B) submit to the Committee on Commerce,*
 16 *Science, and Transportation of the Senate and*
 17 *the Committee on Energy and Commerce of the*
 18 *House of Representatives a report on the results*
 19 *of the analysis.*

20 *(2) CONTENTS.—Each report shall include—*

21 *(A) the annual recall completion rate by*
 22 *manufacturer, model year, component (such as*
 23 *brakes, fuel systems, and air bags), and vehicle*
 24 *type (passenger car, sport utility vehicle, pas-*

1 senger van, and pick-up truck) for each of the 5
2 years before the year the report is submitted;

3 (B) the methods by which the Secretary has
4 conducted analyses of these recall completion
5 rates to determine trends and identify risk fac-
6 tors associated with lower recall rates; and

7 (C) the actions the Secretary has planned to
8 improve recall completion rates based on the re-
9 sults of this data analysis.

10 (d) *INSPECTOR GENERAL AUDIT OF VEHICLE RE-*
11 *CALLS.—*

12 (1) *IN GENERAL.—*The Department of Transpor-
13 tation Inspector General shall conduct an audit of the
14 National Highway Traffic Safety Administration's
15 management of vehicle safety recalls.

16 (2) *CONTENTS.—*The audit shall include a deter-
17 mination of whether the National Highway Traffic
18 Safety Administration—

19 (A) appropriately monitors recalls to ensure
20 the appropriateness of scope and adequacy of re-
21 call completion rates and remedies;

22 (B) ensures manufacturers provide safe
23 remedies, at no cost to consumers;

24 (C) is capable of coordinating recall rem-
25 edies and processes; and

1 (D) can improve its policy on consumer no-
2 tice to combat effects of recall fatigue.

3 **SEC. 24105. PILOT GRANT PROGRAM FOR STATE NOTIFICA-**
4 **TION TO CONSUMERS OF MOTOR VEHICLE**
5 **RECALL STATUS.**

6 (a) *IN GENERAL.*—Not later than October 1, 2016, the
7 Secretary shall implement a 2-year pilot program to evalu-
8 ate the feasibility and effectiveness of a State process for
9 informing consumers of open motor vehicle recalls at the
10 time of motor vehicle registration in the State.

11 (b) *GRANTS.*—To carry out this program, the Sec-
12 retary may make a grant to each eligible State, but not
13 more than 6 eligible States in total, that agrees to comply
14 with the requirements under subsection (c). Funds made
15 available to a State under this section shall be used by the
16 State for the pilot program described in subsection (a).

17 (c) *ELIGIBILITY.*—To be eligible for a grant, a State
18 shall—

19 (1) submit an application in such form and
20 manner as the Secretary prescribes;

21 (2) agree to notify, at the time of registration,
22 each owner or lessee of a motor vehicle presented for
23 registration in the State of any open recall on that
24 vehicle;

1 (3) *provide the open motor vehicle recall infor-*
2 *mation at no cost to each owner or lessee of a motor*
3 *vehicle presented for registration in the State; and*

4 (4) *provide such other information as the Sec-*
5 *retary may require.*

6 (d) *AWARDS.—In selecting an applicant for an award*
7 *under this section, the Secretary shall consider the State’s*
8 *methodology for determining open recalls on a motor vehi-*
9 *cle, for informing consumers of the open recalls, and for*
10 *determining performance.*

11 (e) *PERFORMANCE PERIOD.—Each grant awarded*
12 *under this section shall require a 2-year performance pe-*
13 *riod.*

14 (f) *REPORT.—Not later than 90 days after the comple-*
15 *tion of the performance period under subsection (e), a*
16 *grantee shall provide to the Secretary a report of perform-*
17 *ance containing such information as the Secretary con-*
18 *siders necessary to evaluate the extent to which open recalls*
19 *have been remedied.*

20 (g) *EVALUATION.—Not later than 180 days after the*
21 *completion of the pilot program, the Secretary shall evalu-*
22 *ate the extent to which open recalls identified have been*
23 *remedied.*

24 (h) *DEFINITIONS.—In this section:*

1 (1) *CONSUMER.*—*The term “consumer” includes*
 2 *owner and lessee.*

3 (2) *MOTOR VEHICLE.*—*The term “motor vehicle”*
 4 *has the meaning given the term under section*
 5 *30102(a) of title 49, United States Code.*

6 (3) *OPEN RECALL.*—*The term “open recall”*
 7 *means a recall for which a notification by a manufac-*
 8 *turer has been provided under section 30119 of title*
 9 *49, United States Code, and that has not been rem-*
 10 *edied under section 30120 of that title.*

11 (4) *REGISTRATION.*—*The term “registration”*
 12 *means the process for registering motor vehicles in the*
 13 *State.*

14 (5) *STATE.*—*The term “State” has the meaning*
 15 *given the term under section 101(a) of title 23,*
 16 *United States Code.*

17 **SEC. 24106. RECALL OBLIGATIONS UNDER BANKRUPTCY.**

18 *Section 30120A is amended by striking “chapter 11*
 19 *of title 11,” and inserting “chapter 7 or chapter 11 of title*
 20 *11”.*

21 **SEC. 24107. DEALER REQUIREMENT TO CHECK FOR OPEN**

22 **RECALL.**

23 *Section 30120(f) is amended—*

24 (1) *by inserting “(1) IN GENERAL.—” before “A*
 25 *manufacturer” and indenting appropriately;*

(2) in paragraph (1), as redesignated, by striking the period at the end and inserting the following: “if—

“(A) at the time of providing service for each of the manufacturer’s motor vehicles it services, the dealer notifies the owner or the individual requesting the service of any open recall; and

“(B) the notification requirement under subparagraph (A) is specified in a franchise, operating, or other agreement between the dealer and the manufacturer.”; and

(3) by adding at the end the following:

“(2) *DEFINITION OF OPEN RECALL.*—In this subsection, the term ‘open recall’ means a recall for which a notification by a manufacturer has been provided under section 30119 and that has not been remedied under this section.”.

**SEC. 24108. EXTENSION OF TIME PERIOD FOR REMEDY OF
TIRE DEFECTS.**

Section 30120(b) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking “60 days” and inserting “180 days”; and

1 (2) in paragraph (2), by striking “60-day” each
 2 place it appears and inserting “180-day”.

3 **SEC. 24109. RENTAL CAR SAFETY.**

4 (a) *SHORT TITLE.*—This section may be cited as the
 5 *“Raechel and Jacqueline Houck Safe Rental Car Act of*
 6 *2015”*.

7 (b) *DEFINITIONS.*—Section 30102(a) is amended—

8 (1) by redesignating paragraphs (10) and (11)
 9 as paragraphs (12) and (13), respectively;

10 (2) by redesignating paragraphs (1) through (9)
 11 as paragraphs (2) through (10), respectively;

12 (3) by inserting before paragraph (2), as redesign-
 13 ated, the following:

14 “(1) ‘covered rental vehicle’ means a motor vehi-
 15 cle that—

16 “(A) has a gross vehicle weight rating of
 17 10,000 pounds or less;

18 “(B) is rented without a driver for an ini-
 19 tial term of less than 4 months; and

20 “(C) is part of a motor vehicle fleet of 5 or
 21 more motor vehicles that are used for rental pur-
 22 poses by a rental company.”; and

23 (4) by inserting after paragraph (10), as redesign-
 24 ated, the following:

25 “(11) ‘rental company’ means a person who—

1 “(A) is primarily engaged in the business of
2 renting covered rental vehicles; and

3 “(B) uses for rental purposes a motor vehi-
4 cle fleet of 5 or more covered rental vehicles.”.

5 (c) *REMEDIES FOR DEFECTS AND NONCOMPLIANCE.*—

6 Section 30120(i) is amended—

7 (1) in the subsection heading, by adding “, OR
8 *RENTAL*” at the end;

9 (2) in paragraph (1)—

10 (A) by striking “(1) If notification” and in-
11 serting the following:

12 “(1) *IN GENERAL.*—If notification”;

13 (B) by indenting subparagraphs (A) and
14 (B) four ems from the left margin;

15 (C) by inserting “or the manufacturer has
16 provided to a rental company notification about
17 a covered rental vehicle in the company’s posses-
18 sion at the time of notification” after “time of
19 notification”;

20 (D) by striking “the dealer may sell or
21 lease,” and inserting “the dealer or rental com-
22 pany may sell, lease, or rent”; and

23 (E) in subparagraph (A), by striking “sale
24 or lease” and inserting “sale, lease, or rental
25 agreement”;

1 (3) *by amending paragraph (2) to read as fol-*
2 *lows:*

3 “(2) *RULE OF CONSTRUCTION.—Nothing in this*
4 *subsection may be construed to prohibit a dealer or*
5 *rental company from offering the vehicle or equip-*
6 *ment for sale, lease, or rent.”; and*

7 (4) *by adding at the end the following:*

8 “(3) *SPECIFIC RULES FOR RENTAL COMPA-*
9 *NIES.—*

10 “(A) *IN GENERAL.—Except as otherwise*
11 *provided under this paragraph, a rental com-*
12 *pany shall comply with the limitations on sale,*
13 *lease, or rental set forth in subparagraph (C)*
14 *and paragraph (1) as soon as practicable, but*
15 *not later than 24 hours after the earliest receipt*
16 *of the notice to owner under subsection (b) or (c)*
17 *of section 30118 (including the vehicle identifica-*
18 *tion number for the covered vehicle) by the rental*
19 *company, whether by electronic means or first*
20 *class mail.*

21 “(B) *SPECIAL RULE FOR LARGE VEHICLE*
22 *FLEETS.—Notwithstanding subparagraph (A), if*
23 *a rental company receives a notice to owner cov-*
24 *ering more than 5,000 motor vehicles in its fleet,*
25 *the rental company shall comply with the limi-*

1 *tations on sale, lease, or rental set forth in sub-*
2 *paragraph (C) and paragraph (1) as soon as*
3 *practicable, but not later than 48 hours after the*
4 *earliest receipt of the notice to owner under sub-*
5 *section (b) or (c) of section 30118 (including the*
6 *vehicle identification number for the covered ve-*
7 *hicle) by the rental company, whether by elec-*
8 *tronic means or first class mail.*

9 *“(C) SPECIAL RULE FOR WHEN REMEDIES*
10 *NOT IMMEDIATELY AVAILABLE.—If a notification*
11 *required under subsection (b) or (c) of section*
12 *30118 indicates that the remedy for the defect or*
13 *noncompliance is not immediately available and*
14 *specifies actions to temporarily alter the vehicle*
15 *that eliminate the safety risk posed by the defect*
16 *or noncompliance, the rental company, after*
17 *causing the specified actions to be performed,*
18 *may rent (but may not sell or lease) the motor*
19 *vehicle. Once the remedy for the rental vehicle be-*
20 *comes available to the rental company, the rental*
21 *company may not rent the vehicle until the vehi-*
22 *cle has been remedied, as provided in subsection*
23 *(a).*

24 *“(D) INAPPLICABILITY TO JUNK AUTO-*
25 *MOBILES.—Notwithstanding paragraph (1), this*

1 *subsection does not prohibit a rental company*
 2 *from selling a covered rental vehicle if such vehi-*
 3 *cle—*

4 *“(i) meets the definition of a junk*
 5 *automobile under section 201 of the Anti-*
 6 *Car Theft Act of 1992 (49 U.S.C. 30501);*

7 *“(ii) is retitled as a junk automobile*
 8 *pursuant to applicable State law; and*

9 *“(iii) is reported to the National Motor*
 10 *Vehicle Information System, if required*
 11 *under section 204 of such Act (49 U.S.C.*
 12 *30504).”.*

13 *(d) MAKING SAFETY DEVICES AND ELEMENTS INOP-*
 14 *ERATIVE.—Section 30122(b) is amended by inserting “rent-*
 15 *al company,” after “dealer,” each place such term appears.*

16 *(e) INSPECTIONS, INVESTIGATIONS, AND RECORDS.—*
 17 *Section 30166 is amended—*

18 *(1) in subsection (c)(2), by striking “or dealer”*
 19 *each place such term appears and inserting “dealer,*
 20 *or rental company”;*

21 *(2) in subsection (e), by striking “or dealer” each*
 22 *place such term appears and inserting “dealer, or*
 23 *rental company”; and*

24 *(3) in subsection (f), by striking “or to owners”*
 25 *and inserting “, rental companies, or other owners”.*

1 (f) *RESEARCH AUTHORITY.*—*The Secretary of Trans-*
 2 *portation may conduct a study of—*

3 (1) *the effectiveness of the amendments made by*
 4 *this section; and*

5 (2) *other activities of rental companies (as de-*
 6 *fin ed in section 30102(a)(11) of title 49, United*
 7 *States Code) related to their use and disposition of*
 8 *motor vehicles that are the subject of a notification re-*
 9 *quired under section 30118 of title 49, United States*
 10 *Code.*

11 (g) *STUDY.*—

12 (1) *ADDITIONAL REQUIREMENT.*—*Section*
 13 *32206(b)(2) of the Moving Ahead for Progress in the*
 14 *21st Century Act (Public Law 112–141; 126 Stat.*
 15 *785) is amended—*

16 (A) *in subparagraph (E), by striking “and”*
 17 *at the end;*

18 (B) *by redesignating subparagraph (F) as*
 19 *subparagraph (G); and*

20 (C) *by inserting after subparagraph (E) the*
 21 *following:*

22 *“(F) evaluate the completion of safety recall*
 23 *remedies on rental trucks; and”.*

24 (2) *REPORT.*—*Section 32206(c) of such Act is*
 25 *amended—*

1 (A) by redesignating paragraphs (1) and
 2 (2) as subparagraphs (A) and (B), respectively;
 3 (B) by striking “REPORT.—Not later” and
 4 inserting the following:

5 “(c) *REPORTS.*—

6 “(1) *INITIAL REPORT.*—Not later”;

7 (C) in paragraph (1), by striking “sub-
 8 section (b)” and inserting “subparagraphs (A)
 9 through (E) and (G) of subsection (b)(2)”; and
 10 (D) by adding at the end the following:

11 “(2) *SAFETY RECALL REMEDY REPORT.*—Not
 12 later than 1 year after the date of the enactment of
 13 the ‘Raechel and Jacqueline Houck Safe Rental Car
 14 Act of 2015’, the Secretary shall submit a report to
 15 the congressional committees set forth in paragraph
 16 (1) that contains—

17 “(A) the findings of the study conducted
 18 pursuant to subsection (b)(2)(F); and

19 “(B) any recommendations for legislation
 20 that the Secretary determines to be appro-
 21 priate.”.

22 (h) *PUBLIC COMMENTS.*—The Secretary shall solicit
 23 comments regarding the implementation of this section from
 24 members of the public, including rental companies, con-

1 *sumer organizations, automobile manufacturers, and auto-*
 2 *mobile dealers.*

3 *(i) RULE OF CONSTRUCTION.—Nothing in this section*
 4 *or the amendments made by this section—*

5 *(1) may be construed to create or increase any*
 6 *liability, including for loss of use, for a manufacturer*
 7 *as a result of having manufactured or imported a*
 8 *motor vehicle subject to a notification of defect or*
 9 *noncompliance under subsection (b) or (c) of section*
 10 *30118 of title 49, United States Code; or*

11 *(2) shall supersede or otherwise affect the con-*
 12 *tractual obligations, if any, between such a manufac-*
 13 *turer and a rental company (as defined in section*
 14 *30102(a) of title 49, United States Code).*

15 *(j) RULEMAKING.—The Secretary may promulgate*
 16 *rules, as appropriate, to implement this section and the*
 17 *amendments made by this section.*

18 *(k) EFFECTIVE DATE.—The amendments made by this*
 19 *section shall take effect on the date that is 180 days after*
 20 *the date of enactment of this Act.*

21 **SEC. 24110. INCREASE IN CIVIL PENALTIES FOR VIOLA-**
 22 **TIONS OF MOTOR VEHICLE SAFETY.**

23 *(a) INCREASE IN CIVIL PENALTIES.—Section 30165(a)*
 24 *is amended—*

25 *(1) in paragraph (1)—*

1 (A) by striking “\$5,000” and inserting
2 “\$21,000”; and

3 (B) by striking “\$35,000,000” and inserting
4 “\$105,000,000”; and

5 (2) in paragraph (3)—

6 (A) by striking “\$5,000” and inserting
7 “\$21,000”; and

8 (B) by striking “\$35,000,000” and inserting
9 “\$105,000,000”.

10 (b) *EFFECTIVE DATE.*—The amendments made by sub-
11 section (a) of this section take effect on the date that the
12 Secretary certifies to Congress that the National Highway
13 Traffic Safety Administration has issued the final rule re-
14 quired by section 31203(b) of the Moving Ahead for Progress
15 In the 21st Century Act (Public Law 112–141; 126 Stat.
16 758; 49 U.S.C. 30165 note).

17 (c) *PUBLICATION OF EFFECTIVE DATE.*—The Sec-
18 retary shall publish notice of the effective date under sub-
19 section (b) of this section in the Federal Register.

20 **SEC. 24111. ELECTRONIC ODOMETER DISCLOSURES.**

21 Section 32705(g) is amended—

22 (1) by inserting “(1)” before “Not later than”
23 and indenting appropriately; and

24 (2) by adding at the end the following:

1 “(2) Notwithstanding paragraph (1) and subject
 2 to paragraph (3), a State, without approval from the
 3 Secretary under subsection (d), may allow for written
 4 disclosures or notices and related matters to be pro-
 5 vided electronically if—

6 “(A) in compliance with—

7 “(i) the requirements of subchapter 1 of
 8 chapter 96 of title 15; or

9 “(ii) the requirements of a State law
 10 under section 7002(a) of title 15; and

11 “(B) the disclosures or notices otherwise
 12 meet the requirements under this section, includ-
 13 ing appropriate authentication and security
 14 measures.

15 “(3) Paragraph (2) ceases to be effective on the
 16 date the regulations under paragraph (1) become ef-
 17 fective.”.

18 **SEC. 24112. CORPORATE RESPONSIBILITY FOR NHTSA RE-**
 19 **PORTS.**

20 Section 30166(o) is amended—

21 (1) in paragraph (1), by striking “may” and in-
 22 serting “shall”; and

23 (2) by adding at the end the following:

24 “(3) **DEADLINE.**—Not later than 1 year after the
 25 date of enactment of the Comprehensive Transpor-

1 *tation and Consumer Protection Act of 2015, the Sec-*
 2 *retary shall issue a final rule under paragraph (1).”.*

3 **SEC. 24113. DIRECT VEHICLE NOTIFICATION OF RECALLS.**

4 *(a) RECALL NOTIFICATION REPORT.—Not later than*
 5 *1 year after the date of enactment of this Act, the Secretary*
 6 *shall issue a report on the feasibility of a technical system*
 7 *that would operate in each new motor vehicle to indicate*
 8 *when the vehicle is subject to an open recall.*

9 *(b) DEFINITION OF OPEN RECALL.—In this section the*
 10 *term “open recall” means a recall for which a notification*
 11 *by a manufacturer has been provided under section 30119*
 12 *of title 49, United States Code, and that has not been rem-*
 13 *edied under section 30120 of that title.*

14 **SEC. 24114. UNATTENDED CHILDREN WARNING.**

15 *Section 31504(a) of the Moving Ahead for Progress in*
 16 *the 21st Century Act (49 U.S.C. 30111 note) is amended*
 17 *by striking “may” and inserting “shall”.*

18 **SEC. 24115. TIRE PRESSURE MONITORING SYSTEM.**

19 *(a) PROPOSED RULE.—Not later than 1 year after the*
 20 *date of enactment of this Act, the Secretary shall publish*
 21 *a proposed rule that updates the standards pertaining to*
 22 *tire pressure monitoring systems to ensure that a tire pres-*
 23 *sure monitoring system that is installed in a new motor*
 24 *vehicle after the effective date of the revised standards can-*
 25 *not, to a level other than a safe pressure level, be—*

1 (1) overridden;

2 (2) reset; or

3 (3) recalibrated.

4 (b) *SAFE PRESSURE LEVEL*.—For the purposes of sub-
5 section (a), the term “safe pressure level” shall mean a pres-
6 sure level consistent with the TPMS detection requirements
7 contained in S4.2(a) of section 571.138 of title 49, Code
8 of Federal Regulations, or any corresponding similar regu-
9 lation or ruling.

10 (c) *FINAL RULE*.—Not later than 2 years after the date
11 of enactment of this Act, after providing the public with
12 sufficient opportunity for notice and comment on the pro-
13 posed rule published under subsection (a), the Secretary
14 shall issue a final rule on the subject described in subsection
15 (a).

16 **SEC. 24116. AVAILABILITY OF CERTAIN INFORMATION ON**
17 **MOTOR VEHICLE EQUIPMENT.**

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

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

22 “(1) *PROVISION OF INFORMATION BY SUP-*
23 *PLIERS*.—A supplier of parts that are determined to
24 be defective or noncompliant by the Secretary under
25 subsection (a) or (b) shall identify all parts that are

1 *subject to the recall and provide to the Secretary and*
 2 *each affected manufacturer, not later than 3 business*
 3 *days after receiving notification of the determination,*
 4 *for each affected part—*

5 *“(A) all part names;*

6 *“(B) all part numbers; and*

7 *“(C) a description of the part.*

8 *“(2) PROVISION OF INFORMATION BY MANUFAC-*
 9 *TURERS.—Upon receipt of notification of a deter-*
 10 *mination by the Secretary under subsection (a) or (b)*
 11 *or notification from a supplier of parts under para-*
 12 *graph (1), a manufacturer of motor vehicles shall—*

13 *“(A) identify the vehicle identification num-*
 14 *ber for each affected vehicle; and*

15 *“(B) not later than 5 business days after re-*
 16 *ceiving such notification, provide to the Sec-*
 17 *retary, in a searchable format determined by the*
 18 *Secretary—*

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

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

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

13 “(g) *INFORMATION ON ORIGINAL EQUIPMENT.—Not*
14 *later than July 31, 2016, a manufacturer of motor vehicles*
15 *shall make available on an Internet website information*
16 *about the original equipment contained in such vehicles,*
17 *which shall include—*

18 “(1) *all parts or component numbers for such*
19 *equipment; and*

20 “(2) *specific part names and descriptions associ-*
21 *ated with each manufacturer vehicle identification*
22 *number.”.*

1 ***Subtitle B—Research and Develop-***
 2 ***ment and Vehicle Electronics***

3 ***SEC. 24201. REPORT ON OPERATIONS OF THE COUNCIL FOR***
 4 ***VEHICLE ELECTRONICS, VEHICLE SOFTWARE,***
 5 ***AND EMERGING TECHNOLOGIES.***

6 *Not later than 1 year after the date of enactment of*
 7 *this Act, the Secretary shall submit to the Committee on*
 8 *Commerce, Science, and Transportation of the Senate and*
 9 *the Committee on Energy and Commerce of the House of*
 10 *Representatives a report regarding the operations of the*
 11 *Council for Vehicle Electronics, Vehicle Software, and*
 12 *Emerging Technologies established under section 31401 of*
 13 *the Moving Ahead for Progress in the 21st Century Act (49*
 14 *U.S.C. 105 note). The report shall include information*
 15 *about the accomplishments of the Council, the role of the*
 16 *Council in integrating and aggregating electronic and*
 17 *emerging technologies expertise across the National High-*
 18 *way Traffic Safety Administration, the role of the Council*
 19 *in coordinating with other Federal agencies, and the prior-*
 20 *ities of the Council over the next 5 years.*

21 ***SEC. 24202. COOPERATION WITH FOREIGN GOVERNMENTS.***

22 *(a) TITLE 49 AMENDMENT.—Section 30182(b) is*
 23 *amended—*

24 *(1) in paragraph (4), by striking “; and” and*
 25 *inserting a semicolon;*

1 (2) in paragraph (5), by striking the period at
2 the end and inserting “; and”; and

3 (3) by inserting after paragraph (5) the fol-
4 lowing:

5 “(6) in coordination with Department of State,
6 enter into cooperative agreements and collaborative
7 research and development agreements with foreign
8 governments.”.

9 (b) *TITLE 23 AMENDMENT.*—Section 403 of title 23,
10 *United States Code*, is amended—

11 (1) in subsection (b)(2)(C), by inserting “foreign
12 government (in coordination with the Department of
13 State)” after “institution,”; and

14 (2) in subsection (c)(1)(A), by inserting “foreign
15 governments,” after “local governments,”.

16 (c) *AUDIT.*—The Department of Transportation In-
17 spectator General shall conduct an audit of the Secretary of
18 Transportation’s management and oversight of cooperative
19 agreements and collaborative research and development
20 agreements, including any cooperative agreements between
21 the Secretary of Transportation and foreign governments
22 under section 30182(b)(6) of title 49, *United States Code*,
23 and subsections (b)(2)(C) and (c)(1)(A) of title 23, *United*
24 *States Code*.

***Subtitle C—Miscellaneous
Provisions***

PART I—DRIVER PRIVACY ACT OF 2015

SEC. 24301. SHORT TITLE.

This part may be cited as the “Driver Privacy Act of 2015”.

SEC. 24302. LIMITATIONS ON DATA RETRIEVAL FROM VEHICLE EVENT DATA RECORDERS.

(a) OWNERSHIP OF DATA.—Any data retained by an event data recorder (as defined in section 563.5 of title 49, Code of Federal Regulations), regardless of when the motor vehicle in which it is installed was manufactured, is the property of the owner, or, in the case of a leased vehicle, the lessee of the motor vehicle in which the event data recorder is installed.

(b) PRIVACY.—Data recorded or transmitted by an event data recorder described in subsection (a) may not be accessed by a person other than an owner or a lessee of the motor vehicle in which the event data recorder is installed unless—

(1) a court or other judicial or administrative authority having jurisdiction—

(A) authorizes the retrieval of the data; and

(B) to the extent that there is retrieved data, the data is subject to the standards for ad-

1 mission into evidence required by that court or
2 other administrative authority;

3 (2) an owner or a lessee of the motor vehicle pro-
4 vides written, electronic, or recorded audio consent to
5 the retrieval of the data for any purpose, including
6 the purpose of diagnosing, servicing, or repairing the
7 motor vehicle, or by agreeing to a subscription that
8 describes how data will be retrieved and used;

9 (3) the data is retrieved pursuant to an inves-
10 tigation or inspection authorized under section
11 1131(a) or 30166 of title 49, United States Code, and
12 the personally identifiable information of an owner or
13 a lessee of the vehicle and the vehicle identification
14 number is not disclosed in connection with the re-
15 trieved data, except that the vehicle identification
16 number may be disclosed to the certifying manufac-
17 turer;

18 (4) the data is retrieved for the purpose of deter-
19 mining the need for, or facilitating, emergency med-
20 ical response in response to a motor vehicle crash; or

21 (5) the data is retrieved for traffic safety re-
22 search, and the personally identifiable information of
23 an owner or a lessee of the vehicle and the vehicle
24 identification number is not disclosed in connection
25 with the retrieved data.

1 **SEC. 24303. VEHICLE EVENT DATA RECORDER STUDY.**

2 (a) *IN GENERAL.*—Not later than 1 year after the date
 3 of enactment of this Act, the Administrator of the National
 4 Highway Traffic Safety Administration shall submit to
 5 Congress a report that contains the results of a study con-
 6 ducted by the Administrator to determine the amount of
 7 time event data recorders installed in passenger motor vehi-
 8 cles should capture and record for retrieval vehicle-related
 9 data in conjunction with an event in order to provide suffi-
 10 cient information to investigate the cause of motor vehicle
 11 crashes.

12 (b) *RULEMAKING.*—Not later than 2 years after sub-
 13 mitting the report required under subsection (a), the Ad-
 14 ministrator of the National Highway Traffic Safety Ad-
 15 ministration shall promulgate regulations to establish the
 16 appropriate period during which event data recorders in-
 17 stalled in passenger motor vehicles may capture and record
 18 for retrieval vehicle-related data to the time necessary to
 19 provide accident investigators with vehicle-related informa-
 20 tion pertinent to crashes involving such motor vehicles.

21 **PART II—SAFETY THROUGH INFORMED**
 22 **CONSUMERS ACT OF 2015**

23 **SEC. 24321. SHORT TITLE.**

24 This part may be cited as the “Safety Through In-
 25 formed Consumers Act of 2015”.

1 **SEC. 24322. PASSENGER MOTOR VEHICLE INFORMATION.**

2 *Section 32302 is amended by inserting after subsection*
 3 *(b) the following:*

4 *“(c) CRASH AVOIDANCE.—Not later than 1 year after*
 5 *the date of enactment of the Safety Through Informed Con-*
 6 *sumers Act of 2015, the Secretary shall promulgate a rule*
 7 *to ensure that crash avoidance information is indicated*
 8 *next to crashworthiness information on stickers placed on*
 9 *motor vehicles by their manufacturers.”.*

10 **PART III—TIRE EFFICIENCY, SAFETY, AND**
 11 **REGISTRATION ACT OF 2015**

12 **SEC. 24331. SHORT TITLE.**

13 *This part may be cited as the “Tire Efficiency, Safety,*
 14 *and Registration Act of 2015” or the “TESR Act”.*

15 **SEC. 24332. TIRE FUEL EFFICIENCY MINIMUM PERFORM-**
 16 **ANCE STANDARDS.**

17 *Section 32304A is amended—*

18 *(1) in the section heading, by inserting “**AND***
 19 ***STANDARDS**” after “**CONSUMER TIRE INFORMA-***
 20 ***TION**”;*

21 *(2) in subsection (a)—*

22 *(A) in the heading, by striking “**RULE-***
 23 ***MAKING**” and inserting “**CONSUMER TIRE IN-***
 24 ***FORMATION**”; and*

1 (B) in paragraph (1), by inserting “(re-
 2 ferred to in this section as the ‘Secretary’)” after
 3 “Secretary of Transportation”;

4 (3) by redesignating subsections (b) through (e)
 5 as subsections (e) through (h), respectively; and

6 (4) by inserting after subsection (a) the fol-
 7 lowing:

8 “(b) *PROMULGATION OF REGULATIONS FOR TIRE*
 9 *FUEL EFFICIENCY MINIMUM PERFORMANCE STANDARDS.—*

10 “(1) *IN GENERAL.—The Secretary, after con-*
 11 *sultation with the Secretary of Energy and the Ad-*
 12 *ministrator of the Environmental Protection Agency,*
 13 *shall promulgate regulations for tire fuel efficiency*
 14 *minimum performance standards for—*

15 “(A) *passenger car tires with a maximum*
 16 *speed capability equal to or less than 149 miles*
 17 *per hour or 240 kilometers per hour; and*

18 “(B) *passenger car tires with a maximum*
 19 *speed capability greater than 149 miles per hour*
 20 *or 240 kilometers per hour.*

21 “(2) *TIRE FUEL EFFICIENCY MINIMUM PERFORM-*
 22 *ANCE STANDARDS.—*

23 “(A) *STANDARD BASIS AND TEST PROCE-*
 24 *DURES.—The minimum performance standards*
 25 *promulgated under paragraph (1) shall be ex-*

1 *pressed in terms of the rolling resistance coeffi-*
 2 *cient measured using the test procedure specified*
 3 *in section 575.106 of title 49, Code of Federal*
 4 *Regulations (as in effect on the date of enact-*
 5 *ment of this Act).*

6 *“(B) NO DISPARATE EFFECT ON HIGH PER-*
 7 *FORMANCE TIRES.—The Secretary shall ensure*
 8 *that the minimum performance standards pro-*
 9 *mulgated under paragraph (1) will not have a*
 10 *disproportionate effect on passenger car high*
 11 *performance tires with a maximum speed capa-*
 12 *bility greater than 149 miles per hour or 240*
 13 *kilometers per hour.*

14 *“(C) APPLICABILITY.—*

15 *“(i) IN GENERAL.—This subsection ap-*
 16 *plies to new pneumatic tires for use on pas-*
 17 *senger cars.*

18 *“(ii) EXCEPTIONS.—This subsection*
 19 *does not apply to light truck tires, deep*
 20 *tread tires, winter-type snow tires, space-*
 21 *saver or temporary use spare tires, or tires*
 22 *with nominal rim diameters of 12 inches or*
 23 *less.*

24 *“(c) PROMULGATION OF REGULATIONS FOR TIRE WET*
 25 *TRACTION MINIMUM PERFORMANCE STANDARDS.—*

1 “(1) *IN GENERAL.*—*The Secretary shall promul-*
2 *gate regulations for tire wet traction minimum per-*
3 *formance standards to ensure that passenger tire wet*
4 *traction capability is not reduced to achieve improved*
5 *tire fuel efficiency.*

6 “(2) *TIRE WET TRACTION MINIMUM PERFORM-*
7 *ANCE STANDARDS.*—

8 “(A) *BASIS OF STANDARD.*—*The minimum*
9 *performance standards promulgated under para-*
10 *graph (1) shall be expressed in terms of peak co-*
11 *efficient of friction.*

12 “(B) *TEST PROCEDURES.*—*Any test proce-*
13 *dure promulgated under this subsection shall be*
14 *consistent with any test procedure promulgated*
15 *under subsection (a).*

16 “(C) *BENCHMARKING.*—*The Secretary shall*
17 *conduct testing to benchmark the wet traction*
18 *performance of tire models available for sale in*
19 *the United States as of the date of enactment of*
20 *this Act to ensure that the minimum perform-*
21 *ance standards promulgated under paragraph*
22 *(1) are tailored to—*

23 “(i) *tires sold in the United States;*
24 *and*

1 “(ii) *the needs of consumers in the*
2 *United States.*

3 “(D) *APPLICABILITY.*—

4 “(i) *IN GENERAL.*—*This subsection ap-*
5 *plies to new pneumatic tires for use on pas-*
6 *senger cars.*

7 “(ii) *EXCEPTIONS.*—*This subsection*
8 *does not apply to light truck tires, deep*
9 *tread tires, winter-type snow tires, space-*
10 *saver or temporary use spare tires, or tires*
11 *with nominal rim diameters of 12 inches or*
12 *less.*

13 “(d) *COORDINATION AMONG REGULATIONS.*—

14 “(1) *COMPATIBILITY.*—*The Secretary shall en-*
15 *sure that the test procedures and requirements pro-*
16 *mulgated under subsections (a), (b), and (c) are com-*
17 *patible and consistent.*

18 “(2) *COMBINED EFFECT OF RULES.*—*The Sec-*
19 *retary shall evaluate the regulations promulgated*
20 *under subsections (b) and (c) to ensure that compli-*
21 *ance with the minimum performance standards pro-*
22 *mulgated under subsection (b) will not diminish wet*
23 *traction performance of affected tires.*

24 “(3) *RULEMAKING DEADLINES.*—*The Secretary*
25 *shall promulgate—*

1 “(A) the regulations under subsections (b)
2 and (c) not later than 24 months after the date
3 of enactment of this Act; and

4 “(B) the regulations under subsection (c)
5 not later than the date of promulgation of the
6 regulations under subsection (b).”.

7 **SEC. 24333. TIRE REGISTRATION BY INDEPENDENT SELL-**
8 **ERS.**

9 Section 30117(b) is amended by striking paragraph
10 (3) and inserting the following:

11 “(3) RULEMAKING.—

12 “(A) IN GENERAL.—The Secretary shall ini-
13 tiate a rulemaking to require a distributor or
14 dealer of tires that is not owned or controlled by
15 a manufacturer of tires to maintain records of—

16 “(i) the name and address of tire pur-
17 chasers and lessors and information identi-
18 fying the tire that was purchased or leased;
19 and

20 “(ii) any additional records the Sec-
21 retary considers appropriate.

22 “(B) ELECTRONIC TRANSMISSION.—The
23 rulemaking carried out under subparagraph (A)
24 shall require a distributor or dealer of tires that
25 is not owned or controlled by a manufacturer of

1 *tires to electronically transmit the records de-*
 2 *scribed in clauses (i) and (ii) of subparagraph*
 3 *(A) to the manufacturer of the tires or the des-*
 4 *ignee of the manufacturer by secure means at no*
 5 *cost to tire purchasers or lessors.*

6 “(C) *SATISFACTION OF REQUIREMENTS.*—A
 7 *regulation promulgated under subparagraph (A)*
 8 *may be considered to satisfy the requirements of*
 9 *paragraph (2)(B).”.*

10 **SEC. 24334. TIRE RECALL DATABASE.**

11 *(a) IN GENERAL.*—*The Secretary shall establish a pub-*
 12 *licly available and searchable electronic database of tire re-*
 13 *call information that is reported to the Administrator of*
 14 *the National Highway Traffic Safety Administration.*

15 *(b) TIRE IDENTIFICATION NUMBER.*—*The database es-*
 16 *tablished under subsection (a) shall be searchable by Tire*
 17 *Identification Number (TIN) and any other criteria that*
 18 *assists consumers in determining whether a tire is subject*
 19 *to a recall.*

20 **PART IV—ALTERNATIVE FUEL VEHICLES**

21 **SEC. 24341. REGULATION PARITY FOR ELECTRIC AND NAT-**
 22 **URAL GAS VEHICLES.**

23 *(a) IN GENERAL.*—*In promulgating regulations, the*
 24 *Administrator of the Environmental Protection Adminis-*
 25 *tration shall ensure that any preference or incentive pro-*

1 *vided to an electric vehicle is also provided to a natural*
 2 *gas vehicle.*

3 *(b) REVISION OF EXISTING REGULATIONS.—Not later*
 4 *than 180 days after the date of enactment of this Act, the*
 5 *Administrator shall revise any regulations of the Adminis-*
 6 *trator in existence as of that date concerning electric vehi-*
 7 *cles as necessary to ensure that the regulations conform to*
 8 *subsection (a).*

9 ***Subtitle D—Additional Motor***
 10 ***Vehicle Provisions***

11 ***SEC. 24401. REQUIRED REPORTING OF NHTSA AGENDA.***

12 *Not later than December 1 of the year beginning after*
 13 *the date of enactment of this Act, and each year thereafter,*
 14 *the Administrator of the National Highway Traffic Safety*
 15 *Administration shall publish on the public website of the*
 16 *Administration, and file with the Committee on Energy*
 17 *and Commerce of the House of Representatives and the*
 18 *Committee on Commerce, Science, and Transportation of*
 19 *the Senate an annual plan for the following calendar year*
 20 *detailing the Administration’s projected activities, includ-*
 21 *ing—*

- 22 *(1) the Administrator’s policy priorities;*
 23 *(2) any rulemakings projected to be commenced;*
 24 *(3) any plans to develop guidelines;*

1 (4) *any plans to restructure the Administration*
 2 *or to establish or alter working groups;*

3 (5) *any planned projects or initiatives of the Ad-*
 4 *ministration, including the working groups and advi-*
 5 *sory committees of the Administration; and*

6 (6) *any projected dates or timetables associated*
 7 *with any of the items described in paragraphs (1)*
 8 *through (5).*

9 **SEC. 24402. APPLICATION OF REMEDIES FOR DEFECTS AND**
 10 **NONCOMPLIANCE.**

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

14 **SEC. 24403. RETENTION OF SAFETY RECORDS BY MANUFAC-**
 15 **TURERS.**

16 (a) *RULE.*—*Not later than 18 months after the date*
 17 *of enactment of this Act, the Secretary of Transportation*
 18 *shall issue a final rule pursuant to section 30117 of title*
 19 *49, United States Code, requiring each manufacturer of*
 20 *motor vehicles or motor vehicle equipment to retain all*
 21 *motor vehicle safety records required to be maintained by*
 22 *manufacturers under section 576.6 of title 49, Code of Fed-*
 23 *eral Regulations, for a period of not less than 10 calendar*
 24 *years from the date on which they were generated or ac-*
 25 *quired by the manufacturer.*

1 (b) *APPLICATION.*—*The rule required by subsection (a)*
 2 *shall apply with respect to any record described in such*
 3 *subsection that is in the possession of a manufacturer on*
 4 *the effective date of such rule.*

5 **SEC. 24404. NONAPPLICATION OF PROHIBITIONS RELATING**
 6 **TO NONCOMPLYING MOTOR VEHICLES TO VE-**
 7 **HICLES USED FOR TESTING OR EVALUATION.**

8 *Section 30112(b) of title 49, United States Code, is*
 9 *amended—*

10 (1) *in paragraph (8), by striking “; or” and in-*
 11 *serting a semicolon;*

12 (2) *in paragraph (9), by striking the period at*
 13 *the end and inserting “; or”; and*

14 (3) *by adding at the end the following new para-*
 15 *graph:*

16 “(10) *the introduction of a motor vehicle in*
 17 *interstate commerce solely for purposes of testing or*
 18 *evaluation by a manufacturer that prior to the date*
 19 *of enactment of this paragraph—*

20 “(A) *has manufactured and distributed*
 21 *motor vehicles into the United States that are*
 22 *certified to comply with all applicable Federal*
 23 *motor vehicle safety standards;*

24 “(B) *has submitted to the Secretary appro-*
 25 *priate manufacturer identification information*

1 under part 566 of title 49, Code of Federal Regu-
2 lations;

3 “(C) if applicable, has identified an agent
4 for service of process in accordance with part
5 551 of such title; and

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

9 **SEC. 24405. TREATMENT OF LOW-VOLUME MANUFACTUR-**
10 **ERS.**

11 (a) *EXEMPTION FROM VEHICLE SAFETY STANDARDS*
12 *FOR LOW-VOLUME MANUFACTURERS.*—Section 30114 of
13 title 49, United States Code, is amended—

14 (1) by striking “The” and inserting “(a) VEHI-
15 CLES USED FOR PARTICULAR PURPOSES.—The”; and

16 (2) by adding at the end the following new sub-
17 section:

18 “(b) *EXEMPTION FOR LOW-VOLUME MANUFACTUR-*
19 *ERS.*—

20 “(1) *IN GENERAL.*—The Secretary shall—

21 “(A) exempt from section 30112(a) of this
22 title not more than 500 replica motor vehicles
23 per year that are manufactured or imported by
24 a low-volume manufacturer; and

1 “(B) *except as provided in paragraph (4) of*
2 *this subsection, limit any such exemption to the*
3 *Federal Motor Vehicle Safety Standards applica-*
4 *ble to motor vehicles and not motor vehicle*
5 *equipment.*

6 “(2) *REGISTRATION REQUIREMENT.—To qualify*
7 *for an exemption under paragraph (1), a low-volume*
8 *manufacturer shall register with the Secretary at such*
9 *time, in such manner, and under such terms that the*
10 *Secretary determines appropriate. The Secretary shall*
11 *establish terms that ensure that no person may reg-*
12 *ister as a low-volume manufacturer if the person is*
13 *registered as an importer under section 30141 of this*
14 *title.*

15 “(3) *PERMANENT LABEL REQUIREMENT.—*

16 “(A) *IN GENERAL.—The Secretary shall re-*
17 *quire a low-volume manufacturer to affix a per-*
18 *manent label to a motor vehicle exempted under*
19 *paragraph (1) that identifies the specified stand-*
20 *ards and regulations for which such vehicle is ex-*
21 *empt from section 30112(a) and designates the*
22 *model year such vehicle replicates.*

23 “(B) *WRITTEN NOTICE.—The Secretary*
24 *may require a low-volume manufacturer of a*

1 *motor vehicle exempted under paragraph (1) to*
2 *deliver written notice of the exemption to—*

3 “(i) *the dealer; and*

4 “(ii) *the first purchaser of the motor*
5 *vehicle, if the first purchaser is not an indi-*
6 *vidual that purchases the motor vehicle for*
7 *resale.*

8 “(C) *REPORTING REQUIREMENT.—A low-*
9 *volume manufacturer shall annually submit a*
10 *report to the Secretary including the number*
11 *and description of the motor vehicles exempted*
12 *under paragraph (1) and a list of the exemptions*
13 *described on the label affixed under subpara-*
14 *graph (A).*

15 “(4) *EFFECT ON OTHER PROVISIONS.—Any*
16 *motor vehicle exempted under this subsection shall*
17 *also be exempted from sections 32304, 32502, and*
18 *32902 of this title and from section 3 of the Auto-*
19 *mobile Information Disclosure Act (15 U.S.C. 1232).*

20 “(5) *LIMITATION AND PUBLIC NOTICE.—The Sec-*
21 *retary shall have 60 days to review and approve a*
22 *registration submitted under paragraph (2). Any reg-*
23 *istration not approved or denied within 60 days after*
24 *submission shall be deemed approved. The Secretary*
25 *shall have the authority to revoke an existing registra-*

1 *tion based on a failure to comply with requirements*
2 *set forth in this subsection. The registrant shall be*
3 *provided a reasonable opportunity to correct all defi-*
4 *ciencies, if such are correctable based on the sole dis-*
5 *cretion of the Secretary. An exemption granted by the*
6 *Secretary to a low-volume manufacturer under this*
7 *subsection may not be transferred to any other per-*
8 *son, and shall expire at the end of the calendar year*
9 *for which it was granted with respect to any volume*
10 *authorized by the exemption that was not applied by*
11 *the low-volume manufacturer to vehicles built during*
12 *that calendar year. The Secretary shall maintain an*
13 *up-to-date list of registrants on an annual basis and*
14 *publish such list in the Federal Register or on a*
15 *website operated by the Secretary.*

16 *“(6) LIMITATION OF LIABILITY FOR ORIGINAL*
17 *MANUFACTURERS, LICENSORS OR OWNERS OF PROD-*
18 *UCT CONFIGURATION, TRADE DRESS, OR DESIGN PAT-*
19 *ENTS.—The original manufacturer, its successor or*
20 *assignee, or current owner, who grants a license or*
21 *otherwise transfers rights to a low-volume manufac-*
22 *turer shall incur no liability to any person or entity*
23 *under Federal or State statute, regulation, local ordi-*
24 *nance, or under any Federal or State common law for*

1 *such license or assignment to a low-volume manufac-*
2 *turer.*

3 “(7) *DEFINITIONS.—In this subsection:*

4 “(A) *LOW-VOLUME MANUFACTURER.—The*
5 *term ‘low-volume manufacturer’ means a motor*
6 *vehicle manufacturer, other than a person who is*
7 *registered as an importer under section 30141 of*
8 *this title, whose annual worldwide production is*
9 *not more than 5,000 motor vehicles.*

10 “(B) *REPLICA MOTOR VEHICLE.—The term*
11 *‘replica motor vehicle’ means a motor vehicle*
12 *produced by a low-volume manufacturer and*
13 *that—*

14 “(i) *is intended to resemble the body of*
15 *another motor vehicle that was manufac-*
16 *tured not less than 25 years before the man-*
17 *ufacture of the replica motor vehicle; and*

18 “(ii) *is manufactured under a license*
19 *for the product configuration, trade dress,*
20 *trademark, or patent, for the motor vehicle*
21 *that is intended to be replicated from the*
22 *original manufacturer, its successors or as-*
23 *signees, or current owner of such product*
24 *configuration, trade dress, trademark, or*
25 *patent rights.”.*

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

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

7 “(5)(A) *A motor vehicle engine (including all engine*
8 *emission controls) from a motor vehicle that has been grant-*
9 *ed a certificate of conformity by the Administrator for the*
10 *model year in which the motor vehicle is assembled, or a*
11 *motor vehicle engine that has been granted an Executive*
12 *order subject to regulations promulgated by the California*
13 *Air Resources Board for the model year in which the motor*
14 *vehicle is assembled, may be installed in an exempted spe-*
15 *cially produced motor vehicle, if—*

16 “(i) *the manufacturer of the engine supplies*
17 *written instructions explaining how to install the en-*
18 *gine and maintain functionality of the engine’s emis-*
19 *sion control system and the on-board diagnostic sys-*
20 *tem (commonly known as ‘OBD II’), except with re-*
21 *spect to evaporative emissions diagnostics;*

22 “(ii) *the manufacturer of the exempted specially*
23 *produced motor vehicle installs the engine in accord-*
24 *ance with such instructions; and*

1 “(iii) the installation instructions include emis-
2 sion control warranty information from the engine
3 manufacturer in compliance with section 207, includ-
4 ing where warranty repairs can be made, emission
5 control labels to be affixed to the vehicle, and the cer-
6 tificate of conformity number for the applicable vehi-
7 cle in which the engine was originally intended or the
8 applicable Executive order number for the engine.

9 “(B) A motor vehicle containing an engine compliant
10 with the requirements of subparagraph (A) shall be treated
11 as meeting the requirements of section 202 applicable to
12 new vehicles manufactured or imported in the model year
13 in which the exempted specially produced motor vehicle is
14 assembled.

15 “(C) Engine installations that are not performed in
16 accordance with installation instructions provided by the
17 manufacturer and alterations to the engine not in accord-
18 ance with the installation instructions shall—

19 “(i) be treated as prohibited acts by the installer
20 under section 203; and

21 “(ii) subject to civil penalties under the first and
22 third sentences of section 205(a), civil actions under
23 section 205(b), and administrative assessment of pen-
24 alties under section 205(c).

1 “(D) *The manufacturer of an exempted specially pro-*
2 *duced motor vehicle that has an engine compliant with the*
3 *requirements of subparagraph (A) shall provide to the pur-*
4 *chaser of such vehicle all information received by the manu-*
5 *facturer from the engine manufacturer, including informa-*
6 *tion regarding emissions warranties from the engine manu-*
7 *facturer and all emissions-related recalls by the engine*
8 *manufacturer.*

9 “(E) *To qualify to install an engine under this para-*
10 *graph, a manufacturer of exempted specially produced*
11 *motor vehicles shall register with the Administrator at such*
12 *time and in such manner as the Administrator determines*
13 *appropriate. The manufacturer shall submit an annual re-*
14 *port to the Administrator that includes—*

15 “(i) *a description of the exempted specially pro-*
16 *duced motor vehicles and engines installed in such ve-*
17 *hicles; and*

18 “(ii) *the certificate of conformity number issued*
19 *to the motor vehicle in which the engine was origi-*
20 *nally intended or the applicable Executive order num-*
21 *ber for the engine.*

22 “(F) *Exempted specially produced motor vehicles com-*
23 *pliant with this paragraph shall be exempted from—*

24 “(i) *motor vehicle certification testing under this*
25 *section; and*

1 “(ii) vehicle emission control inspection and
2 maintenance programs required under section 110.

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

9 (2) in section 216 by adding at the end the fol-
10 lowing new paragraph:

11 “(12) *EXEMPTED SPECIALLY PRODUCED MOTOR*
12 *VEHICLE.*—The term ‘exempted specially produced
13 motor vehicle’ means a replica motor vehicle that is
14 exempt from specified standards pursuant to section
15 30114(b) of title 49, United States Code.”.

16 (c) *IMPLEMENTATION.*—Not later than 12 months after
17 the date of enactment of this Act, the Secretary of Transpor-
18 tation and the Administrator of the Environmental Protec-
19 tion Agency shall issue such regulations as may be nec-
20 essary to implement the amendments made by subsections
21 (a) and (b), respectively.

22 **SEC. 24406. NO LIABILITY ON THE BASIS OF NHTSA MOTOR**
23 **VEHICLE SAFETY GUIDELINES.**

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

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

12 “(2) *No such guidelines shall confer any rights on any*
13 *person nor shall operate to bind the Secretary or any person*
14 *who is subject to such guidelines to the approach rec-*
15 *ommended in such guidelines. In any enforcement action*
16 *with respect to motor vehicle safety, the Secretary must*
17 *prove a violation of a provision of this subtitle, a motor*
18 *vehicle safety standard issued under this subtitle, or another*
19 *relevant statute or regulation. The Secretary may not build*
20 *a case against or negotiate a consent order with any person*
21 *based in whole or in part on practices of the person that*
22 *are alleged to be inconsistent with any such guidelines.*

23 “(3) *A defendant may use compliance with any such*
24 *guidelines as evidence of compliance with the provision of*
25 *this subtitle, motor vehicle safety standard issued under this*

1 *subtitle, or other statute or regulation under which such*
 2 *guidelines were developed.”.*

3 ***DIVISION C—FINANCE***

4 ***SEC. 30001. SHORT TITLE.***

5 *This division may be cited as the “Transportation*
 6 *Funding Act of 2015”.*

7 ***TITLE XXXI—HIGHWAY TRUST***

8 ***FUND AND RELATED TAXES***

9 ***Subtitle A—Extension of Trust*** 10 ***Fund Expenditure Authority and*** 11 ***Related Taxes***

12 ***SEC. 31101. EXTENSION OF TRUST FUND EXPENDITURE AU-*** 13 ***THORITY.***

14 *(a) HIGHWAY TRUST FUND.—Section 9503 of the In-*
 15 *ternal Revenue Code of 1986 is amended—*

16 *(1) by striking “November 21, 2015” in sub-*
 17 *sections (b)(6)(B), (c)(1), and (e)(3) and inserting*
 18 *“October 1, 2021”, and*

19 *(2) by striking “Surface Transportation Exten-*
 20 *sion Act of 2015” in subsections (c)(1) and (e)(3) and*
 21 *inserting “Surface Transportation Reauthorization*
 22 *and Reform Act of 2015”.*

23 *(b) SPORT FISH RESTORATION AND BOATING TRUST*
 24 *FUND.—Section 9504 of the Internal Revenue Code of 1986*
 25 *is amended—*

1 (1) *by striking “Surface Transportation Exten-*
 2 *sion Act of 2015” each place it appears in subsection*
 3 *(b)(2) and inserting “Surface Transportation Reau-*
 4 *thorization and Reform Act of 2015”, and*

5 (2) *by striking “November 21, 2015” in sub-*
 6 *section (d)(2) and inserting “October 1, 2021”.*

7 (c) *LEAKING UNDERGROUND STORAGE TANK TRUST*
 8 *FUND.—Section 9508(e)(2) of the Internal Revenue Code of*
 9 *1986 is amended by striking “November 21, 2015” and in-*
 10 *serting “October 1, 2021”.*

11 (d) *EFFECTIVE DATE.—The amendments made by this*
 12 *section shall take effect on November 21, 2015.*

13 **SEC. 31102. EXTENSION OF HIGHWAY-RELATED TAXES.**

14 (a) *IN GENERAL.—*

15 (1) *Each of the following provisions of the Inter-*
 16 *nal Revenue Code of 1986 is amended by striking*
 17 *“September 30, 2016” and inserting “September 30,*
 18 *2023”:*

19 (A) *Section 4041(a)(1)(C)(iii)(I).*

20 (B) *Section 4041(m)(1)(B).*

21 (C) *Section 4081(d)(1).*

22 (2) *Each of the following provisions of such Code*
 23 *is amended by striking “October 1, 2016” and insert-*
 24 *ing “October 1, 2023”:*

25 (A) *Section 4041(m)(1)(A).*

1 (B) *Section 4051(c).*

2 (C) *Section 4071(d).*

3 (D) *Section 4081(d)(3).*

4 (b) *EXTENSION OF TAX, ETC., ON USE OF CERTAIN*
 5 *HEAVY VEHICLES.—Each of the following provisions of the*
 6 *Internal Revenue Code of 1986 is amended by striking*
 7 *“2017” each place it appears and inserting “2024”:*

8 (1) *Section 4481(f).*

9 (2) *Subsections (c)(4) and (d) of section 4482.*

10 (c) *FLOOR STOCKS REFUNDS.—Section 6412(a)(1) of*
 11 *the Internal Revenue Code of 1986 is amended—*

12 (1) *by striking “October 1, 2016” each place it*
 13 *appears and inserting “October 1, 2023”;*

14 (2) *by striking “March 31, 2017” each place it*
 15 *appears and inserting “March 31, 2024”; and*

16 (3) *by striking “January 1, 2017” and inserting*
 17 *“January 1, 2024”.*

18 (d) *EXTENSION OF CERTAIN EXEMPTIONS.—*

19 (1) *Section 4221(a) of the Internal Revenue Code*
 20 *of 1986 is amended by striking “October 1, 2016” and*
 21 *inserting “October 1, 2023”.*

22 (2) *Section 4483(i) of such Code is amended by*
 23 *striking “October 1, 2017” and inserting “October 1,*
 24 *2024”.*

25 (e) *EXTENSION OF TRANSFERS OF CERTAIN TAXES.—*

1 (1) *IN GENERAL.*—Section 9503 of the Internal
2 *Revenue Code of 1986 is amended—*

3 *(A) in subsection (b)—*

4 *(i) by striking “October 1, 2016” each*
5 *place it appears in paragraphs (1) and (2)*
6 *and inserting “October 1, 2023”;*

7 *(ii) by striking “OCTOBER 1, 2016” in*
8 *the heading of paragraph (2) and inserting*
9 *“OCTOBER 1, 2023”;*

10 *(iii) by striking “September 30, 2016”*
11 *in paragraph (2) and inserting “September*
12 *30, 2023”; and*

13 *(iv) by striking “July 1, 2017” in*
14 *paragraph (2) and inserting “July 1,*
15 *2024”; and*

16 *(B) in subsection (c)(2), by striking “July*
17 *1, 2017” and inserting “July 1, 2024”.*

18 (2) *MOTORBOAT AND SMALL-ENGINE FUEL TAX*
19 *TRANSFERS.—*

20 *(A) IN GENERAL.*—Paragraphs (3)(A)(i)
21 *and (4)(A) of section 9503(c) of such Code are*
22 *each amended by striking “October 1, 2016” and*
23 *inserting “October 1, 2023”.*

24 *(B) CONFORMING AMENDMENTS TO LAND*
25 *AND WATER CONSERVATION FUND.—Section*

1 200310 of title 54, United States Code, is
2 amended—

3 (i) by striking “October 1, 2017” each
4 place it appears and inserting “October 1,
5 2024”; and

6 (ii) by striking “October 1, 2016” and
7 inserting “October 1, 2023”.

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

10 ***Subtitle B—Additional Transfers to***
11 ***Highway Trust Fund***

12 ***SEC. 31201. FURTHER ADDITIONAL TRANSFERS TO TRUST***
13 ***FUND.***

14 Subsection (f) of section 9503 of the Internal Revenue
15 Code of 1986 is amended by redesignating paragraph (8)
16 as paragraph (10) and inserting after paragraph (7) the
17 following new paragraphs:

18 “(8) *FURTHER TRANSFERS TO TRUST FUND.*—
19 Out of money in the Treasury not otherwise appro-
20 priated, there is hereby appropriated—

21 “(A) \$25,976,000,000 to the Highway Ac-
22 count (as defined in subsection (e)(5)(B)) in the
23 Highway Trust Fund; and

24 “(B) \$9,000,000,000 to the Mass Transit
25 Account in the Highway Trust Fund.

1 “(9) *ADDITIONAL INCREASE IN FUND BAL-*
 2 *ANCE.—There is hereby transferred to the Highway*
 3 *Account (as defined in subsection (e)(5)(B)) in the*
 4 *Highway Trust Fund amounts appropriated from the*
 5 *Leaking Underground Storage Tank Trust Fund*
 6 *under section 9508(c)(4).”.*

7 **SEC. 31202. TRANSFER TO HIGHWAY TRUST FUND OF CER-**
 8 **TAIN MOTOR VEHICLE SAFETY PENALTIES.**

9 *(a) IN GENERAL.—Paragraph (5) of section 9503(b)*
 10 *of the Internal Revenue Code of 1986 is amended—*

11 *(1) by striking “There are hereby” and inserting*
 12 *the following:*

13 *“(A) IN GENERAL.—There are hereby”, and*
 14 *(2) by adding at the end the following new para-*
 15 *graph:*

16 *“(B) PENALTIES RELATED TO MOTOR VEHI-*
 17 *CLE SAFETY.—*

18 *“(i) IN GENERAL.—There are hereby*
 19 *appropriated to the Highway Trust Fund*
 20 *amounts equivalent to covered motor vehicle*
 21 *safety penalty collections.*

22 *“(ii) COVERED MOTOR VEHICLE SAFE-*
 23 *TY PENALTY COLLECTIONS.—For purposes*
 24 *of this subparagraph, the term ‘covered*
 25 *motor vehicle safety penalty collections’*

1 *means any amount collected in connection*
 2 *with a civil penalty under section 30165 of*
 3 *title 49, United States Code, reduced by any*
 4 *award authorized by the Secretary of*
 5 *Transportation to be paid to any person in*
 6 *connection with information provided by*
 7 *such person related to a violation of chapter*
 8 *301 of such title which is a predicate to*
 9 *such civil penalty.”.*

10 (b) *EFFECTIVE DATE.*—*The amendments made by this*
 11 *section shall apply to amounts collected after the date of*
 12 *the enactment of this Act.*

13 **SEC. 31203. APPROPRIATION FROM LEAKING UNDER-**
 14 **GROUND STORAGE TANK TRUST FUND.**

15 (a) *IN GENERAL.*—*Subsection (c) of section 9508 of*
 16 *the Internal Revenue Code of 1986 is amended by adding*
 17 *at the end the following new paragraph:*

18 “(4) *ADDITIONAL TRANSFER TO HIGHWAY TRUST*
 19 *FUND.*—*Out of amounts in the Leaking Underground*
 20 *Storage Tank Trust Fund there is hereby appro-*
 21 *priated—*

22 “(A) *on the date of the enactment of the*
 23 *DRIVE Act, \$100,000,000,*

24 “(B) *on October 1, 2016, \$100,000,000, and*

25 “(C) *on October 1, 2017, \$100,000,000,*

1 to be transferred under section 9503(f)(9) to the High-
 2 way Account (as defined in section 9503(e)(5)(B)) in
 3 the Highway Trust Fund.”.

4 (b) *CONFORMING AMENDMENT.*—Section 9508(c)(1) of
 5 the Internal Revenue Code of 1986 is amended by striking
 6 “paragraphs (2) and (3)” and inserting “paragraphs (2),
 7 (3), and (4)”.

8 **TITLE XXXII—OFFSETS**

9 **Subtitle A—Tax Provisions**

10 **SEC. 32101. REVOCATION OR DENIAL OF PASSPORT IN CASE** 11 **OF CERTAIN UNPAID TAXES.**

12 (a) *IN GENERAL.*—Subchapter D of chapter 75 of the
 13 Internal Revenue Code of 1986 is amended by adding at
 14 the end the following new section:

15 **“SEC. 7345. REVOCATION OR DENIAL OF PASSPORT IN CASE** 16 **OF CERTAIN TAX DELINQUENCIES.**

17 “(a) *IN GENERAL.*—If the Secretary receives certifi-
 18 cation by the Commissioner of Internal Revenue that any
 19 individual has a seriously delinquent tax debt in an
 20 amount in excess of \$50,000, the Secretary shall transmit
 21 such certification to the Secretary of State for action with
 22 respect to denial, revocation, or limitation of a passport
 23 pursuant to section 52102(d) of the Transportation Fund-
 24 ing Act of 2015.

1 “(b) *SERIOUSLY DELINQUENT TAX DEBT.*—For pur-
 2 poses of this section, the term ‘seriously delinquent tax debt’
 3 means an outstanding debt under this title for which a no-
 4 tice of lien has been filed in public records pursuant to sec-
 5 tion 6323 or a notice of levy has been filed pursuant to
 6 section 6331, except that such term does not include—

7 “(1) a debt that is being paid in a timely man-
 8 ner pursuant to an agreement under section 6159 or
 9 7122, and

10 “(2) a debt with respect to which collection is
 11 suspended because a collection due process hearing
 12 under section 6330, or relief under subsection (b), (c),
 13 or (f) of section 6015, is requested or pending.

14 “(c) *ADJUSTMENT FOR INFLATION.*—In the case of a
 15 calendar year beginning after 2016, the dollar amount in
 16 subsection (a) shall be increased by an amount equal to—

17 “(1) such dollar amount, multiplied by

18 “(2) the cost-of-living adjustment determined
 19 under section 1(f)(3) for the calendar year, deter-
 20 mined by substituting ‘calendar year 2015’ for ‘cal-
 21 endar year 1992’ in subparagraph (B) thereof.

22 If any amount as adjusted under the preceding sentence is
 23 not a multiple of \$1,000, such amount shall be rounded to
 24 the next highest multiple of \$1,000.”.

1 (b) *CLERICAL AMENDMENT.*—*The table of sections for*
 2 *subchapter D of chapter 75 of the Internal Revenue Code*
 3 *of 1986 is amended by adding at the end the following new*
 4 *item:*

“Sec. 7345. *Revocation or denial of passport in case of certain tax delinquencies.*”.

5 (c) *AUTHORITY FOR INFORMATION SHARING.*—

6 (1) *IN GENERAL.*—*Subsection (l) of section 6103*
 7 *of the Internal Revenue Code of 1986 is amended by*
 8 *adding at the end the following new paragraph:*

9 “(23) *DISCLOSURE OF RETURN INFORMATION TO*
 10 *DEPARTMENT OF STATE FOR PURPOSES OF PASSPORT*
 11 *REVOCATION UNDER SECTION 7345.*—

12 “(A) *IN GENERAL.*—*The Secretary shall,*
 13 *upon receiving a certification described in sec-*
 14 *tion 7345, disclose to the Secretary of State re-*
 15 *turn information with respect to a taxpayer who*
 16 *has a seriously delinquent tax debt described in*
 17 *such section. Such return information shall be*
 18 *limited to—*

19 “(i) *the taxpayer identity information*
 20 *with respect to such taxpayer, and*

21 “(ii) *the amount of such seriously de-*
 22 *linquent tax debt.*

23 “(B) *RESTRICTION ON DISCLOSURE.*—*Re-*
 24 *turn information disclosed under subparagraph*

1 (A) may be used by officers and employees of the
 2 Department of State for the purposes of, and to
 3 the extent necessary in, carrying out the require-
 4 ments of section 52102(d) of the Transportation
 5 Funding Act of 2015.”.

6 (2) CONFORMING AMENDMENT.—Paragraph (4)
 7 of section 6103(p) of such Code is amended by strik-
 8 ing “or (22)” each place it appears in subparagraph
 9 (F)(ii) and in the matter preceding subparagraph (A)
 10 and inserting “(22), or (23)”.

11 (d) AUTHORITY TO DENY OR REVOKE PASSPORT.—

12 (1) DENIAL.—

13 (A) IN GENERAL.—Except as provided
 14 under subparagraph (B), upon receiving a cer-
 15 tification described in section 7345 of the Inter-
 16 nal Revenue Code of 1986 from the Secretary of
 17 the Treasury, the Secretary of State shall not
 18 issue a passport to any individual who has a se-
 19 riously delinquent tax debt described in such sec-
 20 tion.

21 (B) EMERGENCY AND HUMANITARIAN SITU-
 22 ATIONS.—Notwithstanding subparagraph (A),
 23 the Secretary of State may issue a passport, in
 24 emergency circumstances or for humanitarian

1 *reasons, to an individual described in such sub-*
2 *paragraph.*

3 (2) *REVOCATION.*—

4 (A) *IN GENERAL.*—*The Secretary of State*
5 *may revoke a passport previously issued to any*
6 *individual described in paragraph (1)(A).*

7 (B) *LIMITATION FOR RETURN TO UNITED*
8 *STATES.*—*If the Secretary of State decides to re-*
9 *voke a passport under subparagraph (A), the*
10 *Secretary of State, before revocation, may—*

11 (i) *limit a previously issued passport*
12 *only for return travel to the United States;*

13 *or*

14 (ii) *issue a limited passport that only*
15 *permits return travel to the United States.*

16 (3) *HOLD HARMLESS.*—*The Secretary of the*
17 *Treasury and the Secretary of State shall not be lia-*
18 *ble to an individual for any action with respect to a*
19 *certification by the Commissioner of Internal Revenue*
20 *under section 7345 of the Internal Revenue Code of*
21 *1986.*

22 (e) *REVOCATION OR DENIAL OF PASSPORT IN CASE OF*
23 *INDIVIDUAL WITHOUT SOCIAL SECURITY ACCOUNT NUM-*
24 *BER.*—

25 (1) *DENIAL.*—

1 (A) *IN GENERAL.*—*Except as provided*
2 *under subparagraph (B), upon receiving an ap-*
3 *plication for a passport from an individual that*
4 *either—*

5 (i) *does not include the social security*
6 *account number issued to that individual,*
7 *or*

8 (ii) *includes an incorrect or invalid so-*
9 *cial security number willfully, inten-*
10 *tionally, negligently, or recklessly provided*
11 *by such individual,*

12 *the Secretary of State is authorized to deny such*
13 *application and is authorized to not issue a*
14 *passport to the individual.*

15 (B) *EMERGENCY AND HUMANITARIAN SITU-*
16 *ATIONS.*—*Notwithstanding subparagraph (A),*
17 *the Secretary of State may issue a passport, in*
18 *emergency circumstances or for humanitarian*
19 *reasons, to an individual described in subpara-*
20 *graph (A).*

21 (2) *REVOCATION.*—

22 (A) *IN GENERAL.*—*The Secretary of State*
23 *may revoke a passport previously issued to any*
24 *individual described in paragraph (1)(A).*

1 (B) *LIMITATION FOR RETURN TO UNITED*
 2 *STATES.—If the Secretary of State decides to re-*
 3 *voke a passport under subparagraph (A), the*
 4 *Secretary of State, before revocation, may—*

5 (i) *limit a previously issued passport*
 6 *only for return travel to the United States;*
 7 *or*

8 (ii) *issue a limited passport that only*
 9 *permits return travel to the United States.*

10 (f) *EFFECTIVE DATE.—The provisions of, and amend-*
 11 *ments made by, this section shall take effect on January*
 12 *1, 2016.*

13 **SEC. 32102. REFORM OF RULES RELATING TO QUALIFIED**
 14 **TAX COLLECTION CONTRACTS.**

15 (a) *REQUIREMENT TO COLLECT CERTAIN INACTIVE*
 16 *TAX RECEIVABLES UNDER QUALIFIED TAX COLLECTION*
 17 *CONTRACTS.—Section 6306 of the Internal Revenue Code*
 18 *of 1986 is amended by redesignating subsections (c) through*
 19 *(f) as subsections (d) through (g), respectively, and by in-*
 20 *serting after subsection (b) the following new subsection:*

21 “(c) *COLLECTION OF INACTIVE TAX RECEIVABLES.—*

22 “(1) *IN GENERAL.—Notwithstanding any other*
 23 *provision of law, the Secretary shall enter into one or*
 24 *more qualified tax collection contracts for the collec-*
 25 *tion of all outstanding inactive tax receivables.*

1 “(2) *INACTIVE TAX RECEIVABLES.*—*For purposes*
 2 *of this section—*

3 “(A) *IN GENERAL.*—*The term ‘inactive tax*
 4 *receivable’ means any tax receivable if—*

5 “(i) *at any time after assessment, the*
 6 *Internal Revenue Service removes such re-*
 7 *ceivable from the active inventory for lack of*
 8 *resources or inability to locate the taxpayer,*

9 “(ii) *more than $\frac{1}{3}$ of the period of the*
 10 *applicable statute of limitation has lapsed*
 11 *and such receivable has not been assigned*
 12 *for collection to any employee of the Inter-*
 13 *nal Revenue Service, or*

14 “(iii) *in the case of a receivable which*
 15 *has been assigned for collection, more than*
 16 *365 days have passed without interaction*
 17 *with the taxpayer or a third party for pur-*
 18 *poses of furthering the collection of such re-*
 19 *ceivable.*

20 “(B) *TAX RECEIVABLE.*—*The term ‘tax re-*
 21 *ceivable’ means any outstanding assessment*
 22 *which the Internal Revenue Service includes in*
 23 *potentially collectible inventory.’.*

24 (b) *CERTAIN TAX RECEIVABLES NOT ELIGIBLE FOR*
 25 *COLLECTION UNDER QUALIFIED TAX COLLECTION CON-*

1 *TRACTS.—Section 6306 of the Internal Revenue Code of*
 2 *1986, as amended by subsection (a), is amended by redesignig-*
 3 *ating subsections (d) through (g) as subsections (e) through*
 4 *(h), respectively, and by inserting after subsection (c) the*
 5 *following new subsection:*

6 “(d) *CERTAIN TAX RECEIVABLES NOT ELIGIBLE FOR*
 7 *COLLECTION UNDER QUALIFIED TAX COLLECTIONS CON-*

8 *TRACTS.—A tax receivable shall not be eligible for collection*
 9 *pursuant to a qualified tax collection contract if such re-*
 10 *ceivable—*

11 “(1) *is subject to a pending or active offer-in-*
 12 *compromise or installment agreement,*

13 “(2) *is classified as an innocent spouse case,*

14 “(3) *involves a taxpayer identified by the Sec-*
 15 *retary as being—*

16 “(A) *deceased,*

17 “(B) *under the age of 18,*

18 “(C) *in a designated combat zone, or*

19 “(D) *a victim of tax-related identity theft,*

20 “(4) *is currently under examination, litigation,*
 21 *criminal investigation, or levy, or*

22 “(5) *is currently subject to a proper exercise of*
 23 *a right of appeal under this title.”.*

24 (c) *CONTRACTING PRIORITY.—Section 6306 of the In-*
 25 *ternal Revenue Code of 1986, as amended by the preceding*

1 *provisions of this section, is amended by redesignating sub-*
 2 *section (h) as subsection (i) and by inserting after sub-*
 3 *section (g) the following new subsection:*

4 “(h) *CONTRACTING PRIORITY.*—*In contracting for the*
 5 *services of any person under this section, the Secretary shall*
 6 *utilize private collection contractors and debt collection cen-*
 7 *ters on the schedule required under section 3711(g) of title*
 8 *31, United States Code, including the technology and com-*
 9 *munications infrastructure established therein, to the extent*
 10 *such private collection contractors and debt collection cen-*
 11 *ters are appropriate to carry out the purposes of this sec-*
 12 *tion.”.*

13 “(d) *DISCLOSURE OF RETURN INFORMATION.*—*Section*
 14 *6103(k) of the Internal Revenue Code of 1986 is amended*
 15 *by adding at the end the following new paragraph:*

16 “(11) *QUALIFIED TAX COLLECTION CONTRAC-*
 17 *TORS.*—*Persons providing services pursuant to a*
 18 *qualified tax collection contract under section 6306*
 19 *may, if speaking to a person who has identified him-*
 20 *self or herself as having the name of the taxpayer to*
 21 *which a tax receivable (within the meaning of such*
 22 *section) relates, identify themselves as contractors of*
 23 *the Internal Revenue Service and disclose the business*
 24 *name of the contractor, and the nature, subject, and*
 25 *reason for the contact. Disclosures under this para-*

1 *graph shall be made only in such situations and*
 2 *under such conditions as have been approved by the*
 3 *Secretary.”.*

4 *(e) TAXPAYERS AFFECTED BY FEDERALLY DECLARED*
 5 *DISASTERS.—Section 6306 of the Internal Revenue Code of*
 6 *1986, as amended by the preceding provisions of this sec-*
 7 *tion, is amended by redesignating subsection (i) as sub-*
 8 *section (j) and by inserting after subsection (h) the fol-*
 9 *lowing new subsection:*

10 *“(i) TAXPAYERS IN PRESIDENTIALLY DECLARED DIS-*
 11 *ASTER AREAS.—The Secretary may prescribe procedures*
 12 *under which a taxpayer determined to be affected by a Fed-*
 13 *erally declared disaster (as defined by section 165(i)(5))*
 14 *may request—*

15 *“(1) relief from immediate collection measures by*
 16 *contractors under this section, and*

17 *“(2) a return of the inactive tax receivable to the*
 18 *inventory of the Internal Revenue Service to be col-*
 19 *lected by an employee thereof.”.*

20 *(f) REPORT TO CONGRESS.—*

21 *(1) IN GENERAL.—Section 6306 of the Internal*
 22 *Revenue Code of 1986, as amended by the preceding*
 23 *provisions of this section, is amended by redesign-*
 24 *ating subsection (j) as subsection (k) and by insert-*
 25 *ing after subsection (i) the following new subsection:*

1 “(j) *REPORT TO CONGRESS.*—Not later than 90 days
2 *after the last day of each fiscal year (beginning with the*
3 *first such fiscal year ending after the date of the enactment*
4 *of this subsection), the Secretary shall submit to the Com-*
5 *mittee on Ways and Means of the House of Representatives*
6 *and the Committee on Finance of the Senate a report with*
7 *respect to qualified tax collection contracts under this sec-*
8 *tion which shall include—*

9 “(1) *annually, with respect to such fiscal year—*

10 “(A) *the total number and amount of tax*
11 *receivables provided to each contractor for collec-*
12 *tion under this section,*

13 “(B) *the total amounts collected (and*
14 *amounts of installment agreements entered into*
15 *under subsection (b)(1)(B)) with respect to each*
16 *contractor and the collection costs incurred (di-*
17 *rectly and indirectly) by the Internal Revenue*
18 *Service with respect to such amounts,*

19 “(C) *the impact of such contracts on the*
20 *total number and amount of unpaid assessments,*
21 *and on the number and amount of assessments*
22 *collected by Internal Revenue Service personnel*
23 *after initial contact by a contractor,*

1 “(D) the amount of fees retained by the Sec-
 2 retary under subsection (e) and a description of
 3 the use of such funds, and

4 “(E) a disclosure safeguard report in a
 5 form similar to that required under section
 6 6103(p)(5), and

7 “(2) biannually (beginning with the second re-
 8 port submitted under this subsection)—

9 “(A) an independent evaluation of con-
 10 tractor performance, and

11 “(B) a measurement plan that includes a
 12 comparison of the best practices used by the pri-
 13 vate collectors to the collection techniques used by
 14 the Internal Revenue Service and mechanisms to
 15 identify and capture information on successful
 16 collection techniques used by the contractors that
 17 could be adopted by the Internal Revenue Serv-
 18 ice.”.

19 (2) *REPEAL OF EXISTING REPORTING REQUIRE-*
 20 *MENTS WITH RESPECT TO QUALIFIED TAX COLLEC-*
 21 *TION CONTRACTS.*—Section 881 of the American Jobs
 22 Creation Act of 2004 is amended by striking sub-
 23 section (e).

24 (g) *EFFECTIVE DATES.*—

1 (1) *IN GENERAL.*—*The amendments made by*
 2 *subsections (a) and (b) shall apply to tax receivables*
 3 *identified by the Secretary after the date of the enact-*
 4 *ment of this Act.*

5 (2) *CONTRACTING PRIORITY.*—*The Secretary*
 6 *shall begin entering into contracts and agreements as*
 7 *described in the amendment made by subsection (c)*
 8 *within 3 months after the date of the enactment of*
 9 *this Act.*

10 (3) *DISCLOSURES.*—*The amendment made by*
 11 *subsection (d) shall apply to disclosures made after*
 12 *the date of the enactment of this Act.*

13 (4) *PROCEDURES; REPORT TO CONGRESS.*—*The*
 14 *amendments made by subsections (e) and (f) shall*
 15 *take effect on the date of the enactment of this Act.*

16 **SEC. 32103. SPECIAL COMPLIANCE PERSONNEL PROGRAM.**

17 (a) *IN GENERAL.*—*Subsection (e) of section 6306 of*
 18 *the Internal Revenue Code of 1986, as redesignated by sec-*
 19 *tion 52106, is amended by striking “for collection enforce-*
 20 *ment activities of the Internal Revenue Service” in para-*
 21 *graph (2) and inserting “to fund the special compliance*
 22 *personnel program account under section 6307”.*

23 (b) *SPECIAL COMPLIANCE PERSONNEL PROGRAM AC-*
 24 *COUNT.*—*Subchapter A of chapter 64 of the Internal Rev-*

1 *enue Code of 1986 is amended by adding at the end the*
2 *following new section:*

3 **“SEC. 6307. SPECIAL COMPLIANCE PERSONNEL PROGRAM**
4 **ACCOUNT.**

5 *“(a) ESTABLISHMENT OF A SPECIAL COMPLIANCE*
6 *PERSONNEL PROGRAM ACCOUNT.—The Secretary shall es-*
7 *tablish an account within the Department for carrying out*
8 *a program consisting of the hiring, training, and employ-*
9 *ment of special compliance personnel, and shall transfer to*
10 *such account from time to time amounts retained by the*
11 *Secretary under section 6306(e)(2).*

12 *“(b) RESTRICTIONS.—The program described in sub-*
13 *section (a) shall be subject to the following restrictions:*

14 *“(1) No funds shall be transferred to such ac-*
15 *count except as described in subsection (a).*

16 *“(2) No other funds from any other source shall*
17 *be expended for special compliance personnel em-*
18 *ployed under such program, and no funds from such*
19 *account shall be expended for the hiring of any per-*
20 *sonnel other than special compliance personnel.*

21 *“(3) Notwithstanding any other authority, the*
22 *Secretary is prohibited from spending funds out of*
23 *such account for any purpose other than for costs*
24 *under such program associated with the employment*
25 *of special compliance personnel and the retraining*

1 *and reassignment of current noncollections personnel*
2 *as special compliance personnel, and to reimburse the*
3 *Internal Revenue Service or other government agen-*
4 *cies for the cost of administering qualified tax collec-*
5 *tion contracts under section 6306.*

6 “(c) *REPORTING.*—*Not later than March of each year,*
7 *the Commissioner of Internal Revenue shall submit a report*
8 *to the Committees on Finance and Appropriations of the*
9 *Senate and the Committees on Ways and Means and Appro-*
10 *priations of the House of Representatives consisting of the*
11 *following:*

12 “(1) *For the preceding fiscal year, all funds re-*
13 *ceived in the account established under subsection (a),*
14 *administrative and program costs for the program de-*
15 *scribed in such subsection, the number of special com-*
16 *pliance personnel hired and employed under the pro-*
17 *gram, and the amount of revenue actually collected by*
18 *such personnel.*

19 “(2) *For the current fiscal year, all actual and*
20 *estimated funds received or to be received in the ac-*
21 *count, all actual and estimated administrative and*
22 *program costs, the number of all actual and estimated*
23 *special compliance personnel hired and employed*
24 *under the program, and the actual and estimated rev-*

1 *enue actually collected or to be collected by such per-*
 2 *sonnel.*

3 “(3) *For the following fiscal year, an estimate of*
 4 *all funds to be received in the account, all estimated*
 5 *administrative and program costs, the estimated*
 6 *number of special compliance personnel hired and*
 7 *employed under the program, and the estimated rev-*
 8 *enue to be collected by such personnel.*

9 “(d) *DEFINITIONS.—For purposes of this section—*

10 “(1) *SPECIAL COMPLIANCE PERSONNEL.—The*
 11 *term ‘special compliance personnel’ means individ-*
 12 *uals employed by the Internal Revenue Service as*
 13 *field function collection officers or in a similar posi-*
 14 *tion, or employed to collect taxes using the automated*
 15 *collection system or an equivalent replacement system.*

16 “(2) *PROGRAM COSTS.—The term ‘program*
 17 *costs’ means—*

18 “(A) *total salaries (including locality pay*
 19 *and bonuses), benefits, and employment taxes for*
 20 *special compliance personnel employed or*
 21 *trained under the program described in sub-*
 22 *section (a), and*

23 “(B) *direct overhead costs, salaries, benefits,*
 24 *and employment taxes relating to support staff,*
 25 *rental payments, office equipment and furniture,*

1 *travel, data processing services, vehicle costs,*
 2 *utilities, telecommunications, postage, printing*
 3 *and reproduction, supplies and materials, lands*
 4 *and structures, insurance claims, and indem-*
 5 *nities for special compliance personnel hired and*
 6 *employed under this section.*

7 *For purposes of subparagraph (B), the cost of man-*
 8 *agement and supervision of special compliance per-*
 9 *sonnel shall be taken into account as direct overhead*
 10 *costs to the extent such costs, when included in total*
 11 *program costs under this paragraph, do not represent*
 12 *more than 10 percent of such total costs.”.*

13 (c) *CLERICAL AMENDMENT.—The table of sections for*
 14 *subchapter A of chapter 64 of the Internal Revenue Code*
 15 *of 1986 is amended by inserting after the item relating to*
 16 *section 6306 the following new item:*

“Sec. 6307. Special compliance personnel program account.”.

17 (d) *EFFECTIVE DATE.—The amendment made by sub-*
 18 *section (a) shall apply to amounts collected and retained*
 19 *by the Secretary after the date of the enactment of this Act.*

20 ***Subtitle B—Fees and Receipts***

21 ***SEC. 32201. ADJUSTMENT FOR INFLATION OF FEES FOR*** 22 ***CERTAIN CUSTOMS SERVICES.***

23 (a) *IN GENERAL.—Section 13031 of the Consolidated*
 24 *Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.*
 25 *58c) is amended by adding at the end the following:*

1 “(l) *ADJUSTMENT OF FEES FOR INFLATION.*—

2 “(1) *IN GENERAL.*—*The Secretary of the Treas-*
 3 *ury shall adjust the fees established under subsection*
 4 *(a), and the limitations on such fees under para-*
 5 *graphs (2), (3), (5), (6), (8), and (9) of subsection (b),*
 6 *on October 1, 2015, and annually thereafter, to reflect*
 7 *the percentage (if any) of the increase in the average*
 8 *of the Consumer Price Index for the preceding 12-*
 9 *month period compared to the Consumer Price Index*
 10 *for fiscal year 2014.*

11 “(2) *SPECIAL RULES FOR CALCULATION OF AD-*
 12 *JUSTMENT.*—*In adjusting under paragraph (1) the*
 13 *amount of the fees established under subsection (a),*
 14 *and the limitations on such fees under paragraphs*
 15 *(2), (3), (5), (6), (8), and (9) of subsection (b), the*
 16 *Secretary—*

17 “(A) *shall round the amount of any in-*
 18 *crease in the Consumer Price Index to the near-*
 19 *est dollar; and*

20 “(B) *may ignore any such increase of less*
 21 *than 1 percent.*

22 “(3) *CONSUMER PRICE INDEX DEFINED.*—*For*
 23 *purposes of this subsection, the term ‘Consumer Price*
 24 *Index’ means the Consumer Price Index for All Urban*

1 *Consumers published by the Bureau of Labor Statis-*
 2 *tics of the Department of Labor.”.*

3 *(b) DEPOSITS INTO CUSTOMS USER FEE ACCOUNT.—*

4 *Section 13031(f) of the Consolidated Omnibus Budget Rec-*
 5 *onciliation Act of 1985 (19 U.S.C. 58c(f)) is amended—*

6 *(1) in paragraph (1), in the matter preceding*
 7 *subparagraph (A), by striking “all fees collected under*
 8 *subsection (a)” and inserting “the amount of fees col-*
 9 *lected under subsection (a) (determined without re-*
 10 *gard to any adjustment made under subsection (l))”;*
 11 *and*

12 *(2) in paragraph (3)(A), in the matter preceding*
 13 *clause (i)—*

14 *(A) by striking “fees collected” and insert-*
 15 *ing “amount of fees collected”; and*

16 *(B) by striking “), each appropriation” and*
 17 *inserting “, and determined without regard to*
 18 *any adjustment made under subsection (l)), each*
 19 *appropriation”.*

20 *(c) CONFORMING AMENDMENTS.—Section 13031 of the*
 21 *Consolidated Omnibus Budget Reconciliation Act of 1985*
 22 *(19 U.S.C. 58c), as amended by subsections (a) and (b),*
 23 *is further amended—*

1 (1) in subsection (a), in the matter preceding
 2 paragraph (1), by inserting “(subject to adjustment
 3 under subsection (l))” after “following fees”; and

4 (2) in subsection (b)—

5 (A) in paragraph (2), by inserting “(subject
 6 to adjustment under subsection (l))” after “in
 7 fees”;

8 (B) in paragraph (3), by inserting “(subject
 9 to adjustment under subsection (l))” after “in
 10 fees”;

11 (C) in paragraph (5)(A), by inserting
 12 “(subject to adjustment under subsection (l))”
 13 after “in fees”;

14 (D) in paragraph (6), by inserting “(subject
 15 to adjustment under subsection (l))” after “in
 16 fees”;

17 (E) in paragraph (8)(A)—

18 (i) in clause (i), by inserting “or (l)”
 19 after “subsection (a)(9)(B)”; and

20 (ii) in clause (ii), by inserting “(sub-
 21 ject to adjustment under subsection (l))”
 22 after “\$3”; and

23 (F) in paragraph (9)—

24 (i) in subparagraph (A)—

1 (I) in the matter preceding clause
 2 (i), by inserting “and subject to adjust-
 3 ment under subsection (l)” after “Tar-
 4 iff Act of 1930”; and

5 (II) in clause (ii)(I), by inserting
 6 “(subject to adjustment under sub-
 7 section (l))” after “bill of lading”; and
 8 (ii) in subparagraph (B)(i), by insert-
 9 ing “(subject to adjustment under subsection
 10 (l))” after “bill of lading”.

11 **SEC. 32202. ELIMINATION OF SURPLUS FUNDS OF FEDERAL**
 12 **RESERVE BANKS.**

13 (a) *ELIMINATION OF SURPLUS FUNDS.*—Section 7 of
 14 *the Federal Reserve Act (12 U.S.C. 289 et seq.)* is amend-
 15 *ed—*

16 (1) in subsection (a)—

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

19 (B) in paragraph (2), by striking “depos-
 20 ited in the surplus fund of the bank” and insert-
 21 ing “transferred to the Board of Governors of the
 22 Federal Reserve System for transfer to the Sec-
 23 retary of the Treasury for deposit in the general
 24 fund of the Treasury”; and

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

3 (b) *TRANSFER TO THE TREASURY.—The Federal re-*
 4 *serve banks shall transfer all of the funds of the surplus*
 5 *funds of such banks to the Board of Governors of the Federal*
 6 *Reserve System for transfer to the Secretary of the Treasury*
 7 *for deposit in the general fund of the Treasury.*

8 **SEC. 32203. STRATEGIC PETROLEUM RESERVE DRAWDOWN**
 9 **AND SALE.**

10 (a) *DRAWDOWN AND SALE.—*

11 (1) *IN GENERAL.—Notwithstanding section 161*
 12 *of the Energy Policy and Conservation Act (42 U.S.C.*
 13 *6241), except as provided in subsections (b) and (c),*
 14 *the Secretary of Energy shall drawdown and sell from*
 15 *the Strategic Petroleum Reserve—*

16 (A) *the quantity of barrels of crude oil that*
 17 *the Secretary of Energy determines to be appro-*
 18 *priate to maximize the financial return to*
 19 *United States taxpayers for each of fiscal years*
 20 *2016 and 2017;*

21 (B) *4,000,000 barrels of crude oil during*
 22 *fiscal year 2018;*

23 (C) *5,000,000 barrels of crude oil during*
 24 *fiscal year 2019;*

1 (D) 8,000,000 barrels of crude oil during
2 fiscal year 2020;

3 (E) 8,000,000 barrels of crude oil during
4 fiscal year 2021;

5 (F) 10,000,000 barrels of crude oil during
6 fiscal year 2022;

7 (G) 16,000,000 barrels of crude oil during
8 fiscal year 2023;

9 (H) 25,000,000 barrels of crude oil during
10 fiscal year 2024; and

11 (I) 25,000,000 barrels of crude oil during
12 fiscal year 2025.

13 (2) *DEPOSIT OF AMOUNTS RECEIVED FROM*
14 *SALE.*—Amounts received from a sale under para-
15 graph (1) shall be deposited in the general fund of the
16 Treasury during the fiscal year in which the sale oc-
17 curs.

18 (b) *EMERGENCY PROTECTION.*—In any 1 fiscal year
19 described in subsection (a)(1), the Secretary of Energy shall
20 not drawdown and sell crude oil under this section in quan-
21 tities that would result in a Strategic Petroleum Reserve
22 that contains an inventory of petroleum products rep-
23 resenting fewer than 90 days of emergency reserves, based
24 on the average daily level of net imports of crude oil and

1 *petroleum products in the calendar year preceding that fis-*
 2 *cal year.*

3 *(c) INCREASE; LIMITATION.—*

4 *(1) INCREASE.—The Secretary of Energy may*
 5 *increase the drawdown and sales under subpara-*
 6 *graphs (A) through (I) of subsection (a)(1) as the Sec-*
 7 *retary of Energy determines to be appropriate to*
 8 *maximize the financial return to United States tax-*
 9 *payers.*

10 *(2) LIMITATION.—The Secretary of Energy shall*
 11 *not drawdown or conduct sales of crude oil under this*
 12 *section after the date on which a total of*
 13 *\$9,050,000,000 has been deposited in the general fund*
 14 *of the Treasury from sales authorized under this sec-*
 15 *tion.*

16 ***Subtitle C—Outlays***

17 ***SEC. 32301. INTEREST ON OVERPAYMENT.***

18 *Section 111 of the Federal Oil and Gas Royalty Man-*
 19 *agement Act of 1982 (30 U.S.C. 1721) is amended—*

20 *(1) by striking subsections (h) and (i);*

21 *(2) by redesignating subsections (j) through (l)*
 22 *as subsections (h) through (j), respectively; and*

23 *(3) in subsection (h) (as so redesignated), by*
 24 *striking the fourth sentence.*

1 ***DIVISION D—MISCELLANEOUS***
2 ***TITLE XLI—FEDERAL***
3 ***PERMITTING IMPROVEMENT***

4 ***SEC. 41001. DEFINITIONS.***

5 *In this title:*

6 (1) *AGENCY.*—*The term “agency” has the mean-*
7 *ing given the term in section 551 of title 5, United*
8 *States Code.*

9 (2) *AGENCY CERPO.*—*The term “agency*
10 *CERPO” means the chief environmental review and*
11 *permitting officer of an agency, as designated by the*
12 *head of the agency under section*
13 *41002(b)(2)(A)(iii)(I).*

14 (3) *AUTHORIZATION.*—*The term “authorization”*
15 *means any license, permit, approval, finding, deter-*
16 *mination, or other administrative decision issued by*
17 *an agency that is required or authorized under Fed-*
18 *eral law in order to site, construct, reconstruct, or*
19 *commence operations of a covered project, whether ad-*
20 *ministered by a Federal or State agency.*

21 (4) *COOPERATING AGENCY.*—*The term “cooper-*
22 *ating agency” means any agency with—*

23 (A) *jurisdiction under Federal law; or*

24 (B) *special expertise as described in section*
25 *1501.6 of title 40, Code of Federal Regulations*

1 *(as in effect on the date of enactment of this*
2 *Act).*

3 (5) COUNCIL.—*The term “Council” means the*
4 *Federal Infrastructure Permitting Improvement*
5 *Steering Council established under section 41002(a).*

6 (6) COVERED PROJECT.—

7 (A) IN GENERAL.—*The term “covered*
8 *project” means any activity in the United States*
9 *that requires authorization or environmental re-*
10 *view by a Federal agency involving construction*
11 *of infrastructure for renewable or conventional*
12 *energy production, electricity transmission, sur-*
13 *face transportation, aviation, ports and water-*
14 *ways, water resource projects, broadband, pipe-*
15 *lines, manufacturing, or any other sector as de-*
16 *termined by a majority vote of the Council*
17 *that—*

18 (i)(I) *is subject to NEPA;*

19 (II) *is likely to require a total invest-*
20 *ment of more than \$200,000,000; and*

21 (III) *does not qualify for abbreviated*
22 *authorization or environmental review proc-*
23 *esses under any applicable law; or*

24 (ii) *is subject to NEPA and the size*
25 *and complexity of which, in the opinion of*

the Council, make the project likely to benefit from enhanced oversight and coordination, including a project likely to require—

(I) authorization from or environmental review involving more than 2 Federal agencies; or

(II) the preparation of an environmental impact statement under NEPA.

(B) *EXCLUSION.*—The term “covered project” does not include—

(i) any project subject to section 139 of title 23, United States Code; or

(ii) any project subject to section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348).

(7) *DASHBOARD.*—The term “Dashboard” means the Permitting Dashboard required under section 41003(b).

(8) *ENVIRONMENTAL ASSESSMENT.*—The term “environmental assessment” means a concise public document for which a Federal agency is responsible under section 1508.9 of title 40, Code of Federal Regulations (or successor regulations).

(9) *ENVIRONMENTAL DOCUMENT.*—

1 (A) *IN GENERAL.*—*The term “environ-*
2 *mental document” means an environmental as-*
3 *essment, finding of no significant impact, notice*
4 *of intent, environmental impact statement, or*
5 *record of decision.*

6 (B) *INCLUSIONS.*—*The term “environmental*
7 *document” includes—*

8 (i) *any document that is a supplement*
9 *to a document described in subparagraph*
10 *(A); and*

11 (ii) *a document prepared pursuant to*
12 *a court order.*

13 (10) *ENVIRONMENTAL IMPACT STATEMENT.*—*The*
14 *term “environmental impact statement” means the*
15 *detailed written statement required under section*
16 *102(2)(C) of NEPA.*

17 (11) *ENVIRONMENTAL REVIEW.*—*The term “envi-*
18 *ronmental review” means the agency procedures and*
19 *processes for applying a categorical exclusion or for*
20 *preparing an environmental assessment, an environ-*
21 *mental impact statement, or other document required*
22 *under NEPA.*

23 (12) *EXECUTIVE DIRECTOR.*—*The term “Execu-*
24 *tive Director” means the Executive Director ap-*

1 pointed by the President under section
2 41002(b)(1)(A).

3 (13) *FACILITATING AGENCY*.—The term “facili-
4 tating agency” means the agency that receives the ini-
5 tial notification from the project sponsor required
6 under section 41003(a).

7 (14) *INVENTORY*.—The term “inventory” means
8 the inventory of covered projects established by the
9 Executive Director under section 41002(c)(1)(A).

10 (15) *LEAD AGENCY*.—The term “lead agency”
11 means the agency with principal responsibility for an
12 environmental review of a covered project under
13 NEPA and parts 1500 through 1508 of title 40, Code
14 of Federal Regulations (or successor regulations).

15 (16) *NEPA*.—The term “NEPA” means the Na-
16 tional Environmental Policy Act of 1969 (42 U.S.C.
17 4321 *et seq.*).

18 (17) *PARTICIPATING AGENCY*.—The term “par-
19 ticipating agency” means an agency participating in
20 an environmental review or authorization for a cov-
21 ered project in accordance with section 41003.

22 (18) *PROJECT SPONSOR*.—The term “project
23 sponsor” means an entity, including any private,
24 public, or public-private entity, seeking an authoriza-
25 tion for a covered project.

1 **SEC. 41002. FEDERAL PERMITTING IMPROVEMENT COUN-**
2 **CIL.**

3 (a) *ESTABLISHMENT.*—*There is established the Federal*
4 *Permitting Improvement Steering Council.*

5 (b) *COMPOSITION.*—

6 (1) *CHAIR.*—*The Executive Director shall—*

7 (A) *be appointed by the President; and*

8 (B) *serve as Chair of the Council.*

9 (2) *COUNCIL MEMBERS.*—

10 (A) *IN GENERAL.*—

11 (i) *DESIGNATION BY HEAD OF AGEN-*
12 *CY.*—*Each individual listed in subpara-*
13 *graph (B) shall designate a member of the*
14 *agency in which the individual serves to*
15 *serve on the Council.*

16 (ii) *QUALIFICATIONS.*—*A councilmem-*
17 *ber described in clause (i) shall hold a posi-*
18 *tion in the agency of deputy secretary (or*
19 *the equivalent) or higher.*

20 (iii) *SUPPORT.*—

21 (I) *IN GENERAL.*—*Consistent with*
22 *guidance provided by the Director of*
23 *the Office of Management and Budget,*
24 *each individual listed in subparagraph*
25 *(B) shall designate 1 or more appro-*
26 *priate members of the agency in which*

1 *the individual serves to serve as an*
2 *agency CERPO.*

3 (II) *REPORTING.—In carrying*
4 *out the duties of the agency CERPO*
5 *under this title, an agency CERPO*
6 *shall report directly to a deputy sec-*
7 *retary (or the equivalent) or higher.*

8 (B) *HEADS OF AGENCIES.—The individuals*
9 *that shall each designate a councilmember under*
10 *this subparagraph are as follows:*

11 (i) *The Secretary of Agriculture.*

12 (ii) *The Secretary of the Army.*

13 (iii) *The Secretary of Commerce.*

14 (iv) *The Secretary of the Interior.*

15 (v) *The Secretary of Energy.*

16 (vi) *The Secretary of Transportation.*

17 (vii) *The Secretary of Defense.*

18 (viii) *The Chairman of the Federal*
19 *Energy Regulatory Commission.*

20 (ix) *The Chairman of the Nuclear Reg-*
21 *ulatory Commission.*

22 (x) *The Secretary of Homeland Secu-*
23 *rity.*

24 (xi) *The Secretary of Housing and*
25 *Urban Development.*

1 (xii) *The Chairman of the Advisory*
 2 *Council on Historic Preservation.*

3 (xiii) *Any other head of a Federal*
 4 *agency that the Executive Director may in-*
 5 *vite to participate as a member of the*
 6 *Council.*

7 (3) *ADDITIONAL MEMBERS.—In addition to the*
 8 *members listed in paragraphs (1) and (2), the Chair-*
 9 *man of the Council on Environmental Quality and*
 10 *the Director of the Office of Management and Budget*
 11 *shall also be members of the Council.*

12 (c) *DUTIES.—*

13 (1) *EXECUTIVE DIRECTOR.—*

14 (A) *INVENTORY DEVELOPMENT.—The Exec-*
 15 *utive Director, in consultation with the Council,*
 16 *shall—*

17 (i) *not later than 180 days after the*
 18 *date of enactment of this Act, establish an*
 19 *inventory of covered projects that are pend-*
 20 *ing the environmental review or authoriza-*
 21 *tion of the head of any Federal agency;*

22 (ii) *(I) categorize the projects in the in-*
 23 *ventory as appropriate, based on sector and*
 24 *project type; and*

1 (ii) for each category, identify the
2 types of environmental reviews and author-
3 izations most commonly involved; and

4 (iii) add a covered project to the inven-
5 tory after receiving a notice described in
6 section 41003(a)(1).

7 (B) *FACILITATING AGENCY DESIGNATION.*—
8 The Executive Director, in consultation with the
9 Council, shall—

10 (i) designate a facilitating agency for
11 each category of covered projects described
12 in subparagraph (A)(ii); and

13 (ii) publish the list of designated facili-
14 tating agencies for each category of projects
15 in the inventory on the Dashboard in an
16 easily accessible format.

17 (C) *PERFORMANCE SCHEDULES.*—

18 (i) *IN GENERAL.*—Not later than 1
19 year after the date of enactment of this Act,
20 the Executive Director, in consultation with
21 the Council, shall develop recommended per-
22 formance schedules, including intermediate
23 and final completion dates, for environ-
24 mental reviews and authorizations most
25 commonly required for each category of cov-

1 *ered projects described in subparagraph*
2 *(A)(ii).*

3 *(ii) REQUIREMENTS.—*

4 *(I) IN GENERAL.—The perform-*
5 *ance schedules shall reflect employment*
6 *of the use of the most efficient applica-*
7 *ble processes.*

8 *(II) LIMIT.—*

9 *(aa) IN GENERAL.—The final*
10 *completion dates in any perform-*
11 *ance schedule for the completion of*
12 *an environmental review or au-*
13 *thorization under clause (i) shall*
14 *not exceed the average time to*
15 *complete an environmental review*
16 *or authorization for a project*
17 *within that category.*

18 *(bb) CALCULATION OF AVER-*
19 *AGE TIME.—The average time re-*
20 *ferred to in item (aa) shall be cal-*
21 *culated on the basis of data from*
22 *the preceding 2 calendar years*
23 *and shall run from the period be-*
24 *ginning on the date on which the*
25 *Executive Director must make a*

1 specific entry for the project on
2 the Dashboard under section
3 41003(b)(2) (except that, for
4 projects initiated before that duty
5 takes effect, the period beginning
6 on the date of filing of a com-
7 pleted application), and ending
8 on the date of the issuance of a
9 record of decision or other final
10 agency action on the review or
11 authorization.

12 (cc) COMPLETION DATE.—

13 Each performance schedule shall
14 specify that any decision by an
15 agency on an environmental re-
16 view or authorization must be
17 issued not later than 180 days
18 after the date on which all infor-
19 mation needed to complete the re-
20 view or authorization (including
21 any hearing that an agency holds
22 on the matter) is in the possession
23 of the agency.

24 (iii) REVIEW AND REVISION.—Not
25 later than 2 years after the date on which

1 the performance schedules are established
2 under this subparagraph, and not less fre-
3 quently than once every 2 years thereafter,
4 the Executive Director, in consultation with
5 the Council, shall review and revise the per-
6 formance schedules.

7 (D) GUIDANCE.—The Executive Director, in
8 consultation with the Council, may recommend
9 to the Director of the Office of Management and
10 Budget or to the Council on Environmental
11 Quality, as appropriate, that guidance be issued
12 as necessary for agencies—

13 (i) to carry out responsibilities under
14 this title; and

15 (ii) to effectuate the adoption by agen-
16 cies of the best practices and recommenda-
17 tions of the Council described in paragraph
18 (2).

19 (2) COUNCIL.—

20 (A) RECOMMENDATIONS.—

21 (i) IN GENERAL.—The Council shall
22 make recommendations to the Executive Di-
23 rector with respect to the designations under
24 paragraph (1)(B) and the performance
25 schedules under paragraph (1)(C).

1 (ii) *UPDATE.*—*The Council may up-*
2 *date the recommendations described in*
3 *clause (i).*

4 (B) *BEST PRACTICES.*—*Not later than 1*
5 *year after the date of enactment of this Act, and*
6 *not less frequently than annually thereafter, the*
7 *Council shall issue recommendations on the best*
8 *practices for—*

9 (i) *enhancing early stakeholder engage-*
10 *ment, including fully considering and, as*
11 *appropriate, incorporating recommenda-*
12 *tions provided in public comments on any*
13 *proposed covered project;*

14 (ii) *ensuring timely decisions regard-*
15 *ing environmental reviews and authoriza-*
16 *tions, including through the development of*
17 *performance metrics;*

18 (iii) *improving coordination between*
19 *Federal and non-Federal governmental enti-*
20 *ties, including through the development of*
21 *common data standards and terminology*
22 *across agencies;*

23 (iv) *increasing transparency;*

24 (v) *reducing information collection re-*
25 *quirements and other administrative bur-*

1 *dens on agencies, project sponsors, and other*
2 *interested parties;*

3 *(vi) developing and making available*
4 *to applicants appropriate geographic infor-*
5 *mation systems and other tools;*

6 *(vii) creating and distributing train-*
7 *ing materials useful to Federal, State, trib-*
8 *al, and local permitting officials; and*

9 *(viii) addressing other aspects of infra-*
10 *structure permitting, as determined by the*
11 *Council.*

12 (3) *AGENCY CERPOS.—An agency CERPO*
13 *shall—*

14 (A) *advise the respective agency*
15 *councilmember on matters related to environ-*
16 *mental reviews and authorizations;*

17 (B) *provide technical support, when re-*
18 *quested to facilitate efficient and timely processes*
19 *for environmental reviews and authorizations for*
20 *covered projects under the jurisdictional respon-*
21 *sibility of the agency, including supporting time-*
22 *ly identification and resolution of potential dis-*
23 *putes within the agency or between the agency*
24 *and other Federal agencies;*

1 (C) analyze agency environmental review
2 and authorization processes, policies, and au-
3 thorities and make recommendations to the re-
4 spective agency councilmember for ways to
5 standardize, simplify, and improve the efficiency
6 of the processes, policies, and authorities, includ-
7 ing by implementing guidance issued under
8 paragraph (1)(D) and other best practices, in-
9 cluding the use of information technology and
10 geographic information system tools within the
11 agency and across agencies, to the extent con-
12 sistent with existing law; and

13 (D) review and develop training programs
14 for agency staff that support and conduct envi-
15 ronmental reviews or authorizations.

16 (d) ADMINISTRATIVE SUPPORT.—The Director of the
17 Office of Management and Budget shall designate a Federal
18 agency, other than an agency that carries out or provides
19 support for projects that are not covered projects, to provide
20 administrative support for the Executive Director, and the
21 designated agency shall, as reasonably necessary, provide
22 support and staff to enable the Executive Director to fulfill
23 the duties of the Executive Director under this title.

1 **SEC. 41003. PERMITTING PROCESS IMPROVEMENT.**

2 (a) *PROJECT INITIATION AND DESIGNATION OF PAR-*
3 *TICIPATING AGENCIES.—*

4 (1) *NOTICE.—*

5 (A) *IN GENERAL.—A project sponsor of a*
6 *covered project shall submit to the Executive Di-*
7 *rector and the facilitating agency notice of the*
8 *initiation of a proposed covered project.*

9 (B) *DEFAULT DESIGNATION.—If, at the*
10 *time of submission of the notice under subpara-*
11 *graph (A), the Executive Director has not des-*
12 *ignated a facilitating agency under section*
13 *41002(c)(1)(B) for the categories of projects no-*
14 *ticed, the agency that receives the notice under*
15 *subparagraph (A) shall be designated as the fa-*
16 *cilitating agency.*

17 (C) *CONTENTS.—Each notice described in*
18 *subparagraph (A) shall include—*

19 (i) *a statement of the purposes and ob-*
20 *jectives of the proposed project;*

21 (ii) *a concise description, including the*
22 *general location of the proposed project and*
23 *a summary of geospatial information, if*
24 *available, illustrating the project area and*
25 *the locations, if any, of environmental, cul-*
26 *tural, and historic resources;*

1 (iii) a statement regarding the tech-
 2 nical and financial ability of the project
 3 sponsor to construct the proposed project;

4 (iv) a statement of any Federal financ-
 5 ing, environmental reviews, and authoriza-
 6 tions anticipated to be required to complete
 7 the proposed project; and

8 (v) an assessment that the proposed
 9 project meets the definition of a covered
 10 project under section 41001 and a statement
 11 of reasons supporting the assessment.

12 (2) INVITATION.—

13 (A) IN GENERAL.—Not later than 45 days
 14 after the date on which the Executive Director
 15 must make a specific entry for the project on the
 16 Dashboard under subsection (b)(2)(A), the facili-
 17 tating agency or lead agency, as applicable,
 18 shall—

19 (i) identify all Federal and non-Fed-
 20 eral agencies and governmental entities like-
 21 ly to have financing, environmental review,
 22 authorization, or other responsibilities with
 23 respect to the proposed project; and

24 (ii) invite all Federal agencies identi-
 25 fied under clause (i) to become a partici-

1 *pating agency or a cooperating agency, as*
2 *appropriate, in the environmental review*
3 *and authorization management process de-*
4 *scribed in section 41005.*

5 *(B) DEADLINES.—Each invitation made*
6 *under subparagraph (A) shall include a deadline*
7 *for a response to be submitted to the facilitating*
8 *or lead agency, as applicable.*

9 *(3) PARTICIPATING AND COOPERATING AGEN-*
10 *CIES.—*

11 *(A) IN GENERAL.—An agency invited under*
12 *paragraph (2) shall be designated as a partici-*
13 *pating or cooperating agency for a covered*
14 *project, unless the agency informs the facilitating*
15 *or lead agency, as applicable, in writing before*
16 *the deadline under paragraph (2)(B) that the*
17 *agency—*

18 *(i) has no jurisdiction or authority*
19 *with respect to the proposed project; or*

20 *(ii) does not intend to exercise author-*
21 *ity related to, or submit comments on, the*
22 *proposed project.*

23 *(B) CHANGED CIRCUMSTANCES.—On re-*
24 *quest and a showing of changed circumstances,*
25 *the Executive Director may designate an agency*

1 *that has opted out under subparagraph (A)(ii) to*
 2 *be a participating or cooperating agency, as ap-*
 3 *propriate.*

4 (4) *EFFECT OF DESIGNATION.*—*The designation*
 5 *described in paragraph (3) shall not—*

6 (A) *give the participating agency authority*
 7 *or jurisdiction over the covered project; or*

8 (B) *expand any jurisdiction or authority a*
 9 *cooperating agency may have over the proposed*
 10 *project.*

11 (5) *LEAD AGENCY DESIGNATION.*—

12 (A) *IN GENERAL.*—*On establishment of the*
 13 *lead agency, the lead agency shall assume the re-*
 14 *sponsibilities of the facilitating agency under*
 15 *this title.*

16 (B) *REDESIGNATION OF FACILITATING*
 17 *AGENCY.*—*If the lead agency assumes the respon-*
 18 *sibilities of the facilitating agency under sub-*
 19 *paragraph (A), the facilitating agency may be*
 20 *designated as a cooperative or participating*
 21 *agency.*

22 (6) *CHANGE OF FACILITATING OR LEAD AGEN-*
 23 *CY.*—

24 (A) *IN GENERAL.*—*On the request of a par-*
 25 *ticipating agency or project sponsor, the Execu-*

1 *tive Director may designate a different agency as*
 2 *the facilitating or lead agency, as applicable, for*
 3 *a covered project, if the facilitating or lead agen-*
 4 *cy or the Executive Director receives new infor-*
 5 *mation regarding the scope or nature of a cov-*
 6 *ered project that indicates that the project should*
 7 *be placed in a different category under section*
 8 *41002(c)(1)(B).*

9 *(B) RESOLUTION OF DISPUTE.—The Execu-*
 10 *tive Director shall resolve any dispute over des-*
 11 *ignation of a facilitating or lead agency for a*
 12 *particular covered project.*

13 *(b) PERMITTING DASHBOARD.—*

14 *(1) REQUIREMENT TO MAINTAIN.—*

15 *(A) IN GENERAL.—The Executive Director,*
 16 *in coordination with the Administrator of Gen-*
 17 *eral Services, shall maintain an online database*
 18 *to be known as the “Permitting Dashboard” to*
 19 *track the status of Federal environmental reviews*
 20 *and authorizations for any covered project in the*
 21 *inventory described in section 41002(c)(1)(A).*

22 *(B) SPECIFIC AND SEARCHABLE ENTRY.—*
 23 *The Dashboard shall include a specific and*
 24 *searchable entry for each covered project.*

25 *(2) ADDITIONS.—*

1 (A) *IN GENERAL.*—

2 (i) *EXISTING PROJECTS.*—Not later
3 than 14 days after the date on which the
4 Executive Director adds a project to the in-
5 ventory under section 41002(c)(1)(A), the
6 Executive Director shall create a specific
7 entry on the Dashboard for the covered
8 project.

9 (ii) *NEW PROJECTS.*—Not later than
10 14 days after the date on which the Execu-
11 tive Director receives a notice under sub-
12 section (a)(1), the Executive Director shall
13 create a specific entry on the Dashboard for
14 the covered project, unless the Executive Di-
15 rector, facilitating agency, or lead agency,
16 as applicable, determines that the project is
17 not a covered project.

18 (B) *EXPLANATION.*—If the facilitating
19 agency or lead agency, as applicable, determines
20 that the project is not a covered project, the
21 project sponsor may submit a further expla-
22 nation as to why the project is a covered project
23 not later than 14 days after the date of the deter-
24 mination under subparagraph (A).

1 (C) *FINAL DETERMINATION.*—Not later than
2 14 days after receiving an explanation described
3 in subparagraph (B), the Executive Director
4 shall—

5 (i) make a final and conclusive deter-
6 mination as to whether the project is a cov-
7 ered project; and

8 (ii) if the Executive Director deter-
9 mines that the project is a covered project,
10 create a specific entry on the Dashboard for
11 the covered project.

12 (3) *POSTINGS BY AGENCIES.*—

13 (A) *IN GENERAL.*—For each covered project
14 added to the Dashboard under paragraph (2),
15 the facilitating or lead agency, as applicable,
16 and each cooperating and participating agency
17 shall post to the Dashboard—

18 (i) a hyperlink that directs to a website
19 that contains, to the extent consistent with
20 applicable law—

21 (I) the notification submitted
22 under subsection (a)(1);

23 (II)(aa) where practicable, the ap-
24 plication and supporting documents, if
25 applicable, that have been submitted by

1 a project sponsor for any required en-
2 vironmental review or authorization;
3 or

4 (bb) a notice explaining how the
5 public may obtain access to such docu-
6 ments;

7 (III) a description of any Federal
8 agency action taken or decision made
9 that materially affects the status of a
10 covered project;

11 (IV) any significant document
12 that supports the action or decision de-
13 scribed in subclause (III); and

14 (V) a description of the status of
15 any litigation to which the agency is a
16 party that is directly related to the
17 project, including, if practicable, any
18 judicial document made available on
19 an electronic docket maintained by a
20 Federal, State, or local court; and

21 (ii) any document described in clause
22 (i) that is not available by hyperlink on an-
23 other website.

24 (B) DEADLINE.—The information described
25 in subparagraph (A) shall be posted to the

1 *website made available by hyperlink on the*
2 *Dashboard not later than 5 business days after*
3 *the date on which the Federal agency receives the*
4 *information.*

5 *(4) POSTINGS BY THE EXECUTIVE DIRECTOR.—*

6 *The Executive Director shall publish to the Dash-*
7 *board—*

8 *(A) the permitting timetable established*
9 *under subparagraph (A) or (C) of subsection*
10 *(c)(2);*

11 *(B) the status of the compliance of each*
12 *agency with the permitting timetable;*

13 *(C) any modifications of the permitting*
14 *timetable;*

15 *(D) an explanation of each modification de-*
16 *scribed in subparagraph (C); and*

17 *(E) any memorandum of understanding es-*
18 *tablished under subsection (c)(3)(B).*

19 *(c) COORDINATION AND TIMETABLES.—*

20 *(1) COORDINATED PROJECT PLAN.—*

21 *(A) IN GENERAL.—Not later than 60 days*
22 *after the date on which the Executive Director*
23 *must make a specific entry for the project on the*
24 *Dashboard under subsection (b)(2)(A), the facili-*
25 *tating or lead agency, as applicable, in consulta-*

1 *tion with each coordinating and participating*
2 *agency, shall establish a concise plan for coordi-*
3 *nating public and agency participation in, and*
4 *completion of, any required Federal environ-*
5 *mental review and authorization for the project.*

6 *(B) REQUIRED INFORMATION.—The Coordi-*
7 *nated Project Plan shall include the following in-*
8 *formation and be updated by the facilitating or*
9 *lead agency, as applicable, at least once per*
10 *quarter:*

11 *(i) A list of, and roles and responsibil-*
12 *ities for, all entities with environmental re-*
13 *view or authorization responsibility for the*
14 *project.*

15 *(ii) A permitting timetable, as de-*
16 *scribed in paragraph (2), setting forth a*
17 *comprehensive schedule of dates by which all*
18 *environmental reviews and authorizations,*
19 *and to the maximum extent practicable,*
20 *State permits, reviews and approvals must*
21 *be made.*

22 *(iii) A discussion of potential avoid-*
23 *ance, minimization, and mitigation strate-*
24 *gies, if required by applicable law and*
25 *known.*

1 (iv) *Plans and a schedule for public*
2 *and tribal outreach and coordination, to the*
3 *extent required by applicable law.*

4 (C) *MEMORANDUM OF UNDERSTANDING.—*
5 *The coordinated project plan described in sub-*
6 *paragraph (A) may be incorporated into a*
7 *memorandum of understanding.*

8 (2) *PERMITTING TIMETABLE.—*

9 (A) *ESTABLISHMENT.—*

10 (i) *IN GENERAL.—As part of the co-*
11 *ordination project plan under paragraph*
12 *(1), the facilitating or lead agency, as ap-*
13 *plicable, in consultation with each cooper-*
14 *ating and participating agency, the project*
15 *sponsor, and any State in which the project*
16 *is located, shall establish a permitting time-*
17 *table that includes intermediate and final*
18 *completion dates for action by each partici-*
19 *pating agency on any Federal environ-*
20 *mental review or authorization required for*
21 *the project.*

22 (ii) *CONSENSUS.—In establishing a*
23 *permitting timetable under clause (i), each*
24 *agency shall, to the maximum extent prac-*
25 *ticable, make efforts to reach a consensus.*

1 (B) *FACTORS FOR CONSIDERATION.*—*In es-*
2 *tablishing the permitting timetable under sub-*
3 *paragraph (A), the facilitating or lead agency*
4 *shall follow the performance schedules established*
5 *under section 41002(c)(1)(C), but may vary the*
6 *timetable based on relevant factors, including—*

7 *(i) the size and complexity of the cov-*
8 *ered project;*

9 *(ii) the resources available to each par-*
10 *ticipating agency;*

11 *(iii) the regional or national economic*
12 *significance of the project;*

13 *(iv) the sensitivity of the natural or*
14 *historic resources that may be affected by*
15 *the project;*

16 *(v) the financing plan for the project;*
17 *and*

18 *(vi) the extent to which similar*
19 *projects in geographic proximity to the*
20 *project were recently subject to environ-*
21 *mental review or similar procedures under*
22 *State law.*

23 (C) *DISPUTE RESOLUTION.*—

24 (i) *IN GENERAL.*—*The Executive Di-*
25 *rector, in consultation with appropriate*

1 agency CERPOs and the project sponsor,
2 shall, as necessary, mediate any disputes re-
3 garding the permitting timetable established
4 under subparagraph (A).

5 (ii) *DISPUTES.*—If a dispute remains
6 unresolved 30 days after the date on which
7 the dispute was submitted to the Executive
8 Director, the Director of the Office of Man-
9 agement and Budget, in consultation with
10 the Chairman of the Council on Environ-
11 mental Quality, shall facilitate a resolution
12 of the dispute and direct the agencies party
13 to the dispute to resolve the dispute by the
14 end of the 60-day period beginning on the
15 date of submission of the dispute to the Ex-
16 ecutive Director.

17 (iii) *FINAL RESOLUTION.*—Any action
18 taken by the Director of the Office of Man-
19 agement and Budget in the resolution of a
20 dispute under clause (ii) shall—

21 (I) be final and conclusive; and

22 (II) not be subject to judicial re-
23 view.

24 (D) *MODIFICATION AFTER APPROVAL.*—

1 (i) *IN GENERAL.*—*The facilitating or*
2 *lead agency, as applicable, may modify a*
3 *permitting timetable established under sub-*
4 *paragraph (A) only if—*

5 *(I) the facilitating or lead agency,*
6 *as applicable, and the affected cooper-*
7 *ating agencies, after consultation with*
8 *the participating agencies and the*
9 *project sponsor, agree to a different*
10 *completion date;*

11 *(II) the facilitating agency or lead*
12 *agency, as applicable, or the affected*
13 *cooperating agency provides a written*
14 *justification for the modification; and*

15 *(III) in the case of a modification*
16 *that would necessitate an extension of*
17 *a final completion date under a per-*
18 *mitting timetable established under*
19 *subparagraph (A) to a date more than*
20 *30 days after the final completion date*
21 *originally established under subpara-*
22 *graph (A), the facilitating or lead*
23 *agency submits a request to modify the*
24 *permitting timetable to the Executive*
25 *Director, who shall consult with the*

1 *project sponsor and make a determina-*
2 *tion on the record, based on consider-*
3 *ation of the relevant factors described*
4 *under subparagraph (B), whether to*
5 *grant the facilitating or lead agency,*
6 *as applicable, authority to make such*
7 *modification.*

8 *(ii) COMPLETION DATE.—A completion*
9 *date in the permitting timetable may not be*
10 *modified within 30 days of the completion*
11 *date.*

12 *(iii) LIMITATION ON LENGTH OF MODI-*
13 *FICATIONS.—*

14 *(I) IN GENERAL.—Except as pro-*
15 *vided in subclause (II), the total length*
16 *of all modifications to a permitting*
17 *timetable authorized or made under*
18 *this subparagraph, other than for rea-*
19 *sons outside the control of Federal,*
20 *State, local, or tribal governments,*
21 *may not extend the permitting time-*
22 *table for a period of time greater than*
23 *half of the amount of time from the es-*
24 *tablishment of the permitting timetable*
25 *under subparagraph (A) to the last*

1 *final completion date originally estab-*
2 *lished under subparagraph (A).*

3 (II) *ADDITIONAL EXTENSIONS.—*

4 *The Director of the Office of Manage-*
5 *ment and Budget, after consultation*
6 *with the project sponsor, may permit*
7 *the Executive Director to authorize ad-*
8 *ditional extensions of a permitting*
9 *timetable beyond the limit prescribed*
10 *by subclause (I). In such a case, the*
11 *Director of the Office of Management*
12 *and Budget shall transmit, not later*
13 *than 5 days after making a determina-*
14 *tion to permit an authorization of ex-*
15 *tension under this subclause, a report*
16 *to Congress explaining why such modi-*
17 *fication is required. Such report shall*
18 *explain to Congress with specificity*
19 *why the original permitting timetable*
20 *and the modifications authorized by*
21 *the Executive Director failed to be ade-*
22 *quate. The lead or facilitating agency,*
23 *as applicable, shall transmit to Con-*
24 *gress, the Director of the Office of Man-*
25 *agement and Budget, and the Execu-*

1 *tive Director a supplemental report on*
 2 *progress toward the final completion*
 3 *date each year thereafter, until the per-*
 4 *mit review is completed or the project*
 5 *sponsor withdraws its notice or appli-*
 6 *cation or other request to which this*
 7 *title applies under section 41010.*

8 *(iv) LIMITATION ON JUDICIAL RE-*
 9 *VIEW.—The following shall not be subject to*
 10 *judicial review:*

11 *(I) A determination by the Execu-*
 12 *tive Director under clause (i)(III).*

13 *(II) A determination under clause*
 14 *(iii)(II) by the Director of the Office of*
 15 *Management and Budget to permit the*
 16 *Executive Director to authorize exten-*
 17 *sions of a permitting timetable.*

18 *(E) CONSISTENCY WITH OTHER TIME PERI-*
 19 *ODS.—A permitting timetable established under*
 20 *subparagraph (A) shall be consistent with any*
 21 *other relevant time periods established under*
 22 *Federal law and shall not prevent any cooper-*
 23 *ating or participating agency from discharging*
 24 *any obligation under Federal law in connection*
 25 *with the project.*

1 (F) CONFORMING TO PERMITTING TIME-
2 TABLES.—

3 (i) IN GENERAL.—Each Federal agency
4 shall conform to the completion dates set
5 forth in the permitting timetable established
6 under subparagraph (A), or with any com-
7 pletion date modified under subparagraph
8 (D).

9 (ii) FAILURE TO CONFORM.—If a Fed-
10 eral agency fails to conform with a comple-
11 tion date for agency action on a covered
12 project or is at significant risk of failing to
13 conform with such a completion date, the
14 agency shall—

15 (I) promptly submit to the Execu-
16 tive Director for publication on the
17 Dashboard an explanation of the spe-
18 cific reasons for failing or significantly
19 risking failing to conform to the com-
20 pletion date and a proposal for an al-
21 ternative completion date;

22 (II) in consultation with the fa-
23 cilitating or lead agency, as applicable,
24 establish an alternative completion
25 date; and

1 (III) *each month thereafter until*
 2 *the agency has taken final action on*
 3 *the delayed authorization or review,*
 4 *submit to the Executive Director for*
 5 *posting on the Dashboard a status re-*
 6 *port describing any agency activity re-*
 7 *lated to the project.*

8 (G) ABANDONMENT OF COVERED
 9 PROJECT.—

10 (i) *IN GENERAL.*—*If the facilitating or*
 11 *lead agency, as applicable, has a reasonable*
 12 *basis to doubt the continuing technical or*
 13 *financial ability of the project sponsor to*
 14 *construct the covered project, the facilitating*
 15 *or lead agency may request the project*
 16 *sponsor provide an updated statement re-*
 17 *garding the ability of the project sponsor to*
 18 *complete the project.*

19 (ii) *FAILURE TO RESPOND.*—*If the*
 20 *project sponsor fails to respond to a request*
 21 *described in clause (i) by the date that is 30*
 22 *days after receiving the request, the lead or*
 23 *facilitating agency, as applicable, shall no-*
 24 *tify the Executive Director, who shall pub-*

1 lish an appropriate notice on the Dash-
2 board.

3 (iii) *PUBLICATION TO DASHBOARD.*—

4 On publication of a notice under clause (ii),
5 the completion dates in the permitting time-
6 table shall be tolled and agencies shall be re-
7 lieved of the obligation to comply with sub-
8 paragraph (F) until such time as the
9 project sponsor submits to the facilitating or
10 lead agency, as applicable, an updated
11 statement regarding the technical and fi-
12 nancial ability of the project sponsor to con-
13 struct the project.

14 (3) *COOPERATING STATE, LOCAL, OR TRIBAL*
15 *GOVERNMENTS.*—

16 (A) *STATE AUTHORITY.*—If the Federal en-
17 vironmental review is being implemented within
18 the boundaries of a State, the State, consistent
19 with State law, may choose to participate in the
20 environmental review and authorization process
21 under this subsection and to make subject to the
22 process all State agencies that—

23 (i) have jurisdiction over the covered
24 project;

1 (ii) are required to conduct or issue a
2 review, analysis, opinion, or statement for
3 the covered project; or

4 (iii) are required to make a determina-
5 tion on issuing a permit, license, or other
6 approval or decision for the covered project.

7 (B) COORDINATION.—To the maximum ex-
8 tent practicable under applicable law, the facili-
9 tating or lead agency, as applicable, shall coordi-
10 nate the Federal environmental review and au-
11 thorization processes under this subsection with
12 any State, local, or tribal agency responsible for
13 conducting any separate review or authorization
14 of the covered project to ensure timely and effi-
15 cient completion of environmental reviews and
16 authorizations.

17 (C) MEMORANDUM OF UNDERSTANDING.—

18 (i) IN GENERAL.—Any coordination
19 plan between the facilitating or lead agency,
20 as applicable, and any State, local, or trib-
21 al agency shall, to the maximum extent
22 practicable, be included in a memorandum
23 of understanding.

24 (ii) SUBMISSION TO EXECUTIVE DIREC-
25 TOR.—The facilitating or lead agency, as

1 applicable, shall submit to the Executive
2 Director each memorandum of under-
3 standing described in clause (i).

4 (d) *EARLY CONSULTATION.*—The facilitating or lead
5 agency, as applicable, shall provide an expeditious process
6 for project sponsors to confer with each cooperating and
7 participating agency involved and, not later than 60 days
8 after the date on which the project sponsor submits a request
9 under this subsection, to have each such agency provide to
10 the project sponsor information concerning—

11 (1) the availability of information and tools, in-
12 cluding pre-application toolkits, to facilitate early
13 planning efforts;

14 (2) key issues of concern to each agency and to
15 the public; and

16 (3) issues that must be addressed before an envi-
17 ronmental review or authorization can be completed.

18 (e) *COOPERATING AGENCY.*—

19 (1) *IN GENERAL.*—A lead agency may designate
20 a participating agency as a cooperating agency in
21 accordance with part 1501 of title 40, Code of Federal
22 Regulations (or successor regulations).

23 (2) *EFFECT ON OTHER DESIGNATION.*—The des-
24 ignation described in paragraph (1) shall not affect
25 any designation under subsection (a)(3).

1 (3) *LIMITATION ON DESIGNATION.*—Any agency
 2 not designated as a participating agency under sub-
 3 section (a)(3) shall not be designated as a cooperating
 4 agency under paragraph (1).

5 (f) *REPORTING STATUS OF OTHER PROJECTS ON*
 6 *DASHBOARD.*—

7 (1) *IN GENERAL.*—On request of the Executive
 8 Director, the Secretary and the Secretary of the Army
 9 shall use best efforts to provide information for inclu-
 10 sion on the Dashboard on projects subject to section
 11 139 of title 23, United States Code, and section 2045
 12 of the Water Resources Development Act of 2007 (33
 13 U.S.C. 2348) likely to require—

14 (A) a total investment of more than
 15 \$200,000,000; and

16 (B) an environmental impact statement
 17 under NEPA.

18 (2) *EFFECT OF INCLUSION ON DASHBOARD.*—In-
 19 clusion on the Dashboard of information regarding
 20 projects subject to section 139 of title 23, United
 21 States Code, or section 2045 of the Water Resources
 22 Development Act of 2007 (33 U.S.C. 2348) shall not
 23 subject those projects to any requirements of this title.

1 **SEC. 41004. INTERSTATE COMPACTS.**

2 (a) *IN GENERAL.*—*The consent of Congress is given*
3 *for 3 or more contiguous States to enter into an interstate*
4 *compact establishing regional infrastructure development*
5 *agencies to facilitate authorization and review of covered*
6 *projects, under State law or in the exercise of delegated per-*
7 *mitting authority described under section 41006, that will*
8 *advance infrastructure development, production, and gen-*
9 *eration within the States that are parties to the compact.*

10 (b) *REGIONAL INFRASTRUCTURE.*—*For the purpose of*
11 *this title, a regional infrastructure development agency re-*
12 *ferred to in subsection (a) shall have the same authorities*
13 *and responsibilities of a State agency.*

14 **SEC. 41005. COORDINATION OF REQUIRED REVIEWS.**

15 (a) *CONCURRENT REVIEWS.*—*To integrate environ-*
16 *mental reviews and authorizations, each agency shall, to the*
17 *maximum extent practicable—*

18 (1) *carry out the obligations of the agency with*
19 *respect to a covered project under any other applica-*
20 *ble law concurrently, and in conjunction with, other*
21 *environmental reviews and authorizations being con-*
22 *ducted by other cooperating or participating agencies,*
23 *including environmental reviews and authorizations*
24 *required under NEPA, unless the agency determines*
25 *that doing so would impair the ability of the agency*

1 to carry out the statutory obligations of the agency;
2 and

3 (2) formulate and implement administrative,
4 policy, and procedural mechanisms to enable the
5 agency to ensure completion of the environmental re-
6 view process in a timely, coordinated, and environ-
7 mentally responsible manner.

8 (b) *ADOPTION, INCORPORATION BY REFERENCE, AND*
9 *USE OF DOCUMENTS.*—

10 (1) *STATE ENVIRONMENTAL DOCUMENTS; SUP-*
11 *PLEMENTAL DOCUMENTS.*—

12 (A) *USE OF EXISTING DOCUMENTS.*—

13 (i) *IN GENERAL.*—On the request of a
14 project sponsor, a lead agency shall consider
15 and, as appropriate, adopt or incorporate
16 by reference, the analysis and documenta-
17 tion that has been prepared for a covered
18 project under State laws and procedures as
19 the documentation, or part of the docu-
20 mentation, required to complete an environ-
21 mental review for the covered project, if the
22 analysis and documentation were, as deter-
23 mined by the lead agency in consultation
24 with the Council on Environmental Qual-
25 ity, prepared under circumstances that al-

1 *lowed for opportunities for public participa-*
2 *tion and consideration of alternatives and*
3 *environmental consequences that are sub-*
4 *stantially equivalent to what would have*
5 *been available had the documents and anal-*
6 *ysis been prepared by a Federal agency*
7 *pursuant to NEPA.*

8 (ii) *GUIDANCE BY CEQ.—The Council*
9 *on Environmental Quality may issue guid-*
10 *ance to carry out this subsection.*

11 (B) *NEPA OBLIGATIONS.—An environ-*
12 *mental document adopted under subparagraph*
13 *(A) or a document that includes documentation*
14 *incorporated under subparagraph (A) may serve*
15 *as the documentation required for an environ-*
16 *mental review or a supplemental environmental*
17 *review required to be prepared by a lead agency*
18 *under NEPA.*

19 (C) *SUPPLEMENTATION OF STATE DOCU-*
20 *MENTS.—If the lead agency adopts or incor-*
21 *porates analysis and documentation described in*
22 *subparagraph (A), the lead agency shall prepare*
23 *and publish a supplemental document if the lead*
24 *agency determines that during the period after*

1 *preparation of the analysis and documentation*
2 *and before the adoption or incorporation—*

3 *(i) a significant change has been made*
4 *to the covered project that is relevant for*
5 *purposes of environmental review of the*
6 *project; or*

7 *(ii) there has been a significant cir-*
8 *cumstance or new information has emerged*
9 *that is relevant to the environmental review*
10 *for the covered project.*

11 *(D) COMMENTS.—If a lead agency prepares*
12 *and publishes a supplemental document under*
13 *subparagraph (C), the lead agency shall solicit*
14 *comments from other agencies and the public on*
15 *the supplemental document for a period of not*
16 *more than 45 days, beginning on the date on*
17 *which the supplemental document is published,*
18 *unless—*

19 *(i) the lead agency, the project sponsor,*
20 *and any cooperating agency agree to a*
21 *longer deadline; or*

22 *(ii) the lead agency extends the dead-*
23 *line for good cause.*

24 *(E) NOTICE OF OUTCOME OF ENVIRON-*
25 *MENTAL REVIEW.—A lead agency shall issue a*

1 *record of decision or finding of no significant*
 2 *impact, as appropriate, based on the document*
 3 *adopted under subparagraph (A) and any sup-*
 4 *plemental document prepared under subpara-*
 5 *graph (C).*

6 *(c) ALTERNATIVES ANALYSIS.—*

7 *(1) PARTICIPATION.—As early as practicable*
 8 *during the environmental review, but not later than*
 9 *the commencement of scoping for a project requiring*
 10 *the preparation of an environmental impact state-*
 11 *ment, the lead agency, in consultation with each co-*
 12 *operating agency, shall determine the range of reason-*
 13 *able alternatives to be considered for a covered project.*

14 *(2) RANGE OF ALTERNATIVES.—*

15 *(A) IN GENERAL.—Following participation*
 16 *under paragraph (1) and subject to subpara-*
 17 *graph (B), the lead agency shall determine the*
 18 *range of reasonable alternatives for consideration*
 19 *in any document that the lead agency is respon-*
 20 *sible for preparing for the covered project.*

21 *(B) ALTERNATIVES REQUIRED BY LAW.—In*
 22 *determining the range of alternatives under sub-*
 23 *paragraph (A), the lead agency shall include all*
 24 *alternatives required to be considered by law.*

25 *(3) METHODOLOGIES.—*

1 (A) *IN GENERAL.*—*The lead agency shall*
2 *determine, in collaboration with each cooper-*
3 *ating agency at appropriate times during the en-*
4 *vironmental review, the methodologies to be used*
5 *and the level of detail required in the analysis*
6 *of each alternative for a covered project.*

7 (B) *ENVIRONMENTAL REVIEW.*—*A cooper-*
8 *ating agency shall use the methodologies referred*
9 *to in subparagraph (A) when conducting any re-*
10 *quired environmental review, to the extent con-*
11 *sistent with existing law.*

12 (4) *PREFERRED ALTERNATIVE.*—*With the con-*
13 *currence of the cooperating agencies with jurisdiction*
14 *under Federal law and at the discretion of the lead*
15 *agency, the preferred alternative for a project, after*
16 *being identified, may be developed to a higher level of*
17 *detail than other alternatives to facilitate the develop-*
18 *ment of mitigation measures or concurrent compli-*
19 *ance with other applicable laws if the lead agency de-*
20 *termines that the development of the higher level of*
21 *detail will not prevent—*

22 (A) *the lead agency from making an impar-*
23 *tial decision as to whether to accept another al-*
24 *ternative that is being considered in the environ-*
25 *mental review; and*

1 (B) the public from commenting on the pre-
2 ferred and other alternatives.

3 (d) *ENVIRONMENTAL REVIEW COMMENTS.*—

4 (1) *COMMENTS ON DRAFT ENVIRONMENTAL IM-*
5 *PACT STATEMENT.*—For comments by an agency or
6 the public on a draft environmental impact state-
7 ment, the lead agency shall establish a comment pe-
8 riod of not less than 45 days and not more than 60
9 days after the date on which a notice announcing
10 availability of the environmental impact statement is
11 published in the *Federal Register*, unless—

12 (A) the lead agency, the project sponsor,
13 and any cooperating agency agree to a longer
14 deadline; or

15 (B) the lead agency, in consultation with
16 each cooperating agency, extends the deadline for
17 good cause.

18 (2) *OTHER REVIEW AND COMMENT PERIODS.*—

19 For all other review or comment periods in the envi-
20 ronmental review process described in parts 1500
21 through 1508 of title 40, Code of Federal Regulations
22 (or successor regulations), the lead agency shall estab-
23 lish a comment period of not more than 45 days after
24 the date on which the materials on which comment is
25 requested are made available, unless—

1 (A) the lead agency, the project sponsor,
 2 and any cooperating agency agree to a longer
 3 deadline; or

4 (B) the lead agency extends the deadline for
 5 good cause.

6 (e) *ISSUE IDENTIFICATION AND RESOLUTION.*—

7 (1) *COOPERATION.*—The lead agency and each
 8 cooperating and participating agency shall work co-
 9 operatively in accordance with this section to identify
 10 and resolve issues that could delay completion of an
 11 environmental review or an authorization required
 12 for the project under applicable law or result in the
 13 denial of any approval under applicable law.

14 (2) *LEAD AGENCY RESPONSIBILITIES.*—

15 (A) *IN GENERAL.*—The lead agency shall
 16 make information available to each cooperating
 17 and participating agency and project sponsor as
 18 early as practicable in the environmental review
 19 regarding the environmental, historic, and socio-
 20 economic resources located within the project
 21 area and the general locations of the alternatives
 22 under consideration.

23 (B) *SOURCES OF INFORMATION.*—The infor-
 24 mation described in subparagraph (A) may be

1 *based on existing data sources, including geo-*
 2 *graphic information systems mapping.*

3 (3) *COOPERATING AND PARTICIPATING AGENCY*
 4 *RESPONSIBILITIES.—Each cooperating and partici-*
 5 *pating agency shall—*

6 (A) *identify, as early as practicable, any*
 7 *issues of concern regarding any potential envi-*
 8 *ronmental impacts of the covered project, includ-*
 9 *ing any issues that could substantially delay or*
 10 *prevent an agency from completing any environ-*
 11 *mental review or authorization required for the*
 12 *project; and*

13 (B) *communicate any issues described in*
 14 *subparagraph (A) to the project sponsor.*

15 (f) *CATEGORIES OF PROJECTS.—The authorities*
 16 *granted under this section may be exercised for an indi-*
 17 *vidual covered project or a category of covered projects.*

18 **SEC. 41006. DELEGATED STATE PERMITTING PROGRAMS.**

19 (a) *IN GENERAL.—If a Federal statute permits a Fed-*
 20 *eral agency to delegate to or otherwise authorize a State*
 21 *to issue or otherwise administer a permit program in lieu*
 22 *of the Federal agency, the Federal agency with authority*
 23 *to carry out the statute shall—*

24 (1) *on publication by the Council of best prac-*
 25 *tices under section 41002(c)(2)(B), initiate a national*

1 *process, with public participation, to determine*
 2 *whether and the extent to which any of the best prac-*
 3 *tices are generally applicable on a delegation- or au-*
 4 *thorization-wide basis to permitting under the stat-*
 5 *ute; and*

6 *(2) not later than 2 years after the date of enact-*
 7 *ment of this Act, make model recommendations for*
 8 *State modifications of the applicable permit program*
 9 *to reflect the best practices described in section*
 10 *41002(c)(2)(B), as appropriate.*

11 *(b) BEST PRACTICES.—Lead and cooperating agencies*
 12 *may share with State, tribal, and local authorities best*
 13 *practices involved in review of covered projects and invite*
 14 *input from State, tribal, and local authorities regarding*
 15 *best practices.*

16 **SEC. 41007. LITIGATION, JUDICIAL REVIEW, AND SAVINGS**
 17 **PROVISION.**

18 *(a) LIMITATIONS ON CLAIMS.—*

19 *(1) IN GENERAL.—Notwithstanding any other*
 20 *provision of law, a claim arising under Federal law*
 21 *seeking judicial review of any authorization issued by*
 22 *a Federal agency for a covered project shall be barred*
 23 *unless—*

24 *(A) the action is filed not later than 2 years*
 25 *after the date of publication in the Federal Reg-*

1 *ister of the final record of decision or approval*
2 *or denial of a permit, unless a shorter time is*
3 *specified in the Federal law under which judicial*
4 *review is allowed; and*

5 *(B) in the case of an action pertaining to*
6 *an environmental review conducted under*
7 *NEPA—*

8 *(i) the action is filed by a party that*
9 *submitted a comment during the environ-*
10 *mental review or a party that lacked a rea-*
11 *sonable opportunity to submit a comment;*
12 *and*

13 *(ii) a party filed a sufficiently detailed*
14 *comment so as to put the lead agency on*
15 *notice of the issue on which the party seeks*
16 *judicial review.*

17 *(2) NEW INFORMATION.—*

18 *(A) IN GENERAL.—The head of a lead agen-*
19 *cy or participating agency shall consider new*
20 *information received after the close of a comment*
21 *period if the information satisfies the require-*
22 *ments under regulations implementing NEPA.*

23 *(B) SEPARATE ACTION.—If Federal law re-*
24 *quires the preparation of a supplemental envi-*
25 *ronmental impact statement or other supple-*

1 *mental environmental document, the preparation*
2 *of such document shall be considered a separate*
3 *final agency action and the deadline for filing a*
4 *claim for judicial review of the agency action*
5 *shall be 2 years after the date on which a notice*
6 *announcing the final agency action is published*
7 *in the Federal Register, unless a shorter time is*
8 *specified in the Federal law under which judicial*
9 *review is allowed.*

10 (3) *RULE OF CONSTRUCTION.*—*Nothing in this*
11 *subsection creates a right to judicial review or places*
12 *any limit on filing a claim that a person has violated*
13 *the terms of an authorization.*

14 (b) *PRELIMINARY INJUNCTIVE RELIEF.*—*In addition*
15 *to considering any other applicable equitable factors, in any*
16 *action seeking a temporary restraining order or prelimi-*
17 *nary injunction against an agency or a project sponsor in*
18 *connection with review or authorization of a covered*
19 *project, the court shall—*

20 (1) *consider the effects on public health, safety,*
21 *and the environment, the potential for significant job*
22 *losses, and other economic harm resulting from an*
23 *order or injunction; and*

24 (2) *not presume that the harms described in*
25 *paragraph (1) are reparable.*

1 (c) *JUDICIAL REVIEW*.—*Except as provided in sub-*
 2 *section (a), nothing in this title affects the reviewability of*
 3 *any final Federal agency action in a court of competent*
 4 *jurisdiction.*

5 (d) *SAVINGS CLAUSE*.—*Nothing in this title—*

6 (1) *supersedes, amends, or modifies any Federal*
 7 *statute or affects the responsibility of any Federal of-*
 8 *ficer to comply with or enforce any statute; or*

9 (2) *creates a presumption that a covered project*
 10 *will be approved or favorably reviewed by any agen-*
 11 *cy.*

12 (e) *LIMITATIONS*.—*Nothing in this section preempts,*
 13 *limits, or interferes with—*

14 (1) *any practice of seeking, considering, or re-*
 15 *sponding to public comment; or*

16 (2) *any power, jurisdiction, responsibility, or*
 17 *authority that a Federal, State, or local governmental*
 18 *agency, metropolitan planning organization, Indian*
 19 *tribe, or project sponsor has with respect to carrying*
 20 *out a project or any other provisions of law applica-*
 21 *ble to any project, plan, or program.*

22 **SEC. 41008. REPORT TO CONGRESS.**

23 (a) *IN GENERAL*.—*Not later than April 15 of each*
 24 *year for 10 years beginning on the date of enactment of*
 25 *this Act, the Executive Director shall submit to Congress*

1 *a report detailing the progress accomplished under this title*
 2 *during the previous fiscal year.*

3 (b) *CONTENTS.*—*The report described in subsection (a)*
 4 *shall assess the performance of each participating agency*
 5 *and lead agency based on the best practices described in*
 6 *section 41002(c)(2)(B).*

7 (c) *OPPORTUNITY TO INCLUDE COMMENTS.*—*Each*
 8 *councilmember, with input from the respective agency*
 9 *CERPO, shall have the opportunity to include comments*
 10 *concerning the performance of the agency in the report de-*
 11 *scribed in subsection (a).*

12 **SEC. 41009. FUNDING FOR GOVERNANCE, OVERSIGHT, AND**
 13 **PROCESSING OF ENVIRONMENTAL REVIEWS**
 14 **AND PERMITS.**

15 (a) *IN GENERAL.*—*The heads of agencies listed in sec-*
 16 *tion 41002(b)(2)(B), with the guidance of the Director of*
 17 *the Office of Management and Budget and in consultation*
 18 *with the Executive Director, may, after public notice and*
 19 *opportunity for comment, issue regulations establishing a*
 20 *fee structure for project proponents to reimburse the United*
 21 *States for reasonable costs incurred in conducting environ-*
 22 *mental reviews and authorizations for covered projects.*

23 (b) *REASONABLE COSTS.*—*As used in this section, the*
 24 *term “reasonable costs” shall include costs to implement the*
 25 *requirements and authorities required under sections 41002*

1 *and 41003, including the costs to agencies and the costs of*
2 *operating the Council.*

3 (c) *FEE STRUCTURE.*—*The fee structure established*
4 *under subsection (a) shall—*

5 (1) *be developed in consultation with affected*
6 *project proponents, industries, and other stakeholders;*

7 (2) *exclude parties for which the fee would im-*
8 *pose an undue financial burden or is otherwise deter-*
9 *mined to be inappropriate; and*

10 (3) *be established in a manner that ensures that*
11 *the aggregate amount of fees collected for a fiscal year*
12 *is estimated not to exceed 20 percent of the total esti-*
13 *mated costs for the fiscal year for the resources allo-*
14 *cated for the conduct of the environmental reviews*
15 *and authorizations covered by this title, as deter-*
16 *mined by the Director of the Office of Management*
17 *and Budget.*

18 (d) *ENVIRONMENTAL REVIEW AND PERMITTING IM-*
19 *PROVEMENT FUND.*—

20 (1) *IN GENERAL.*—*All amounts collected pursu-*
21 *ant to this section shall be deposited into a separate*
22 *fund in the Treasury of the United States to be*
23 *known as the “Environmental Review Improvement*
24 *Fund” (referred to in this section as the “Fund”).*

1 (2) *AVAILABILITY.*—Amounts in the Fund shall
2 be available to the Executive Director, without appro-
3 priation or fiscal year limitation, solely for the pur-
4 poses of administering, implementing, and enforcing
5 this title, including the expenses of the Council.

6 (3) *TRANSFER.*—The Executive Director, with
7 the approval of the Director of the Office of Manage-
8 ment and Budget, may transfer amounts in the Fund
9 to other agencies to facilitate timely and efficient en-
10 vironmental reviews and authorizations for proposed
11 covered projects.

12 (e) *EFFECT ON PERMITTING.*—The regulations adopt-
13 ed pursuant to subsection (a) shall ensure that the use of
14 funds accepted under subsection (d) will not impact impar-
15 tial decision-making with respect to environmental reviews
16 or authorizations, either substantively or procedurally.

17 (f) *TRANSFER OF APPROPRIATED FUNDS.*—

18 (1) *IN GENERAL.*—The heads of agencies listed in
19 section 41002(b)(2)(B) shall have the authority to
20 transfer, in accordance with section 1535 of title 31,
21 United States Code, funds appropriated to those agen-
22 cies and not otherwise obligated to other affected Fed-
23 eral agencies for the purpose of implementing the pro-
24 visions of this title.

1 (2) *LIMITATION.*—Appropriations under title 23,
 2 *United States Code* and appropriations for the civil
 3 *works program of the Army Corps of Engineers* shall
 4 *not be available for transfer under paragraph (1).*

5 **SEC. 41010. APPLICATION.**

6 *This title applies to any covered project for which—*
 7 (1) *a notice is filed under section 41003(a)(1); or*
 8 (2) *an application or other request for a Federal*
 9 *authorization is pending before a Federal agency 90*
 10 *days after the date of enactment of this Act.*

11 **SEC. 41011. GAO REPORT.**

12 *Not later than 3 years after the date of enactment of*
 13 *this Act, the Comptroller General of the United States shall*
 14 *submit to Congress a report that includes an analysis of*
 15 *whether the provisions of this title could be adapted to*
 16 *streamline the Federal permitting process for smaller*
 17 *projects that are not covered projects.*

18 **TITLE XLII—ADDITIONAL**
 19 **PROVISIONS**

20 **SEC. 42001. DETERMINATION OF CERTAIN SPENDING AND**
 21 **TAX BURDENS BY STATE.**

22 (a) *CALCULATION OF FEDERAL REVENUE CONTRIBU-*
 23 *TIONS BY STATE.*—

24 (1) *IN GENERAL.*—*The Secretary of Treasury,*
 25 *acting through the Commissioner of the Internal Rev-*

1 *enue Service, shall calculate the Federal tax burden of*
 2 *each State for each calendar year.*

3 (2) *CALCULATION OF FEDERAL TAX BURDEN.—*

4 *For purposes of calculating the Federal tax burden of*
 5 *each State under paragraph (1), the Secretary shall—*

6 (A) *treat Federal taxes paid by an indi-*
 7 *vidual as a burden on the State in which such*
 8 *individual resides; and*

9 (B) *treat Federal taxes paid by a legal busi-*
 10 *ness entity as a burden on each State in which*
 11 *economic activity of such entity is performed in*
 12 *the same proportion that the economic activity of*
 13 *such entity in such State bears to the economic*
 14 *activity of such entity in all the States.*

15 (3) *REPORT.—Not later than the date that is*
 16 *180 days after the beginning of each calendar year,*
 17 *the Secretary of the Treasury shall—*

18 (A) *submit to Congress a report containing*
 19 *the results of the calculations described in sec-*
 20 *tions 1 and 2 with respect to such calendar year;*
 21 *and*

22 (B) *publish the report on a publicly acces-*
 23 *sible website of the Internal Revenue Service.*

24 (b) *ANNUAL REPORT ON THE FLOW OF TRANSPOR-*
 25 *TATION FUNDS BY STATE.—*

1 (1) *IN GENERAL.*—Not later than the first Mon-
 2 day in February of each year, the Secretary of Trans-
 3 portation shall, in consultation with the Secretary of
 4 the Treasury, submit to the Committee on Banking,
 5 Housing, and Urban Affairs and the Committee on
 6 Appropriations of the Senate and the Committee on
 7 Transportation and Infrastructure, and the Com-
 8 mittee on Ways and Means of the House of Represent-
 9 atives a report that includes—

10 (A) a description of the total amount of the
 11 funds authorized by this Act which were obli-
 12 gated with respect to each State during the last
 13 ending fiscal year;

14 (B) a description of the total amount of rev-
 15 enue contributed from each State to the Highway
 16 Trust Fund during such fiscal year.

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

19 (A) *IN GENERAL.*—the State with respect to
 20 which an amount is obligated and the State from
 21 which revenue is contributed shall be determined
 22 under principles similar to the principles for de-
 23 termining the Federal tax burden of each State
 24 under subsection (a).

1 (B) *SPECIAL RULE FOR GENERAL FUND*
 2 *TRANSFERS.—For purposes of paragraph (1)(B),*
 3 *any transfer from the general fund of the Treas-*
 4 *ury to the Highway Trust Fund during any fis-*
 5 *cal year shall be taken into account as revenue*
 6 *contributed from each State in proportion to*
 7 *each State’s Federal tax burden (as determined*
 8 *under subsection (a)) for the calendar year in*
 9 *which such fiscal year began.*

10 **SEC. 42002. GAO REPORT ON REFUNDS TO REGISTERED**
 11 **VENDORS OF KEROSENE USED IN NON-**
 12 **COMMERCIAL AVIATION.**

13 *Not later than 180 days after the date of the enactment*
 14 *of this Act, the Comptroller General of the United States*
 15 *shall—*

16 (1) *conduct a study regarding payments made to*
 17 *vendors of kerosene used in noncommercial aviation*
 18 *under section 6427(l)(4)(C)(ii) of the Internal Rev-*
 19 *enue Code of 1986; and*

20 (2) *submit to the appropriate committees of Con-*
 21 *gress a report describing the results of such study,*
 22 *which shall include estimates of—*

23 (A) *the number of vendors of kerosene used*
 24 *in noncommercial aviation who are registered*
 25 *under section 4101 of such Code;*

1 (B) the number of vendors of kerosene used
 2 in noncommercial aviation who are not so reg-
 3 istered;

4 (C) the number of vendors described in sub-
 5 paragraph (A) who receive payments under sec-
 6 tion 6427(l)(4)(C)(ii) of such Code;

7 (D) the excess of—

8 (i) the amount of payments which
 9 would be made under section
 10 6427(l)(4)(C)(ii) of such Code if all vendors
 11 of kerosene used in noncommercial aviation
 12 were registered and filed claims for such
 13 payments, over

14 (ii) the amount of payments actually
 15 made under such section; and

16 (E) the number of cases of diesel truck oper-
 17 ators fraudulently using kerosene taxed for use
 18 in aviation.

19 **TITLE XLIII—REQUIREMENTS** 20 **REGARDING RULE MAKINGS**

21 **SEC. 43001. REQUIREMENTS REGARDING RULE MAKINGS.**

22 For each publication in the Federal Register required
 23 to be made by law and pertaining to a rule made to carry
 24 out this Act or the amendments made by this Act, the agen-
 25 cy making the rule shall include in such publication a list

1 of information on which the rule is based, including data,
 2 scientific and economic studies, and cost-benefit analyses,
 3 and identify how the public can access such information
 4 online.

5 ***DIVISION E—EXPORT-IMPORT***
 6 ***BANK OF THE UNITED STATES***

7 ***SEC. 50001. SHORT TITLE.***

8 *This division may be cited as the “Export-Import*
 9 *Bank Reform and Reauthorization Act of 2015”.*

10 ***TITLE LI—TAXPAYER PROTEC-***
 11 ***TION PROVISIONS AND IN-***
 12 ***CREASED ACCOUNTABILITY***

13 ***SEC. 51001. REDUCTION IN AUTHORIZED AMOUNT OF OUT-***
 14 ***STANDING LOANS, GUARANTEES, AND INSUR-***
 15 ***ANCE.***

16 *Section 6(a) of the Export-Import Bank Act of 1945*
 17 *(12 U.S.C. 635e(a)) is amended—*

18 *(1) by redesignating paragraph (3) as para-*
 19 *graph (4); and*

20 *(2) by striking paragraph (2) and inserting the*
 21 *following:*

22 *“(2) APPLICABLE AMOUNT DEFINED.—In this*
 23 *subsection, the term ‘applicable amount’, for each of*
 24 *fiscal years 2015 through 2019, means*
 25 *\$135,000,000,000.*

1 “(3) *FREEZING OF LENDING CAP IF DEFAULT*
 2 *RATE IS 2 PERCENT OR MORE.*—*If the rate calculated*
 3 *under section 8(g)(1) is 2 percent or more for a quar-*
 4 *ter, the Bank may not exceed the amount of loans,*
 5 *guarantees, and insurance outstanding on the last*
 6 *day of that quarter until the rate calculated under*
 7 *section 8(g)(1) is less than 2 percent.”.*

8 **SEC. 51002. INCREASE IN LOSS RESERVES.**

9 (a) *IN GENERAL.*—*Section 6 of the Export-Import*
 10 *Bank Act of 1945 (12 U.S.C. 635e) is amended—*

11 (1) *by redesignating subsection (b) as subsection*
 12 *(c); and*

13 (2) *by inserting after subsection (a) the fol-*
 14 *lowing:*

15 “(b) *RESERVE REQUIREMENT.*—*The Bank shall build*
 16 *to and hold in reserve, to protect against future losses, an*
 17 *amount that is not less than 5 percent of the aggregate*
 18 *amount of disbursed and outstanding loans, guarantees,*
 19 *and insurance of the Bank.”.*

20 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
 21 *section (a) shall take effect on the date that is one year after*
 22 *the date of the enactment of this Act.*

1 **SEC. 51003. REVIEW OF FRAUD CONTROLS.**

2 Section 17(b) of the *Export-Import Bank Reauthoriza-*
3 *tion Act of 2012 (12 U.S.C. 635a–6(b))* is amended to read
4 *as follows:*

5 “(b) *REVIEW OF FRAUD CONTROLS.*—Not later than
6 4 years after the date of the enactment of the *Export-Import*
7 *Bank Reform and Reauthorization Act of 2015*, and every
8 4 years thereafter, the Comptroller General of the United
9 States shall—

10 “(1) review the adequacy of the design and effec-
11 tiveness of the controls used by the *Export-Import*
12 *Bank of the United States* to prevent, detect, and in-
13 vestigate fraudulent applications for loans and guar-
14 antees and the compliance by the Bank with the con-
15 trols, including by auditing a sample of Bank trans-
16 actions; and

17 “(2) submit a written report regarding the find-
18 ings of the review and providing such recommenda-
19 tions with respect to the controls described in para-
20 graph (1) as the Comptroller General deems appro-
21 priate to—

22 “(A) the Committee on Banking, Housing,
23 and Urban Affairs and the Committee on Appro-
24 priations of the Senate; and

1 “(B) the Committee on Financial Services
2 and the Committee on Appropriations of the
3 House of Representatives.”.

4 **SEC. 51004. OFFICE OF ETHICS.**

5 Section 3 of the Export-Import Bank Act of 1945 (12
6 U.S.C. 635a) is amended by adding at the end the fol-
7 lowing:

8 “(k) OFFICE OF ETHICS.—

9 “(1) ESTABLISHMENT.—There is established an
10 Office of Ethics within the Bank, which shall oversee
11 all ethics issues within the Bank.

12 “(2) HEAD OF OFFICE.—

13 “(A) IN GENERAL.—The head of the Office
14 of Ethics shall be the Chief Ethics Officer, who
15 shall report to the Board of Directors.

16 “(B) APPOINTMENT.—Not later than 180
17 days after the date of the enactment of the Ex-
18 port-Import Bank Reform and Reauthorization
19 Act of 2015, the Chief Ethics Officer shall be—

20 “(i) appointed by the President of the
21 Bank from among persons—

22 “(I) with a background in law
23 who have experience in the fields of law
24 and ethics; and

1 “(II) *who are not serving in a po-*
 2 *sition requiring appointment by the*
 3 *President of the United States before*
 4 *being appointed to be Chief Ethics Of-*
 5 *ficer; and*

6 “(ii) *approved by the Board.*

7 “(C) *DESIGNATED AGENCY ETHICS OFFI-*
 8 *CIAL.—The Chief Ethics Officer shall serve as the*
 9 *designated agency ethics official for the Bank*
 10 *pursuant to the Ethics in Government Act of*
 11 *1978 (5 U.S.C. App. 101 et seq.).*

12 “(3) *DUTIES.—The Office of Ethics has jurisdic-*
 13 *tion over all employees of, and ethics matters relating*
 14 *to, the Bank. With respect to employees of the Bank,*
 15 *the Office of Ethics shall—*

16 “(A) *recommend administrative actions to*
 17 *establish or enforce standards of official conduct;*

18 “(B) *refer to the Office of the Inspector Gen-*
 19 *eral of the Bank alleged violations of—*

20 “(i) *the standards of ethical conduct*
 21 *applicable to employees of the Bank under*
 22 *parts 2635 and 6201 of title 5, Code of Fed-*
 23 *eral Regulations;*

24 “(ii) *the standards of ethical conduct*
 25 *established by the Chief Ethics Officer; and*

1 “(iii) any other laws, rules, or regula-
 2 tions governing the performance of official
 3 duties or the discharge of official respon-
 4 sibilities that are applicable to employees of
 5 the Bank;

6 “(C) report to appropriate Federal or State
 7 authorities substantial evidence of a violation of
 8 any law applicable to the performance of official
 9 duties that may have been disclosed to the Office
 10 of Ethics; and

11 “(D) render advisory opinions regarding
 12 the propriety of any current or proposed conduct
 13 of an employee or contractor of the Bank, and
 14 issue general guidance on such matters as nec-
 15 essary.”.

16 **SEC. 51005. CHIEF RISK OFFICER.**

17 Section 3 of the Export-Import Bank Act of 1945 (12
 18 U.S.C. 635a), as amended by section 91004, is further
 19 amended by adding at the end the following:

20 “(l) CHIEF RISK OFFICER.—

21 “(1) IN GENERAL.—There shall be a Chief Risk
 22 Officer of the Bank, who shall—

23 “(A) oversee all issues relating to risk with-
 24 in the Bank; and

25 “(B) report to the President of the Bank.

1 “(2) *APPOINTMENT.*—Not later than 180 days
 2 after the date of the enactment of the Export-Import
 3 Bank Reform and Reauthorization Act of 2015, the
 4 Chief Risk Officer shall be—

5 “(A) appointed by the President of the
 6 Bank from among persons—

7 “(i) with a demonstrated ability in the
 8 general management of, and knowledge of
 9 and extensive practical experience in, finan-
 10 cial risk evaluation practices in large gov-
 11 ernmental or business entities; and

12 “(ii) who are not serving in a position
 13 requiring appointment by the President of
 14 the United States before being appointed to
 15 be Chief Risk Officer; and

16 “(B) approved by the Board.

17 “(3) *DUTIES.*—The duties of the Chief Risk Offi-
 18 cer are—

19 “(A) to be responsible for all matters related
 20 to managing and mitigating all risk to which
 21 the Bank is exposed, including the programs and
 22 operations of the Bank;

23 “(B) to establish policies and processes for
 24 risk oversight, the monitoring of management
 25 compliance with risk limits, and the manage-

1 *ment of risk exposures and risk controls across*
 2 *the Bank;*

3 *“(C) to be responsible for the planning and*
 4 *execution of all Bank risk management activi-*
 5 *ties, including policies, reporting, and systems to*
 6 *achieve strategic risk objectives;*

7 *“(D) to develop an integrated risk manage-*
 8 *ment program that includes identifying,*
 9 *prioritizing, measuring, monitoring, and man-*
 10 *aging internal control and operating risks and*
 11 *other identified risks;*

12 *“(E) to ensure that the process for risk as-*
 13 *essment and underwriting for individual trans-*
 14 *actions considers how each such transaction con-*
 15 *siders the effect of the transaction on the con-*
 16 *centration of exposure in the overall portfolio of*
 17 *the Bank, taking into account fees,*
 18 *collateralization, and historic default rates; and*

19 *“(F) to review the adequacy of the use by*
 20 *the Bank of qualitative metrics to assess the risk*
 21 *of default under various scenarios.”.*

22 **SEC. 51006. RISK MANAGEMENT COMMITTEE.**

23 (a) *IN GENERAL.*—Section 3 of the Export-Import
 24 *Bank Act of 1945 (12 U.S.C. 635a), as amended by sections*

1 91004 and 91005, is further amended by adding at the end
 2 the following:

3 “(m) *RISK MANAGEMENT COMMITTEE.*—

4 “(1) *ESTABLISHMENT.*—There is established a
 5 management committee to be known as the ‘Risk
 6 Management Committee’.

7 “(2) *MEMBERSHIP.*—The membership of the Risk
 8 Management Committee shall be the members of the
 9 Board of Directors, with the President and First Vice
 10 President of the Bank serving as *ex officio* members.

11 “(3) *DUTIES.*—The duties of the Risk Manage-
 12 ment Committee shall be—

13 “(A) to oversee, in conjunction with the Of-
 14 fice of the Chief Financial Officer of the Bank—

15 “(i) periodic stress testing on the entire
 16 Bank portfolio, reflecting different market,
 17 industry, and macroeconomic scenarios,
 18 and consistent with common practices of
 19 commercial and multilateral development
 20 banks; and

21 “(ii) the monitoring of industry, geo-
 22 graphic, and obligor exposure levels; and

23 “(B) to review all required reports on the
 24 default rate of the Bank before submission to
 25 Congress under section 8(g).”.

1 (b) *TERMINATION OF AUDIT COMMITTEE.*—Not later
 2 than 180 days after the date of the enactment of this Act,
 3 the Board of Directors of the Export-Import Bank of the
 4 United States shall revise the bylaws of the Bank to termi-
 5 nate the Audit Committee established by section 7 of the
 6 bylaws.

7 **SEC. 51007. INDEPENDENT AUDIT OF BANK PORTFOLIO.**

8 (a) *AUDIT.*—The Inspector General of the Export-Im-
 9 port Bank of the United States shall conduct an audit or
 10 evaluation of the portfolio risk management procedures of
 11 the Bank, including a review of the implementation by the
 12 Bank of the duties assigned to the Chief Risk Officer under
 13 section 3(l) of the Export-Import Bank Act of 1945, as
 14 amended by section 51005.

15 (b) *REPORT.*—Not later than 1 year after the date of
 16 the enactment of this Act, and not less frequently than every
 17 3 years thereafter, the Inspector General shall submit to the
 18 Committee on Banking, Housing, and Urban Affairs of the
 19 Senate and the Committee on Financial Services of the
 20 House of Representatives a written report containing all
 21 findings and determinations made in carrying out sub-
 22 section (a).

23 **SEC. 51008. PILOT PROGRAM FOR REINSURANCE.**

24 (a) *IN GENERAL.*—Notwithstanding any provision of
 25 the Export-Import Bank Act of 1945 (12 U.S.C. 635 et

1 *seq.), the Export-Import Bank of the United States (in this*
 2 *section referred to as the “Bank”) may establish a pilot pro-*
 3 *gram under which the Bank may enter into contracts and*
 4 *other arrangements to share risks associated with the provi-*
 5 *sion of guarantees, insurance, or credit, or the participation*
 6 *in the extension of credit, by the Bank under that Act.*

7 *(b) LIMITATIONS ON AMOUNT OF RISK-SHARING.—*

8 *(1) PER CONTRACT OR OTHER ARRANGEMENT.—*

9 *The aggregate amount of liability the Bank may*
 10 *transfer through risk-sharing pursuant to a contract*
 11 *or other arrangement entered into under subsection*
 12 *(a) may not exceed \$1,000,000,000.*

13 *(2) PER YEAR.—The aggregate amount of liabil-*
 14 *ity the Bank may transfer through risk-sharing dur-*
 15 *ing a fiscal year pursuant to contracts or other ar-*
 16 *rangements entered into under subsection (a) during*
 17 *that fiscal year may not exceed \$10,000,000,000.*

18 *(c) ANNUAL REPORTS.—Not later than 1 year after*
 19 *the date of the enactment of this Act, and annually there-*
 20 *after through 2019, the Bank shall submit to Congress a*
 21 *written report that contains a detailed analysis of the use*
 22 *of the pilot program carried out under subsection (a) dur-*
 23 *ing the year preceding the submission of the report.*

1 (d) *RULE OF CONSTRUCTION.*—*Nothing in this section*
 2 *shall be construed to affect, impede, or revoke any authority*
 3 *of the Bank.*

4 (e) *TERMINATION.*—*The pilot program carried out*
 5 *under subsection (a) shall terminate on September 30, 2019.*

6 ***TITLE LII—PROMOTION OF***
 7 ***SMALL BUSINESS EXPORTS***

8 ***SEC. 52001. INCREASE IN SMALL BUSINESS LENDING RE-***
 9 ***QUIREMENTS.***

10 (a) *IN GENERAL.*—*Section 2(b)(1)(E)(v) of the Ex-*
 11 *port-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)(v))*
 12 *is amended by striking “20 percent” and inserting “25 per-*
 13 *cent”.*

14 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
 15 *section (a) shall apply with respect to fiscal year 2016 and*
 16 *each fiscal year thereafter.*

17 ***SEC. 52002. REPORT ON PROGRAMS FOR SMALL- AND ME-***
 18 ***DIUM-SIZED BUSINESSES.***

19 (a) *IN GENERAL.*—*Section 8 of the Export-Import*
 20 *Bank Act of 1945 (12 U.S.C. 635g) is amended by adding*
 21 *at the end the following:*

22 “(k) *REPORT ON PROGRAMS FOR SMALL- AND ME-*
 23 *DIUM-SIZED BUSINESSES.*—*The Bank shall include in its*
 24 *annual report to Congress under subsection (a) a report on*

1 *the programs of the Bank for United States businesses with*
 2 *less than \$250,000,000 in annual sales.”.*

3 *(b) EFFECTIVE DATE.—The amendment made by sub-*
 4 *section (a) shall apply with respect to the report of the Ex-*
 5 *port-Import Bank of the United States submitted to Con-*
 6 *gress under section 8 of the Export-Import Bank Act of*
 7 *1945 (12 U.S.C. 635g) for the first year that begins after*
 8 *the date of the enactment of this Act.*

9 **TITLE LIII—MODERNIZATION OF** 10 **OPERATIONS**

11 **SEC. 53001. ELECTRONIC PAYMENTS AND DOCUMENTS.**

12 *Section 2(b)(1) of the Export-Import Bank Act of 1945*
 13 *(12 U.S.C. 635(b)(1)) is amended by adding at the end the*
 14 *following:*

15 *“(M) Not later than 2 years after the date of the enact-*
 16 *ment of the Export-Import Bank Reform and Reauthoriza-*
 17 *tion Act of 2015, the Bank shall implement policies—*

18 *“(i) to accept electronic documents with respect*
 19 *to transactions whenever possible, including copies of*
 20 *bills of lading, certifications, and compliance docu-*
 21 *ments, in such manner so as not to undermine any*
 22 *potential civil or criminal enforcement related to the*
 23 *transactions; and*

24 *“(ii) to accept electronic payments in all of its*
 25 *programs.”.*

1 **SEC. 53002. REAUTHORIZATION OF INFORMATION TECH-**
 2 **NOLOGY UPDATING.**

3 *Section 3(j) of the Export-Import Act of 1945 (12*
 4 *U.S.C. 635a(j)) is amended—*

5 *(1) in paragraph (1), in the matter preceding*
 6 *subparagraph (A), by striking “2012, 2013, and*
 7 *2014” and inserting “2015 through 2019”;*

8 *(2) in paragraph (2)(B), by striking “(I) the*
 9 *funds” and inserting “(i) the funds”; and*

10 *(3) in paragraph (3), by striking “2012, 2013,*
 11 *and 2014” and inserting “2015 through 2019”.*

12 **TITLE LIV—GENERAL**
 13 **PROVISIONS**

14 **SEC. 54001. EXTENSION OF AUTHORITY.**

15 *(a) IN GENERAL.—Section 7 of the Export-Import*
 16 *Bank Act of 1945 (12 U.S.C. 635f) is amended by striking*
 17 *“2014” and inserting “2019”.*

18 *(b) DUAL-USE EXPORTS.—Section 1(c) of Public Law*
 19 *103–428 (12 U.S.C. 635 note) is amended by striking “Sep-*
 20 *tember 30, 2014” and inserting “the date on which the au-*
 21 *thority of the Export-Import Bank of the United States ex-*
 22 *pires under section 7 of the Export-Import Bank Act of*
 23 *1945 (12 U.S.C. 635f)”.*

24 *(c) SUB-SAHARAN AFRICA ADVISORY COMMITTEE.—*
 25 *Section 2(b)(9)(B)(iii) of the Export-Import Bank Act of*
 26 *1945 (12 U.S.C. 635(b)(9)(B)(iii)) is amended by striking*

1 “September 30, 2014” and inserting “the date on which the
2 authority of the Bank expires under section 7”.

3 (d) *EFFECTIVE DATE.*—The amendments made by this
4 section shall take effect on the earlier of the date of the en-
5 actment of this Act or June 30, 2015.

6 **SEC. 54002. CERTAIN UPDATED LOAN TERMS AND**
7 **AMOUNTS.**

8 (a) *LOAN TERMS FOR MEDIUM-TERM FINANCING.*—
9 Section 2(a)(2)(A) of the Export-Import Bank Act of 1945
10 (12 U.S.C. 635(a)(2)(A)) is amended—

11 (1) in clause (i), by striking “; and” and insert-
12 ing a semicolon; and

13 (2) by adding at the end the following:

14 “(iii) with principal amounts of not more
15 than \$25,000,000; and”.

16 (b) *COMPETITIVE OPPORTUNITIES RELATING TO IN-*
17 *SURANCE.*—Section 2(d)(2) of the Export-Import Bank Act
18 of 1945 (12 U.S.C. 635(d)(2)) is amended by striking
19 “\$10,000,000” and inserting “\$25,000,000”.

20 (c) *EXPORT AMOUNTS FOR SMALL BUSINESS*
21 *LOANS.*—Section 3(g)(3) of the Export-Import Bank Act of
22 1945 (12 U.S.C. 635a(g)(3)) is amended by striking
23 “\$10,000,000” and inserting “\$25,000,000”.

24 (d) *CONSIDERATION OF ENVIRONMENTAL EFFECTS.*—
25 Section 11(a)(1)(A) of the Export-Import Bank Act of 1945

1 (12 U.S.C. 635i–5(a)(1)(A)) is amended by striking
 2 “\$10,000,000 or more” and inserting the following:
 3 “\$25,000,000 (or, if less than \$25,000,000, the threshold es-
 4 tablished pursuant to international agreements, including
 5 the Common Approaches for Officially Supported Export
 6 Credits and Environmental and Social Due Diligence, as
 7 adopted by the Organisation for Economic Co-operation
 8 and Development Council on June 28, 2012, and the risk-
 9 management framework adopted by financial institutions
 10 for determining, assessing, and managing environmental
 11 and social risk in projects (commonly referred to as the
 12 ‘Equator Principles’)) or more”.

13 (e) *EFFECTIVE DATE.*—The amendments made by this
 14 section shall apply with respect to fiscal year 2016 and each
 15 fiscal year thereafter.

16 ***TITLE LV—OTHER MATTERS***

17 ***SEC. 55001. PROHIBITION ON DISCRIMINATION BASED ON*** 18 ***INDUSTRY.***

19 Section 2 of the Export-Import Bank Act of 1945 (6
 20 U.S.C. 635 *et seq.*) is amended by adding at the end the
 21 following:

22 “(k) *PROHIBITION ON DISCRIMINATION BASED ON IN-*
 23 *DUSTRY.*—

24 “(1) *IN GENERAL.*—Except as provided in this
 25 Act, the Bank may not—

1 “(A) deny an application for financing
2 based solely on the industry, sector, or business
3 that the application concerns; or

4 “(B) promulgate or implement policies that
5 discriminate against an application based solely
6 on the industry, sector, or business that the ap-
7 plication concerns.

8 “(2) *APPLICABILITY.*—The prohibitions under
9 paragraph (1) apply only to applications for financ-
10 ing by the Bank for projects concerning the explo-
11 ration, development, production, or export of energy
12 sources and the generation or transmission of elec-
13 trical power, or combined heat and power, regardless
14 of the energy source involved.”.

15 **SEC. 55002. NEGOTIATIONS TO END EXPORT CREDIT FI-**
16 **NANCING.**

17 (a) *IN GENERAL.*—Section 11 of the Export-Import
18 *Bank Reauthorization Act of 2012* (12 U.S.C. 635a–5) is
19 amended—

20 (1) in subsection (a)—

21 (A) in the matter preceding paragraph (1),
22 by striking “Secretary of the Treasury (in this
23 section referred to as the ‘Secretary’)” and in-
24 serting “President”; and

25 (B) in paragraph (1)—

1 (i) by striking “(OECD)” and insert-
 2 ing “(in this section referred to as the
 3 ‘OECD’)”; and

4 (ii) by striking “ultimate goal of elimi-
 5 nating” and inserting “possible goal of
 6 eliminating, before the date that is 10 years
 7 after the date of the enactment of the Ex-
 8 port-Import Bank Reform and Reauthoriza-
 9 tion Act of 2015,”;

10 (2) in subsection (b), by striking “Secretary”
 11 each place it appears and inserting “President”; and

12 (3) by adding at the end the following:

13 “(c) *REPORT ON STRATEGY.*—Not later than 180 days
 14 after the date of the enactment of the Export-Import Bank
 15 Reform and Reauthorization Act of 2015, the President
 16 shall submit to Congress a proposal, and a strategy for
 17 achieving the proposal, that the United States Government
 18 will pursue with other major exporting countries, including
 19 OECD members and non-OECD members, to eliminate over
 20 a period of not more than 10 years subsidized export-fi-
 21 nancing programs, tied aid, export credits, and all other
 22 forms of government-supported export subsidies.

23 “(d) *NEGOTIATIONS WITH NON-OECD MEMBERS.*—
 24 The President shall initiate and pursue negotiations with
 25 countries that are not OECD members to bring those coun-

1 *tries into a multilateral agreement establishing rules and*
 2 *limitations on officially supported export credits.*

3 “(e) *ANNUAL REPORTS ON PROGRESS OF NEGOTIA-*
 4 *TIONS.—Not later than 180 days after the date of the enact-*
 5 *ment of the Export-Import Bank Reform and Reauthoriza-*
 6 *tion Act of 2015, and annually thereafter through calendar*
 7 *year 2019, the President shall submit to the Committee on*
 8 *Banking, Housing, and Urban Affairs of the Senate and*
 9 *the Committee on Financial Services of the House of Rep-*
 10 *resentatives a report on the progress of any negotiations de-*
 11 *scribed in subsection (d).”.*

12 (b) *EFFECTIVE DATE.—The amendments made by*
 13 *paragraphs (1) and (2) of subsection (a) shall apply with*
 14 *respect to reports required to be submitted under section*
 15 *11(b) of the Export-Import Bank Reauthorization Act of*
 16 *2012 (12 U.S.C. 635a–5(b)) after the date of the enactment*
 17 *of this Act.*

18 **SEC. 55003. STUDY OF FINANCING FOR INFORMATION AND**
 19 **COMMUNICATIONS TECHNOLOGY SYSTEMS.**

20 (a) *ANALYSIS OF INFORMATION AND COMMUNICATIONS*
 21 *TECHNOLOGY INDUSTRY USE OF BANK PRODUCTS.—The*
 22 *Export-Import Bank of the United States (in this section*
 23 *referred to as the “Bank”) shall conduct a study of the ex-*
 24 *tent to which the products offered by the Bank are available*

1 *and used by companies that export information and com-*
2 *munications technology services and related goods.*

3 *(b) ELEMENTS.—In conducting the study required by*
4 *subsection (a), the Bank shall examine the following:*

5 *(1) The number of jobs in the United States that*
6 *are supported by the export of information and com-*
7 *munications technology services and related goods,*
8 *and the degree to which access to financing will in-*
9 *crease exports of such services and related goods.*

10 *(2) The reduction in the financing by the Bank*
11 *of exports of information and communications tech-*
12 *nology services from 2003 through 2014.*

13 *(3) The activities of foreign export credit agen-*
14 *cies to facilitate the export of information and com-*
15 *munications technology services and related goods.*

16 *(4) Specific proposals for how the Bank could*
17 *provide additional financing for the exportation of*
18 *information and communications technology services*
19 *and related goods through risk-sharing with other ex-*
20 *port credit agencies and other third parties.*

21 *(5) Proposals for new products the Bank could*
22 *offer to provide financing for exports of information*
23 *and communications technology services and related*
24 *goods, including—*

1 (A) the extent to which the Bank is author-
2 ized to offer new products;

3 (B) the extent to which the Bank would
4 need additional authority to offer new products
5 to meet the needs of the information and commu-
6 nications technology industry;

7 (C) specific proposals for changes in law
8 that would enable the Bank to provide increased
9 financing for exports of information and commu-
10 nications technology services and related goods
11 in compliance with the credit and risk standards
12 of the Bank;

13 (D) specific proposals that would enable the
14 Bank to provide increased outreach to the infor-
15 mation and communications technology industry
16 about the products the Bank offers; and

17 (E) specific proposals for changes in law
18 that would enable the Bank to provide the fi-
19 nancing to build information and communica-
20 tions technology infrastructure, in compliance
21 with the credit and risk standards of the Bank,
22 to allow for market access opportunities for
23 United States information and communications
24 technology companies to provide services on the
25 infrastructure being financed by the Bank.

1 (c) *REPORT*.—Not later than 180 days after the date
 2 of the enactment of this Act, the Bank shall submit to Con-
 3 gress a report that contains the results of the study required
 4 by subsection (a).

5 ***DIVISION F—ENERGY SECURITY***

6 ***SEC. 61001. EMERGENCY PREPAREDNESS FOR ENERGY SUP-*** 7 ***PLY DISRUPTIONS.***

8 (a) *FINDING*.—Congress finds that recent natural dis-
 9 asters have underscored the importance of having resilient
 10 oil and natural gas infrastructure and effective ways for
 11 industry and government to communicate to address energy
 12 supply disruptions.

13 (b) *AUTHORIZATION FOR ACTIVITIES TO ENHANCE*
 14 *EMERGENCY PREPAREDNESS FOR NATURAL DISASTERS*.—
 15 The Secretary of Energy shall develop and adopt procedures
 16 to—

17 (1) *improve communication and coordination*
 18 *between the Department of Energy’s energy response*
 19 *team, Federal partners, and industry;*

20 (2) *leverage the Energy Information Administra-*
 21 *tion’s subject matter expertise within the Depart-*
 22 *ment’s energy response team to improve supply chain*
 23 *situation assessments;*

1 (3) *establish company liaisons and direct com-*
2 *munication with the Department's energy response*
3 *team to improve situation assessments;*

4 (4) *streamline and enhance processes for obtain-*
5 *ing temporary regulatory relief to speed up emergency*
6 *response and recovery;*

7 (5) *facilitate and increase engagement among*
8 *States, the oil and natural gas industry, and the De-*
9 *partment in developing State and local energy assur-*
10 *ance plans;*

11 (6) *establish routine education and training pro-*
12 *grams for key government emergency response posi-*
13 *tions with the Department and States; and*

14 (7) *involve States and the oil and natural gas*
15 *industry in comprehensive drill and exercise pro-*
16 *grams.*

17 (c) *COOPERATION.*—*The activities carried out under*
18 *subsection (b) shall include collaborative efforts with State*
19 *and local government officials and the private sector.*

20 (d) *REPORT.*—*Not later than 180 days after the date*
21 *of enactment of this Act, the Secretary of Energy shall sub-*
22 *mit to Congress a report describing the effectiveness of the*
23 *activities authorized under this section.*

1 **SEC. 61002. RESOLVING ENVIRONMENTAL AND GRID RELI-**
2 **ABILITY CONFLICTS.**

3 (a) COMPLIANCE WITH OR VIOLATION OF ENVIRON-
4 MENTAL LAWS WHILE UNDER EMERGENCY ORDER.—Sec-
5 tion 202(c) of the Federal Power Act (16 U.S.C. 824a(c))
6 is amended—

7 (1) by inserting “(1)” after “(c)”; and

8 (2) by adding at the end the following:

9 “(2) With respect to an order issued under this sub-
10 section that may result in a conflict with a requirement
11 of any Federal, State, or local environmental law or regula-
12 tion, the Commission shall ensure that such order requires
13 generation, delivery, interchange, or transmission of electric
14 energy only during hours necessary to meet the emergency
15 and serve the public interest, and, to the maximum extent
16 practicable, is consistent with any applicable Federal,
17 State, or local environmental law or regulation and mini-
18 mizes any adverse environmental impacts.

19 “(3) To the extent any omission or action taken by
20 a party, that is necessary to comply with an order issued
21 under this subsection, including any omission or action
22 taken to voluntarily comply with such order, results in non-
23 compliance with, or causes such party to not comply with,
24 any Federal, State, or local environmental law or regula-
25 tion, such omission or action shall not be considered a viola-
26 tion of such environmental law or regulation, or subject

1 *such party to any requirement, civil or criminal liability,*
2 *or a citizen suit under such environmental law or regula-*
3 *tion.*

4 “(4)(A) *An order issued under this subsection that*
5 *may result in a conflict with a requirement of any Federal,*
6 *State, or local environmental law or regulation shall expire*
7 *not later than 90 days after it is issued. The Commission*
8 *may renew or reissue such order pursuant to paragraphs*
9 *(1) and (2) for subsequent periods, not to exceed 90 days*
10 *for each period, as the Commission determines necessary to*
11 *meet the emergency and serve the public interest.*

12 “(B) *In renewing or reissuing an order under sub-*
13 *paragraph (A), the Commission shall consult with the pri-*
14 *mary Federal agency with expertise in the environmental*
15 *interest protected by such law or regulation, and shall in-*
16 *clude in any such renewed or reissued order such conditions*
17 *as such Federal agency determines necessary to minimize*
18 *any adverse environmental impacts to the extent prac-*
19 *ticable. The conditions, if any, submitted by such Federal*
20 *agency shall be made available to the public. The Commis-*
21 *sion may exclude such a condition from the renewed or re-*
22 *issued order if it determines that such condition would pre-*
23 *vent the order from adequately addressing the emergency*
24 *necessitating such order and provides in the order, or other-*

1 *wise makes publicly available, an explanation of such deter-*
 2 *mination.*

3 “(5) *If an order issued under this subsection is subse-*
 4 *quently stayed, modified, or set aside by a court pursuant*
 5 *to section 313 or any other provision of law, any omission*
 6 *or action previously taken by a party that was necessary*
 7 *to comply with the order while the order was in effect, in-*
 8 *cluding any omission or action taken to voluntarily comply*
 9 *with the order, shall remain subject to paragraph (3).”.*

10 (b) *TEMPORARY CONNECTION OR CONSTRUCTION BY*
 11 *MUNICIPALITIES.*—*Section 202(d) of the Federal Power Act*
 12 *(16 U.S.C. 824a(d)) is amended by inserting “or munici-*
 13 *pality” before “engaged in the transmission or sale of elec-*
 14 *tric energy”.*

15 **SEC. 61003. CRITICAL ELECTRIC INFRASTRUCTURE SECU-**
 16 **RITY.**

17 (a) *CRITICAL ELECTRIC INFRASTRUCTURE SECU-*
 18 *RITY.*—*Part II of the Federal Power Act (16 U.S.C. 824*
 19 *et seq.) is amended by adding after section 215 the following*
 20 *new section:*

21 **“SEC. 215A. CRITICAL ELECTRIC INFRASTRUCTURE SECU-**
 22 **RITY.**

23 “(a) *DEFINITIONS.*—*For purposes of this section:*

24 “(1) *BULK-POWER SYSTEM; ELECTRIC RELI-*
 25 *ABILITY ORGANIZATION; REGIONAL ENTITY.*—*The*

terms ‘bulk-power system’, ‘Electric Reliability Organization’, and ‘regional entity’ have the meanings given such terms in paragraphs (1), (2), and (7) of section 215(a), respectively.

“(2) *CRITICAL ELECTRIC INFRASTRUCTURE.*—The term ‘critical electric infrastructure’ means a system or asset of the bulk-power system, whether physical or virtual, the incapacity or destruction of which would negatively affect national security, economic security, public health or safety, or any combination of such matters.

“(3) *CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION.*—The term ‘critical electric infrastructure information’ means information related to critical electric infrastructure, or proposed critical electrical infrastructure, generated by or provided to the Commission or other Federal agency, other than classified national security information, that is designated as critical electric infrastructure information by the Commission under subsection (d)(2). Such term includes information that qualifies as critical energy infrastructure information under the Commission’s regulations.

“(4) *DEFENSE CRITICAL ELECTRIC INFRASTRUCTURE.*—The term ‘defense critical electric infrastruc-

1 *ture’ means any electric infrastructure located in the*
 2 *United States (including the territories) that serves a*
 3 *facility designated by the Secretary pursuant to sub-*
 4 *section (c), but is not owned or operated by the owner*
 5 *or operator of such facility.*

6 “(5) *ELECTROMAGNETIC PULSE.*—*The term ‘elec-*
 7 *tromagnetic pulse’ means 1 or more pulses of electro-*
 8 *magnetic energy emitted by a device capable of dis-*
 9 *abling or disrupting operation of, or destroying, elec-*
 10 *tronic devices or communications networks, including*
 11 *hardware, software, and data, by means of such a*
 12 *pulse.*

13 “(6) *GEOMAGNETIC STORM.*—*The term ‘geo-*
 14 *magnetic storm’ means a temporary disturbance of*
 15 *the Earth’s magnetic field resulting from solar activ-*
 16 *ity.*

17 “(7) *GRID SECURITY EMERGENCY.*—*The term*
 18 *‘grid security emergency’ means the occurrence or im-*
 19 *minent danger of—*

20 “(A)(i) *a malicious act using electronic*
 21 *communication or an electromagnetic pulse, or a*
 22 *geomagnetic storm event, that could disrupt the*
 23 *operation of those electronic devices or commu-*
 24 *nications networks, including hardware, soft-*
 25 *ware, and data, that are essential to the reli-*

1 *ability of critical electric infrastructure or of de-*
2 *fense critical electric infrastructure; and*

3 “(ii) *disruption of the operation of such de-*
4 *vices or networks, with significant adverse effects*
5 *on the reliability of critical electric infrastruc-*
6 *ture or of defense critical electric infrastructure,*
7 *as a result of such act or event; or*

8 “(B)(i) *a direct physical attack on critical*
9 *electric infrastructure or on defense critical elec-*
10 *tric infrastructure; and*

11 “(ii) *significant adverse effects on the reli-*
12 *ability of critical electric infrastructure or of de-*
13 *fense critical electric infrastructure as a result of*
14 *such physical attack.*

15 “(8) SECRETARY.—*The term ‘Secretary’ means*
16 *the Secretary of Energy.*

17 “(b) AUTHORITY TO ADDRESS GRID SECURITY EMER-
18 *GENCY.—*

19 “(1) AUTHORITY.—*Whenever the President issues*
20 *and provides to the Secretary a written directive or*
21 *determination identifying a grid security emergency,*
22 *the Secretary may, with or without notice, hearing, or*
23 *report, issue such orders for emergency measures as*
24 *are necessary in the judgment of the Secretary to pro-*
25 *tect or restore the reliability of critical electric infra-*

1 *structure or of defense critical electric infrastructure*
2 *during such emergency. As soon as practicable but not*
3 *later than 180 days after the date of enactment of this*
4 *section, the Secretary shall, after notice and oppor-*
5 *tunity for comment, establish rules of procedure that*
6 *ensure that such authority can be exercised expedi-*
7 *tiously.*

8 “(2) *NOTIFICATION OF CONGRESS.*—*Whenever*
9 *the President issues and provides to the Secretary a*
10 *written directive or determination under paragraph*
11 *(1), the President shall promptly notify congressional*
12 *committees of relevant jurisdiction, including the*
13 *Committee on Energy and Commerce of the House of*
14 *Representatives and the Committee on Energy and*
15 *Natural Resources of the Senate, of the contents of,*
16 *and justification for, such directive or determination.*

17 “(3) *CONSULTATION.*—*Before issuing an order*
18 *for emergency measures under paragraph (1), the Sec-*
19 *retary shall, to the extent practicable in light of the*
20 *nature of the grid security emergency and the urgency*
21 *of the need for action, consult with appropriate gov-*
22 *ernmental authorities in Canada and Mexico, entities*
23 *described in paragraph (4), the Electricity Sub-sector*
24 *Coordinating Council, the Commission, and other ap-*

1 *appropriate Federal agencies regarding implementation*
2 *of such emergency measures.*

3 “(4) *APPLICATION.—An order for emergency*
4 *measures under this subsection may apply to—*

5 “(A) *the Electric Reliability Organization;*

6 “(B) *a regional entity; or*

7 “(C) *any owner, user, or operator of critical*
8 *electric infrastructure or of defense critical elec-*
9 *tric infrastructure within the United States.*

10 “(5) *EXPIRATION AND REISSUANCE.—*

11 “(A) *IN GENERAL.—Except as provided in*
12 *subparagraph (B), an order for emergency meas-*
13 *ures issued under paragraph (1) shall expire no*
14 *later than 15 days after its issuance.*

15 “(B) *EXTENSIONS.—The Secretary may re-*
16 *issue an order for emergency measures issued*
17 *under paragraph (1) for subsequent periods, not*
18 *to exceed 15 days for each such period, provided*
19 *that the President, for each such period, issues*
20 *and provides to the Secretary a written directive*
21 *or determination that the grid security emer-*
22 *gency identified under paragraph (1) continues*
23 *to exist or that the emergency measure continues*
24 *to be required.*

25 “(6) *COST RECOVERY.—*

1 “(A) *CRITICAL ELECTRIC INFRASTRUC-*
2 *TURE.—If the Commission determines that own-*
3 *ers, operators, or users of critical electric infra-*
4 *structure have incurred substantial costs to com-*
5 *ply with an order for emergency measures issued*
6 *under this subsection and that such costs were*
7 *prudently incurred and cannot reasonably be re-*
8 *covered through regulated rates or market prices*
9 *for the electric energy or services sold by such*
10 *owners, operators, or users, the Commission*
11 *shall, consistent with the requirements of section*
12 *205, after notice and an opportunity for com-*
13 *ment, establish a mechanism that permits such*
14 *owners, operators, or users to recover such costs.*

15 “(B) *DEFENSE CRITICAL ELECTRIC INFRA-*
16 *STRUCTURE.—To the extent the owner or oper-*
17 *ator of defense critical electric infrastructure is*
18 *required to take emergency measures pursuant to*
19 *an order issued under this subsection, the owners*
20 *or operators of a critical defense facility or fa-*
21 *cilities designated by the Secretary pursuant to*
22 *subsection (c) that rely upon such infrastructure*
23 *shall bear the full incremental costs of the meas-*
24 *ures.*

1 “(7) *TEMPORARY ACCESS TO CLASSIFIED INFOR-*
2 *MATION.—The Secretary, and other appropriate Fed-*
3 *eral agencies, shall, to the extent practicable and con-*
4 *sistent with their obligations to protect classified in-*
5 *formation, provide temporary access to classified in-*
6 *formation related to a grid security emergency for*
7 *which emergency measures are issued under para-*
8 *graph (1) to key personnel of any entity subject to*
9 *such emergency measures to enable optimum commu-*
10 *nication between the entity and the Secretary and*
11 *other appropriate Federal agencies regarding the grid*
12 *security emergency.*

13 “(c) *DESIGNATION OF CRITICAL DEFENSE FACILI-*
14 *TIES.—Not later than 180 days after the date of enactment*
15 *of this section, the Secretary, in consultation with other ap-*
16 *propriate Federal agencies and appropriate owners, users,*
17 *or operators of infrastructure that may be defense critical*
18 *electric infrastructure, shall identify and designate facilities*
19 *located in the United States (including the territories) that*
20 *are—*

21 “(1) *critical to the defense of the United States;*
22 *and*

23 “(2) *vulnerable to a disruption of the supply of*
24 *electric energy provided to such facility by an exter-*
25 *nal provider.*

1 *The Secretary may, in consultation with appropriate Fed-*
 2 *eral agencies and appropriate owners, users, or operators*
 3 *of defense critical electric infrastructure, periodically revise*
 4 *the list of designated facilities as necessary.*

5 “(d) *PROTECTION AND SHARING OF CRITICAL ELEC-*
 6 *TRIC INFRASTRUCTURE INFORMATION.—*

7 “(1) *PROTECTION OF CRITICAL ELECTRIC INFRA-*
 8 *STRUCTURE INFORMATION.—Critical electric infra-*
 9 *structure information—*

10 “(A) *shall be exempt from disclosure under*
 11 *section 552(b)(3) of title 5, United States Code;*
 12 *and*

13 “(B) *shall not be made available by any*
 14 *Federal, State, political subdivision or tribal au-*
 15 *thority pursuant to any Federal, State, political*
 16 *subdivision or tribal law requiring public disclo-*
 17 *sure of information or records.*

18 “(2) *DESIGNATION AND SHARING OF CRITICAL*
 19 *ELECTRIC INFRASTRUCTURE INFORMATION.—Not later*
 20 *than one year after the date of enactment of this sec-*
 21 *tion, the Commission, in consultation with the Sec-*
 22 *retary of Energy, shall promulgate such regulations*
 23 *and issue such orders as necessary to—*

24 “(A) *designate information as critical elec-*
 25 *tric infrastructure information;*

1 “(B) prohibit the unauthorized disclosure of
2 critical electric infrastructure information;

3 “(C) ensure there are appropriate sanctions
4 in place for Commissioners, officers, employees,
5 or agents of the Commission who knowingly and
6 willfully disclose critical electric infrastructure
7 information in a manner that is not authorized
8 under this section; and

9 “(D) taking into account standards of the
10 Electric Reliability Organization, facilitate vol-
11 untary sharing of critical electric infrastructure
12 information with, between, and by—

13 “(i) Federal, State, political subdivi-
14 sion, and tribal authorities;

15 “(ii) the Electric Reliability Organiza-
16 tion;

17 “(iii) regional entities;

18 “(iv) information sharing and analysis
19 centers established pursuant to Presidential
20 Decision Directive 63;

21 “(v) owners, operators, and users of
22 critical electric infrastructure in the United
23 States; and

24 “(vi) other entities determined appro-
25 priate by the Commission.

1 “(3) *CONSIDERATIONS.*—In promulgating regu-
 2 lations and issuing orders under paragraph (2), the
 3 Commission shall take into consideration the role of
 4 State commissions in reviewing the prudence and cost
 5 of investments, determining the rates and terms of
 6 conditions for electric services, and ensuring the safe-
 7 ty and reliability of the bulk-power system and dis-
 8 tribution facilities within their respective jurisdic-
 9 tions.

10 “(4) *PROTOCOLS.*—The Commission shall, in
 11 consultation with Canadian and Mexican authorities,
 12 develop protocols for the voluntary sharing of critical
 13 electric infrastructure information with Canadian
 14 and Mexican authorities and owners, operators, and
 15 users of the bulk-power system outside the United
 16 States.

17 “(5) *NO REQUIRED SHARING OF INFORMATION.*—
 18 Nothing in this section shall require a person or enti-
 19 ty in possession of critical electric infrastructure in-
 20 formation to share such information with Federal,
 21 State, political subdivision, or tribal authorities, or
 22 any other person or entity.

23 “(6) *SUBMISSION OF INFORMATION TO CON-*
 24 *GRESS.*—Nothing in this section shall permit or au-
 25 thorize the withholding of information from Congress,

1 *any committee or subcommittee thereof, or the Com-*
2 *troller General.*

3 “(7) *DISCLOSURE OF NONPROTECTED INFORMA-*
4 *TION.—In implementing this section, the Commission*
5 *shall segregate critical electric infrastructure informa-*
6 *tion or information that reasonably could be expected*
7 *to lead to the disclosure of the critical electric infra-*
8 *structure information within documents and elec-*
9 *tronic communications, wherever feasible, to facilitate*
10 *disclosure of information that is not designated as*
11 *critical electric infrastructure information.*

12 “(8) *DURATION OF DESIGNATION.—Information*
13 *may not be designated as critical electric infrastruc-*
14 *ture information for longer than 5 years, unless spe-*
15 *cifically re-designated by the Commission.*

16 “(9) *REMOVAL OF DESIGNATION.—The Commis-*
17 *sion shall remove the designation of critical electric*
18 *infrastructure information, in whole or in part, from*
19 *a document or electronic communication if the Com-*
20 *mission determines that the unauthorized disclosure of*
21 *such information could no longer be used to impair*
22 *the security or reliability of the bulk-power system or*
23 *distribution facilities.*

24 “(10) *JUDICIAL REVIEW OF DESIGNATIONS.—*
25 *Notwithstanding section 313(b), any determination*

1 *by the Commission concerning the designation of crit-*
2 *ical electric infrastructure information under this*
3 *subsection shall be subject to review under chapter 7*
4 *of title 5, United States Code, except that such review*
5 *shall be brought in the district court of the United*
6 *States in the district in which the complainant re-*
7 *sides, or has his principal place of business, or in the*
8 *District of Columbia. In such a case the court shall*
9 *examine in camera the contents of documents or elec-*
10 *tronic communications that are the subject of the de-*
11 *termination under review to determine whether such*
12 *documents or any part thereof were improperly des-*
13 *ignated or not designated as critical electric infra-*
14 *structure information.*

15 “(e) *SECURITY CLEARANCES.—The Secretary shall fa-*
16 *cilitate and, to the extent practicable, expedite the acquisi-*
17 *tion of adequate security clearances by key personnel of any*
18 *entity subject to the requirements of this section, to enable*
19 *optimum communication with Federal agencies regarding*
20 *threats to the security of the critical electric infrastructure.*
21 *The Secretary, the Commission, and other appropriate Fed-*
22 *eral agencies shall, to the extent practicable and consistent*
23 *with their obligations to protect classified and critical elec-*
24 *tric infrastructure information, share timely actionable in-*
25 *formation regarding grid security with appropriate key*

1 *personnel of owners, operators, and users of the critical elec-*
2 *tric infrastructure.*

3 “(f) *CLARIFICATIONS OF LIABILITY.*—

4 “(1) *COMPLIANCE WITH OR VIOLATION OF THIS*
5 *ACT.*—*Except as provided in paragraph (4), to the ex-*
6 *tent any action or omission taken by an entity that*
7 *is necessary to comply with an order for emergency*
8 *measures issued under subsection (b)(1), including*
9 *any action or omission taken to voluntarily comply*
10 *with such order, results in noncompliance with, or*
11 *causes such entity not to comply with any rule, order,*
12 *regulation, or provision of this Act, including any re-*
13 *liability standard approved by the Commission pur-*
14 *suant to section 215, such action or omission shall*
15 *not be considered a violation of such rule, order, regu-*
16 *lation, or provision.*

17 “(2) *RELATION TO SECTION 202(c).*—*Except as*
18 *provided in paragraph (4), an action or omission*
19 *taken by an owner, operator, or user of critical elec-*
20 *tric infrastructure or of defense critical electric infra-*
21 *structure to comply with an order for emergency*
22 *measures issued under subsection (b)(1) shall be treat-*
23 *ed as an action or omission taken to comply with an*
24 *order issued under section 202(c) for purposes of such*
25 *section.*

1 “(3) *SHARING OR RECEIPT OF INFORMATION.*—
 2 *No cause of action shall lie or be maintained in any*
 3 *Federal or State court for the sharing or receipt of in-*
 4 *formation under, and that is conducted in accordance*
 5 *with, subsection (d).*

6 “(4) *RULE OF CONSTRUCTION.*—*Nothing in this*
 7 *subsection shall be construed to require dismissal of a*
 8 *cause of action against an entity that, in the course*
 9 *of complying with an order for emergency measures*
 10 *issued under subsection (b)(1) by taking an action or*
 11 *omission for which they would be liable but for para-*
 12 *graph (1) or (2), takes such action or omission in a*
 13 *grossly negligent manner.”.*

14 (b) *CONFORMING AMENDMENTS.*—

15 (1) *JURISDICTION.*—*Section 201(b)(2) of the*
 16 *Federal Power Act (16 U.S.C. 824(b)(2)) is amended*
 17 *by inserting “215A,” after “215,” each place it ap-*
 18 *pears.*

19 (2) *PUBLIC UTILITY.*—*Section 201(e) of the Fed-*
 20 *eral Power Act (16 U.S.C. 824(e)) is amended by in-*
 21 *serting “215A,” after “215,”.*

22 **SEC. 61004. STRATEGIC TRANSFORMER RESERVE.**

23 (a) *FINDING.*—*Congress finds that the storage of stra-*
 24 *tegically located spare large power transformers and emer-*
 25 *gency mobile substations will reduce the vulnerability of the*

1 *United States to multiple risks facing electric grid reli-*
 2 *ability, including physical attack, cyber attack, electro-*
 3 *magnetic pulse, geomagnetic disturbances, severe weather,*
 4 *and seismic events.*

5 (b) *DEFINITIONS.—In this section:*

6 (1) *BULK-POWER SYSTEM.—The term “bulk-*
 7 *power system” has the meaning given such term in*
 8 *section 215(a) of the Federal Power Act (16 U.S.C.*
 9 *824o(a)).*

10 (2) *CRITICALLY DAMAGED LARGE POWER TRANS-*
 11 *FORMER.—The term “critically damaged large power*
 12 *transformer” means a large power transformer that—*

13 (A) *has sustained extensive damage such*
 14 *that—*

15 (i) *repair or refurbishment is not eco-*
 16 *nomically viable; or*

17 (ii) *the extensive time to repair or re-*
 18 *furbish the large power transformer would*
 19 *create an extended period of instability in*
 20 *the bulk-power system; and*

21 (B) *prior to sustaining such damage, was*
 22 *part of the bulk-power system.*

23 (3) *CRITICAL ELECTRIC INFRASTRUCTURE.—The*
 24 *term “critical electric infrastructure” has the mean-*

1 *ing given that term in section 215A of the Federal*
2 *Power Act.*

3 (4) *ELECTRIC RELIABILITY ORGANIZATION.*—*The*
4 *term “Electric Reliability Organization” has the*
5 *meaning given such term in section 215(a) of the Fed-*
6 *eral Power Act (16 U.S.C. 824o(a)).*

7 (5) *EMERGENCY MOBILE SUBSTATION.*—*The*
8 *term “emergency mobile substation” means a mobile*
9 *substation or mobile transformer that is—*

10 (A) *assembled and permanently mounted on*
11 *a trailer that is capable of highway travel and*
12 *meets relevant Department of Transportation*
13 *regulations; and*

14 (B) *intended for express deployment and ca-*
15 *pable of being rapidly placed into service.*

16 (6) *LARGE POWER TRANSFORMER.*—*The term*
17 *“large power transformer” means a power trans-*
18 *former with a maximum nameplate rating of 100*
19 *megavolt-amperes or higher, including related critical*
20 *equipment, that is, or is intended to be, a part of the*
21 *bulk-power system.*

22 (7) *SECRETARY.*—*The term “Secretary” means*
23 *the Secretary of Energy.*

24 (8) *SPARE LARGE POWER TRANSFORMER.*—*The*
25 *term “spare large power transformer” means a large*

1 *power transformer that is stored within the Strategic*
2 *Transformer Reserve to be available to temporarily*
3 *replace a critically damaged large power transformer.*

4 *(c) STRATEGIC TRANSFORMER RESERVE PLAN.—*

5 *(1) PLAN.—Not later than 1 year after the date*
6 *of enactment of this Act, the Secretary, acting through*
7 *the Office of Electricity Delivery and Energy Reli-*
8 *ability, shall, in consultation with the Federal Energy*
9 *Regulatory Commission, the Electricity Sub-sector*
10 *Coordinating Council, the Electric Reliability Orga-*
11 *nization, and owners and operators of critical electric*
12 *infrastructure and defense and military installations,*
13 *prepare and submit to Congress a plan to establish a*
14 *Strategic Transformer Reserve for the storage, in stra-*
15 *tegically located facilities, of spare large power trans-*
16 *formers and emergency mobile substations in suffi-*
17 *cient numbers to temporarily replace critically dam-*
18 *aged large power transformers and substations that*
19 *are critical electric infrastructure or serve defense and*
20 *military installations.*

21 *(2) INCLUSIONS.—The Strategic Transformer*
22 *Reserve plan shall include a description of—*

23 *(A) the appropriate number and type of*
24 *spare large power transformers necessary to pro-*
25 *vide or restore sufficient resiliency to the bulk-*

1 *power system, critical electric infrastructure,*
2 *and defense and military installations to miti-*
3 *gate significant impacts to the electric grid re-*
4 *sulting from—*

5 *(i) physical attack;*

6 *(ii) cyber attack;*

7 *(iii) electromagnetic pulse attack;*

8 *(iv) geomagnetic disturbances;*

9 *(v) severe weather; or*

10 *(vi) seismic events;*

11 *(B) other critical electric grid equipment for*
12 *which an inventory of spare equipment, includ-*
13 *ing emergency mobile substations, is necessary to*
14 *provide or restore sufficient resiliency to the*
15 *bulk-power system, critical electric infrastruc-*
16 *ture, and defense and military installations;*

17 *(C) the degree to which utility sector actions*
18 *or initiatives, including individual utility own-*
19 *ership of spare equipment, joint ownership of*
20 *spare equipment inventory, sharing agreements,*
21 *or other spare equipment reserves or arrange-*
22 *ments, satisfy the needs identified under sub-*
23 *paragraphs (A) and (B);*

24 *(D) the potential locations for, and feasi-*
25 *bility and appropriate number of, strategic stor-*

1 *age locations for reserve equipment, including*
2 *consideration of—*

3 *(i) the physical security of such loca-*
4 *tions;*

5 *(ii) the protection of the confidentiality*
6 *of such locations; and*

7 *(iii) the proximity of such locations to*
8 *sites of potentially critically damaged large*
9 *power transformers and substations that are*
10 *critical electric infrastructure or serve de-*
11 *fense and military installations, so as to en-*
12 *able efficient delivery of equipment to such*
13 *sites;*

14 *(E) the necessary degree of flexibility of*
15 *spare large power transformers to be included in*
16 *the Strategic Transformer Reserve to conform to*
17 *different substation configurations, including*
18 *consideration of transformer—*

19 *(i) power and voltage rating for each*
20 *winding;*

21 *(ii) overload requirements;*

22 *(iii) impedance between windings;*

23 *(iv) configuration of windings; and*

24 *(v) tap requirements;*

1 (F) an estimate of the direct cost of the
2 Strategic Transformer Reserve, as proposed, in-
3 cluding—

- 4 (i) the cost of storage facilities;
5 (ii) the cost of the equipment; and
6 (iii) management, maintenance, and
7 operation costs;

8 (G) the funding options available to estab-
9 lish, stock, manage, and maintain the Strategic
10 Transformer Reserve, including consideration of
11 fees on owners and operators of bulk-power sys-
12 tem facilities, critical electric infrastructure, and
13 defense and military installations relying on the
14 Strategic Transformer Reserve, use of Federal
15 appropriations, and public-private cost-sharing
16 options;

17 (H) the ease and speed of transportation,
18 installation, and energization of spare large
19 power transformers to be included in the Stra-
20 tegic Transformer Reserve, including consider-
21 ation of factors such as—

- 22 (i) transformer transportation weight;
23 (ii) transformer size;
24 (iii) topology of critical substations;

1 (iv) availability of appropriate trans-
2 former mounting pads;

3 (v) flexibility of the spare large power
4 transformers as described in subparagraph
5 (E); and

6 (vi) ability to rapidly transition a
7 spare large power transformer from storage
8 to energization;

9 (I) eligibility criteria for withdrawal of
10 equipment from the Strategic Transformer Re-
11 serve;

12 (J) the process by which owners or opera-
13 tors of critically damaged large power trans-
14 formers or substations that are critical electric
15 infrastructure or serve defense and military in-
16 stallations may apply for a withdrawal from the
17 Strategic Transformer Reserve;

18 (K) the process by which equipment with-
19 drawn from the Strategic Transformer Reserve is
20 returned to the Strategic Transformer Reserve or
21 is replaced;

22 (L) possible fees to be paid by users of
23 equipment withdrawn from the Strategic Trans-
24 former Reserve;

1 (M) possible fees to be paid by owners and
2 operators of large power transformers and sub-
3 stations that are critical electric infrastructure
4 or serve defense and military installations to
5 cover operating costs of the Strategic Trans-
6 former Reserve;

7 (N) the domestic and international large
8 power transformer supply chain;

9 (O) the potential reliability, cost, and oper-
10 ational benefits of including emergency mobile
11 substations in any Strategic Transformer Re-
12 serve established under this section; and

13 (P) other considerations for designing, con-
14 structing, stocking, funding, and managing the
15 Strategic Transformer Reserve.

16 (d) *ESTABLISHMENT.*—The Secretary may establish a
17 Strategic Transformer Reserve in accordance with the plan
18 prepared pursuant to subsection (c) after the date that is
19 6 months after the date on which such plan is submitted
20 to Congress.

21 (e) *DISCLOSURE OF INFORMATION.*—Any information
22 included in the Strategic Transformer Reserve plan, or
23 shared in the preparation and development of such plan,
24 the disclosure of which could cause harm to critical electric
25 infrastructure, shall be exempt from disclosure under sec-

tion 552(b)(3) of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records.

SEC. 61005. ENERGY SECURITY VALUATION.

(a) *ESTABLISHMENT OF ENERGY SECURITY VALUATION METHODS.*—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, in collaboration with the Secretary of State, shall develop and transmit, after public notice and comment, to the Committee on Energy and Commerce and the Committee on Foreign Affairs of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Foreign Relations of the Senate a report that develops recommended United States energy security valuation methods. In developing the report, the Secretaries may consider the recommendations of the Administration’s Quadrennial Energy Review released on April 21, 2015. The report shall—

(1) evaluate and define United States energy security to reflect modern domestic and global energy markets and the collective needs of the United States and its allies and partners;

(2) identify transparent and uniform or coordinated procedures and criteria to ensure that energy-related actions that significantly affect the supply, distribution, or use of energy are evaluated with re-

1 *spect to their potential impact on energy security, in-*
2 *cluding their impact on—*

3 *(A) consumers and the economy;*

4 *(B) energy supply diversity and resiliency;*

5 *(C) well-functioning and competitive energy*
6 *markets;*

7 *(D) United States trade balance; and*

8 *(E) national security objectives; and*

9 *(3) include a recommended implementation*
10 *strategy that identifies and aims to ensure that the*
11 *procedures and criteria referred to in paragraph (2)*
12 *are—*

13 *(A) evaluated consistently across the Fed-*
14 *eral Government; and*

15 *(B) weighed appropriately and balanced*
16 *with environmental considerations required by*
17 *Federal law.*

18 *(b) PARTICIPATION.—In developing the report referred*
19 *to in subsection (a), the Secretaries may consult with rel-*
20 *evant Federal, State, private sector, and international par-*
21 *ticipants, as appropriate and consistent with applicable*
22 *law.*

1 ***DIVISION G—FINANCIAL***
2 ***SERVICES***
3 ***TITLE LXXI—IMPROVING ACCESS***
4 ***TO CAPITAL FOR EMERGING***
5 ***GROWTH COMPANIES***

6 ***SEC. 71001. FILING REQUIREMENT FOR PUBLIC FILING***
7 ***PRIOR TO PUBLIC OFFERING.***

8 *Section 6(e)(1) of the Securities Act of 1933 (15 U.S.C.*
9 *77f(e)(1)) is amended by striking “21 days” and inserting*
10 *“15 days”.*

11 ***SEC. 71002. GRACE PERIOD FOR CHANGE OF STATUS OF***
12 ***EMERGING GROWTH COMPANIES.***

13 *Section 6(e)(1) of the Securities Act of 1933 (15 U.S.C.*
14 *77f(e)(1)) is further amended by adding at the end the fol-*
15 *lowing: “An issuer that was an emerging growth company*
16 *at the time it submitted a confidential registration state-*
17 *ment or, in lieu thereof, a publicly filed registration state-*
18 *ment for review under this subsection but ceases to be an*
19 *emerging growth company thereafter shall continue to be*
20 *treated as an emerging market growth company for the pur-*
21 *poses of this subsection through the earlier of the date on*
22 *which the issuer consummates its initial public offering*
23 *pursuant to such registrations statement or the end of the*
24 *1-year period beginning on the date the company ceases to*
25 *be an emerging growth company.”.*

1 **SEC. 71003. SIMPLIFIED DISCLOSURE REQUIREMENTS FOR**
 2 **EMERGING GROWTH COMPANIES.**

3 *Section 102 of the Jumpstart Our Business Startups*
 4 *Act (Public Law 112–106) is amended by adding at the*
 5 *end the following:*

6 “(d) *SIMPLIFIED DISCLOSURE REQUIREMENTS.—*
 7 *With respect to an emerging growth company (as such term*
 8 *is defined under section 2 of the Securities Act of 1933):*

9 “(1) *REQUIREMENT TO INCLUDE NOTICE ON*
 10 *FORMS S–1 AND F–1.—Not later than 30 days after*
 11 *the date of enactment of this subsection, the Securities*
 12 *and Exchange Commission shall revise its general in-*
 13 *structions on Forms S–1 and F–1 to indicate that a*
 14 *registration statement filed (or submitted for con-*
 15 *fidential review) by an issuer prior to an initial pub-*
 16 *lic offering may omit financial information for his-*
 17 *torical periods otherwise required by regulation S–X*
 18 *(17 CFR 210.1–01 et seq.) as of the time of filing (or*
 19 *confidential submission) of such registration state-*
 20 *ment, provided that—*

21 “(A) *the omitted financial information re-*
 22 *lates to a historical period that the issuer reason-*
 23 *ably believes will not be required to be included*
 24 *in the Form S–1 or F–1 at the time of the con-*
 25 *templated offering; and*

1 “(B) prior to the issuer distributing a pre-
 2 liminary prospectus to investors, such registra-
 3 tion statement is amended to include all finan-
 4 cial information required by such regulation S-
 5 X at the date of such amendment.

6 “(2) *RELIANCE BY ISSUERS.*—Effective 30 days
 7 after the date of enactment of this subsection, an
 8 issuer filing a registration statement (or submitting
 9 the statement for confidential review) on Form S-1 or
 10 Form F-1 may omit financial information for histor-
 11 ical periods otherwise required by regulation S-X (17
 12 CFR 210.1-01 et seq.) as of the time of filing (or con-
 13 fidential submission) of such registration statement,
 14 provided that—

15 “(A) the omitted financial information re-
 16 lates to a historical period that the issuer reason-
 17 ably believes will not be required to be included
 18 in the Form S-1 or Form F-1 at the time of the
 19 contemplated offering; and

20 “(B) prior to the issuer distributing a pre-
 21 liminary prospectus to investors, such registra-
 22 tion statement is amended to include all finan-
 23 cial information required by such regulation S-
 24 X at the date of such amendment.”.

1 **TITLE LXXII—DISCLOSURE MOD-**
 2 **ERNIZATION AND SIM-**
 3 **PLIFICATION**

4 **SEC. 72001. SUMMARY PAGE FOR FORM 10-K.**

5 *Not later than the end of the 180-day period beginning*
 6 *on the date of the enactment of this Act, the Securities and*
 7 *Exchange Commission shall issue regulations to permit*
 8 *issuers to submit a summary page on form 10-K (17 CFR*
 9 *249.310), but only if each item on such summary page in-*
 10 *cludes a cross-reference (by electronic link or otherwise) to*
 11 *the material contained in form 10-K to which such item*
 12 *relates.*

13 **SEC. 72002. IMPROVEMENT OF REGULATION S-K.**

14 *Not later than the end of the 180-day period beginning*
 15 *on the date of the enactment of this Act, the Securities and*
 16 *Exchange Commission shall take all such actions to revise*
 17 *regulation S-K (17 CFR 229.10 et seq.)—*

18 *(1) to further scale or eliminate requirements of*
 19 *regulation S-K, in order to reduce the burden on*
 20 *emerging growth companies, accelerated filers, smaller*
 21 *reporting companies, and other smaller issuers, while*
 22 *still providing all material information to investors;*

23 *(2) to eliminate provisions of regulation S-K,*
 24 *required for all issuers, that are duplicative, overlap-*
 25 *ping, outdated, or unnecessary; and*

1 (3) *for which the Commission determines that no*
 2 *further study under section 72203 is necessary to de-*
 3 *termine the efficacy of such revisions to regulation S–*
 4 *K.*

5 **SEC. 72003. STUDY ON MODERNIZATION AND SIMPLIFICA-**
 6 **TION OF REGULATION S–K.**

7 (a) *STUDY.*—*The Securities and Exchange Commis-*
 8 *sion shall carry out a study of the requirements contained*
 9 *in regulation S–K (17 CFR 229.10 et seq.). Such study*
 10 *shall—*

11 (1) *determine how best to modernize and sim-*
 12 *pify such requirements in a manner that reduces the*
 13 *costs and burdens on issuers while still providing all*
 14 *material information;*

15 (2) *emphasize a company by company approach*
 16 *that allows relevant and material information to be*
 17 *disseminated to investors without boilerplate language*
 18 *or static requirements while preserving completeness*
 19 *and comparability of information across registrants;*
 20 *and*

21 (3) *evaluate methods of information delivery and*
 22 *presentation and explore methods for discouraging*
 23 *repetition and the disclosure of immaterial informa-*
 24 *tion.*

1 (b) *CONSULTATION.*—*In conducting the study required*
2 *under subsection (a), the Commission shall consult with the*
3 *Investor Advisory Committee and the Advisory Committee*
4 *on Small and Emerging Companies.*

5 (c) *REPORT.*—*Not later than the end of the 360-day*
6 *period beginning on the date of enactment of this Act, the*
7 *Commission shall issue a report to the Congress con-*
8 *taining—*

9 (1) *all findings and determinations made in car-*
10 *rying out the study required under subsection (a);*

11 (2) *specific and detailed recommendations on*
12 *modernizing and simplifying the requirements in reg-*
13 *ulation S–K in a manner that reduces the costs and*
14 *burdens on companies while still providing all mate-*
15 *rial information; and*

16 (3) *specific and detailed recommendations on*
17 *ways to improve the readability and navigability of*
18 *disclosure documents and to discourage repetition and*
19 *the disclosure of immaterial information.*

20 (d) *RULEMAKING.*—*Not later than the end of the 360-*
21 *day period beginning on the date that the report is issued*
22 *to the Congress under subsection (c), the Commission shall*
23 *issue a proposed rule to implement the recommendations*
24 *of the report issued under subsection (c).*

1 (e) *RULE OF CONSTRUCTION.*—*Revisions made to reg-*
 2 *ulation S–K by the Commission under section 202 shall not*
 3 *be construed as satisfying the rulemaking requirements*
 4 *under this section.*

5 ***TITLE LXXIII—BULLION AND***
 6 ***COLLECTIBLE COIN PRODUC-***
 7 ***TION EFFICIENCY AND COST***
 8 ***SAVINGS***

9 ***SEC. 73001. TECHNICAL CORRECTIONS.***

10 *Title 31, United States Code, is amended—*

11 *(1) in section 5112—*

12 *(A) in subsection (q)—*

13 *(i) by striking paragraphs (3) and (8);*

14 *and*

15 *(ii) by redesignating paragraphs (4),*

16 *(5), (6), and (7) as paragraphs (3), (4), (5),*

17 *and (6), respectively;*

18 *(B) in subsection (t)(6)(B), by striking “90*

19 *percent silver and 10 percent copper” and insert-*

20 *ing “not less than 90 percent silver”; and*

21 *(C) in subsection (v)—*

22 *(i) in paragraph (1), by striking “Sub-*

23 *ject to” and all that follows through “the*

24 *Secretary shall” and inserting “The Sec-*

25 *retary shall”;*

1 (ii) in paragraph (2)(A), by striking
2 “The Secretary” and inserting “To the
3 greatest extent possible, the Secretary”;

4 (iii) in paragraph (5), by inserting
5 after “may issue” the following: “collectible
6 versions of”; and

7 (iv) by striking paragraph (8); and

8 (2) in section 5132(a)(2)(B)(i), by striking “90
9 percent silver and 10 percent copper” and inserting
10 “not less than 90 percent silver”.

11 **SEC. 73002. AMERICAN EAGLE SILVER BULLION 30TH ANNI-**
12 **VERSARY.**

13 *Proof and uncirculated versions of coins issued by the*
14 *Secretary of the Treasury pursuant to subsection (e) of sec-*
15 *tion 5112 of title 31, United States Code, during calendar*
16 *year 2016 shall have a smooth edge incused with a designa-*
17 *tion that notes the 30th anniversary of the first issue of*
18 *coins under such subsection.*

19 **TITLE LXXIV—SBIC ADVISERS**
20 **RELIEF**

21 **SEC. 74001. ADVISERS OF SBICS AND VENTURE CAPITAL**
22 **FUNDS.**

23 *Section 203(l) of the Investment Advisers Act of 1940*
24 *(15 U.S.C. 80b–3(l)) is amended—*

1 (1) by striking “No investment adviser” and in-
 2 serting the following:

3 “(1) *IN GENERAL.*—No investment adviser”; and
 4 (2) by adding at the end the following:

5 “(2) *ADVISERS OF SBICS.*—For purposes of this
 6 subsection, a venture capital fund includes an entity
 7 described in subparagraph (A), (B), or (C) of sub-
 8 section (b)(7) (other than an entity that has elected
 9 to be regulated or is regulated as a business develop-
 10 ment company pursuant to section 54 of the Invest-
 11 ment Company Act of 1940).”.

12 **SEC. 74002. ADVISERS OF SBICS AND PRIVATE FUNDS.**

13 Section 203(m) of the Investment Advisers Act of 1940
 14 (15 U.S.C. 80b–3(m)) is amended by adding at the end the
 15 following:

16 “(3) *ADVISERS OF SBICS.*—For purposes of this
 17 subsection, the assets under management of a private
 18 fund that is an entity described in subparagraph (A),
 19 (B), or (C) of subsection (b)(7) (other than an entity
 20 that has elected to be regulated or is regulated as a
 21 business development company pursuant to section 54
 22 of the Investment Company Act of 1940) shall be ex-
 23 cluded from the limit set forth in paragraph (1).”.

1 **SEC. 74003. RELATIONSHIP TO STATE LAW.**

2 *Section 203A(b)(1) of the Investment Advisers Act of*
 3 *1940 (15 U.S.C. 80b–3a(b)(1)) is amended—*

4 *(1) in subparagraph (A), by striking “or” at the*
 5 *end;*

6 *(2) in subparagraph (B), by striking the period*
 7 *at the end and inserting “; or”; and*

8 *(3) by adding at the end the following:*

9 *“(C) that is not registered under section 203*
 10 *because that person is exempt from registration*
 11 *as provided in subsection (b)(7) of such section,*
 12 *or is a supervised person of such person.”.*

13 **TITLE LXXV—ELIMINATE**
 14 **PRIVACY NOTICE CONFUSION**

15 **SEC. 75001. EXCEPTION TO ANNUAL PRIVACY NOTICE RE-**
 16 **QUIREMENT UNDER THE GRAMM-LEACH-BLI-**
 17 **LEY ACT.**

18 *Section 503 of the Gramm-Leach-Bliley Act (15 U.S.C.*
 19 *6803) is amended by adding at the end the following:*

20 *“(f) EXCEPTION TO ANNUAL NOTICE REQUIREMENT.—*
 21 *A financial institution that—*

22 *“(1) provides nonpublic personal information*
 23 *only in accordance with the provisions of subsection*
 24 *(b)(2) or (e) of section 502 or regulations prescribed*
 25 *under section 504(b), and*

1 “(2) has not changed its policies and practices
 2 with regard to disclosing nonpublic personal informa-
 3 tion from the policies and practices that were dis-
 4 closed in the most recent disclosure sent to consumers
 5 in accordance with this section,
 6 shall not be required to provide an annual disclosure under
 7 this section until such time as the financial institution fails
 8 to comply with any criteria described in paragraph (1) or
 9 (2).”.

10 **TITLE LXXVI—REFORMING AC-**
 11 **CESS FOR INVESTMENTS IN**
 12 **STARTUP ENTERPRISES**

13 **SEC. 76001. EXEMPTED TRANSACTIONS.**

14 (a) *EXEMPTED TRANSACTIONS.*—Section 4 of the Se-
 15 curities Act of 1933 (15 U.S.C. 77d) is amended—

16 (1) in subsection (a), by adding at the end the
 17 following new paragraph:

18 “(7) transactions meeting the requirements of
 19 subsection (d).”;

20 (2) by redesignating the second subsection (b)
 21 (relating to securities offered and sold in compliance
 22 with Rule 506 of Regulation D) as subsection (c); and

23 (3) by adding at the end the following:

1 “(d) *CERTAIN ACCREDITED INVESTOR TRANS-*
 2 *ACTIONS.—The transactions referred to in subsection (a)(7)*
 3 *are transactions meeting the following requirements:*

4 “(1) *ACCREDITED INVESTOR REQUIREMENT.—*
 5 *Each purchaser is an accredited investor, as that*
 6 *term is defined in section 230.501(a) of title 17, Code*
 7 *of Federal Regulations (or any successor regulation).*

8 “(2) *PROHIBITION ON GENERAL SOLICITATION*
 9 *OR ADVERTISING.—Neither the seller, nor any person*
 10 *acting on the seller’s behalf, offers or sells securities by*
 11 *any form of general solicitation or general adver-*
 12 *tising.*

13 “(3) *INFORMATION REQUIREMENT.—In the case*
 14 *of a transaction involving the securities of an issuer*
 15 *that is neither subject to section 13 or 15(d) of the Se-*
 16 *curities Exchange Act of 1934 (15 U.S.C. 78m;*
 17 *78o(d)), nor exempt from reporting pursuant to sec-*
 18 *tion 240.12g3–2(b) of title 17, Code of Federal Regu-*
 19 *lations, nor a foreign government (as defined in sec-*
 20 *tion 230.405 of title 17, Code of Federal Regulations)*
 21 *eligible to register securities under Schedule B, the*
 22 *seller and a prospective purchaser designated by the*
 23 *seller obtain from the issuer, upon request of the sell-*
 24 *er, and the seller in all cases makes available to a*
 25 *prospective purchaser, the following information*

1 *(which shall be reasonably current in relation to the*
2 *date of resale under this section):*

3 “(A) *The exact name of the issuer and the*
4 *issuer’s predecessor (if any).*

5 “(B) *The address of the issuer’s principal*
6 *executive offices.*

7 “(C) *The exact title and class of the secu-*
8 *rity.*

9 “(D) *The par or stated value of the security.*

10 “(E) *The number of shares or total amount*
11 *of the securities outstanding as of the end of the*
12 *issuer’s most recent fiscal year.*

13 “(F) *The name and address of the transfer*
14 *agent, corporate secretary, or other person re-*
15 *sponsible for transferring shares and stock cer-*
16 *tificates.*

17 “(G) *A statement of the nature of the busi-*
18 *ness of the issuer and the products and services*
19 *it offers, which shall be presumed reasonably cur-*
20 *rent if the statement is as of 12 months before*
21 *the transaction date.*

22 “(H) *The names of the officers and directors*
23 *of the issuer.*

24 “(I) *The names of any persons registered as*
25 *a broker, dealer, or agent that shall be paid or*

1 *given, directly or indirectly, any commission or*
2 *remuneration for such person's participation in*
3 *the offer or sale of the securities.*

4 *“(J) The issuer's most recent balance sheet*
5 *and profit and loss statement and similar finan-*
6 *cial statements, which shall—*

7 *“(i) be for such part of the 2 preceding*
8 *fiscal years as the issuer has been in oper-*
9 *ation;*

10 *“(ii) be prepared in accordance with*
11 *generally accepted accounting principles or,*
12 *in the case of a foreign private issuer, be*
13 *prepared in accordance with generally ac-*
14 *cepted accounting principles or the Inter-*
15 *national Financial Reporting Standards*
16 *issued by the International Accounting*
17 *Standards Board;*

18 *“(iii) be presumed reasonably current*
19 *if—*

20 *“(I) with respect to the balance*
21 *sheet, the balance sheet is as of a date*
22 *less than 16 months before the trans-*
23 *action date; and*

24 *“(II) with respect to the profit*
25 *and loss statement, such statement is*

1 *for the 12 months preceding the date of*
2 *the issuer's balance sheet; and*

3 “(iv) *if the balance sheet is not as of*
4 *a date less than 6 months before the trans-*
5 *action date, be accompanied by additional*
6 *statements of profit and loss for the period*
7 *from the date of such balance sheet to a date*
8 *less than 6 months before the transaction*
9 *date.*

10 “(K) *To the extent that the seller is a con-*
11 *trol person with respect to the issuer, a brief*
12 *statement regarding the nature of the affiliation,*
13 *and a statement certified by such seller that they*
14 *have no reasonable grounds to believe that the*
15 *issuer is in violation of the securities laws or*
16 *regulations.*

17 “(4) *ISSUERS DISQUALIFIED.—The transaction*
18 *is not for the sale of a security where the seller is an*
19 *issuer or a subsidiary, either directly or indirectly, of*
20 *the issuer.*

21 “(5) *BAD ACTOR PROHIBITION.—Neither the sell-*
22 *er, nor any person that has been or will be paid (di-*
23 *rectly or indirectly) remuneration or a commission*
24 *for their participation in the offer or sale of the secu-*
25 *rities, including solicitation of purchasers for the sell-*

1 *er is subject to an event that would disqualify an*
 2 *issuer or other covered person under Rule 506(d)(1)*
 3 *of Regulation D (17 CFR 230.506(d)(1)) or is subject*
 4 *to a statutory disqualification described under section*
 5 *3(a)(39) of the Securities Exchange Act of 1934.*

6 “(6) *BUSINESS REQUIREMENT.*—*The issuer is*
 7 *engaged in business, is not in the organizational stage*
 8 *or in bankruptcy or receivership, and is not a blank*
 9 *check, blind pool, or shell company that has no spe-*
 10 *cific business plan or purpose or has indicated that*
 11 *the issuer’s primary business plan is to engage in a*
 12 *merger or combination of the business with, or an ac-*
 13 *quisition of, an unidentified person.*

14 “(7) *UNDERWRITER PROHIBITION.*—*The trans-*
 15 *action is not with respect to a security that con-*
 16 *stitutes the whole or part of an unsold allotment to,*
 17 *or a subscription or participation by, a broker or*
 18 *dealer as an underwriter of the security or a redis-*
 19 *tribution.*

20 “(8) *OUTSTANDING CLASS REQUIREMENT.*—*The*
 21 *transaction is with respect to a security of a class*
 22 *that has been authorized and outstanding for at least*
 23 *90 days prior to the date of the transaction.*

24 “(e) *ADDITIONAL REQUIREMENTS.*—

1 “(1) *IN GENERAL.*—*With respect to an exempted*
 2 *transaction described under subsection (a)(7):*

3 “(A) *Securities acquired in such trans-*
 4 *action shall be deemed to have been acquired in*
 5 *a transaction not involving any public offering.*

6 “(B) *Such transaction shall be deemed not*
 7 *to be a distribution for purposes of section*
 8 *2(a)(11).*

9 “(C) *Securities involved in such transaction*
 10 *shall be deemed to be restricted securities within*
 11 *the meaning of Rule 144 (17 CFR 230.144).*

12 “(2) *RULE OF CONSTRUCTION.*—*The exemption*
 13 *provided by subsection (a)(7) shall not be the exclu-*
 14 *sive means for establishing an exemption from the*
 15 *registration requirements of section 5.”.*

16 (b) *EXEMPTION IN CONNECTION WITH CERTAIN EX-*
 17 *EMPT OFFERINGS.*—*Section 18(b)(4) of the Securities Act*
 18 *of 1933 (15 U.S.C. 77r(b)(4)) is amended—*

19 (1) *by redesignating the second subparagraph*
 20 *(D) and subparagraph (E) as subparagraphs (E) and*
 21 *(F), respectively;*

22 (2) *in subparagraph (E), as so redesignated, by*
 23 *striking “; or” and inserting a semicolon;*

24 (3) *in subparagraph (F), as so redesignated, by*
 25 *striking the period and inserting “; or”; and*

1 (4) by adding at the end the following new sub-
2 paragraph:

3 “(G) section 4(a)(7).”.

4 **TITLE LXXVII—PRESERVATION**
5 **ENHANCEMENT AND SAVINGS**
6 **OPPORTUNITY**

7 **SEC. 77001. DISTRIBUTIONS AND RESIDUAL RECEIPTS.**

8 Section 222 of the Low-Income Housing Preservation
9 and Resident Homeownership Act of 1990 (12 U.S.C. 4112)
10 is amended by adding at the end the following new sub-
11 section:

12 “(e) *DISTRIBUTION AND RESIDUAL RECEIPTS.*—

13 “(1) *AUTHORITY.*—After the date of the enact-
14 ment of this subsection, the owner of a property sub-
15 ject to a plan of action or use agreement pursuant to
16 this section shall be entitled to distribute—

17 “(A) annually, all surplus cash generated
18 by the property, but only if the owner is in ma-
19 terial compliance with such use agreement in-
20 cluding compliance with prevailing physical con-
21 dition standards established by the Secretary;
22 and

23 “(B) notwithstanding any conflicting provi-
24 sion in such use agreement, any funds accumu-
25 lated in a residual receipts account, but only if

1 *the owner is in material compliance with such*
 2 *use agreement and has completed, or set aside*
 3 *sufficient funds for completion of, any capital re-*
 4 *pairs identified by the most recent third party*
 5 *capital needs assessment.*

6 “(2) *OPERATION OF PROPERTY.*—*An owner that*
 7 *distributes any amounts pursuant to paragraph (1)*
 8 *shall—*

9 “(A) *continue to operate the property in ac-*
 10 *cordance with the affordability provisions of the*
 11 *use agreement for the property for the remaining*
 12 *useful life of the property;*

13 “(B) *as required by the plan of action for*
 14 *the property, continue to renew or extend any*
 15 *project-based rental assistance contract for a*
 16 *term of not less than 20 years; and*

17 “(C) *if the owner has an existing multi-*
 18 *year project-based rental assistance contract for*
 19 *less than 20 years, have the option to extend the*
 20 *contract to a 20-year term.”.*

21 **SEC. 77002. FUTURE REFINANCINGS.**

22 *Section 214 of the Low-Income Housing Preservation*
 23 *and Resident Homeownership Act of 1990 (12 U.S.C. 4104)*
 24 *is amended by adding at the end the following new sub-*
 25 *section:*

1 “(c) *FUTURE FINANCING.*—Neither this section, nor
 2 any plan of action or use agreement implementing this sec-
 3 tion, shall restrict an owner from obtaining a new loan or
 4 refinancing an existing loan secured by the project, or from
 5 distributing the proceeds of such a loan; except that, in con-
 6 junction with such refinancing—

7 “(1) the owner shall provide for adequate reha-
 8 bilitation pursuant to a capital needs assessment to
 9 ensure long-term sustainability of the property satis-
 10 factory to the lender or bond issuance agency;

11 “(2) any resulting budget-based rent increase
 12 shall include debt service on the new financing, com-
 13 mercially reasonable debt service coverage, and re-
 14 placement reserves as required by the lender; and

15 “(3) for tenants of dwelling units not covered by
 16 a project- or tenant-based rental subsidy, any rent in-
 17 creases resulting from the refinancing transaction
 18 may not exceed 10 percent per year, except that—

19 “(A) any tenant occupying a dwelling unit
 20 as of time of the refinancing may not be required
 21 to pay for rent and utilities, for the duration of
 22 such tenancy, an amount that exceeds the greater
 23 of—

24 “(i) 30 percent of the tenant’s income;

25 or

1 “(ii) the amount paid by the tenant for
 2 rent and utilities immediately before such
 3 refinancing; and

4 “(B) this paragraph shall not apply to any
 5 tenant who does not provide the owner with
 6 proof of income.

7 Paragraph (3) may not be construed to limit any rent in-
 8 creases resulting from increased operating costs for a
 9 project.”.

10 **SEC. 77003. IMPLEMENTATION.**

11 The Secretary of Housing and Urban Development
 12 shall issue any guidance that the Secretary considers nec-
 13 essary to carry out the provisions added by the amendments
 14 made by this title not later than the expiration of the 120-
 15 day period beginning on the date of the enactment of this
 16 Act.

17 **TITLE LXXVIII—TENANT INCOME**
 18 **VERIFICATION RELIEF**

19 **SEC. 78001. REVIEWS OF FAMILY INCOMES.**

20 (a) *IN GENERAL.*—The second sentence of paragraph
 21 (1) of section 3(a) of the United States Housing Act of 1937
 22 (42 U.S.C. 1437a(a)(1)) is amended by inserting before the
 23 period at the end the following: “; except that, in the case
 24 of any family with a fixed income, as defined by the Sec-
 25 retary, after the initial review of the family’s income, the

1 *public housing agency or owner shall not be required to con-*
 2 *duct a review of the family’s income for any year for which*
 3 *such family certifies, in accordance with such requirements*
 4 *as the Secretary shall establish, which shall include policies*
 5 *to adjust for inflation-based income changes, that 90 per-*
 6 *cent or more of the income of the family consists of fixed*
 7 *income, and that the sources of such income have not*
 8 *changed since the previous year, except that the public hous-*
 9 *ing agency or owner shall conduct a review of each such*
 10 *family’s income not less than once every 3 years”.*

11 *(b) HOUSING CHOICE VOUCHER PROGRAM.—Subpara-*
 12 *graph (A) of section 8(o)(5) of the United States Housing*
 13 *Act of 1937 (42 U.S.C. 1437f(o)(5)(A)) is amended by strik-*
 14 *ing “not less than annually” and inserting “as required*
 15 *by section 3(a)(1) of this Act”.*

16 ***TITLE LXXIX—HOUSING***
 17 ***ASSISTANCE EFFICIENCY***

18 ***SEC. 79001. AUTHORITY TO ADMINISTER RENTAL ASSIST-***
 19 ***ANCE.***

20 *Subsection (g) of section 423 of the McKinney-Vento*
 21 *Homeless Assistance Act (42 U.S.C. 11383(g)) is amended*
 22 *by inserting “private nonprofit organization,” after “unit*
 23 *of general local government,”.*

1 **SEC. 79002. REALLOCATION OF FUNDS.**

2 *Paragraph (1) of section 414(d) of the McKinney-*
 3 *Vento Homeless Assistance Act (42 U.S.C. 11373(d)(1)) is*
 4 *amended by striking “twice” and inserting “once”.*

5 **TITLE LXXX—CHILD SUPPORT**
 6 **ASSISTANCE**

7 **SEC. 80001. REQUESTS FOR CONSUMER REPORTS BY STATE**
 8 **OR LOCAL CHILD SUPPORT ENFORCEMENT**
 9 **AGENCIES.**

10 *Paragraph (4) of section 604(a) of the Fair Credit Re-*
 11 *porting Act (15 U.S.C. 1681b(a)(4)) is amended—*

12 *(1) in subparagraph (A), by striking “or deter-*
 13 *mining the appropriate level of such payments” and*
 14 *inserting “, determining the appropriate level of such*
 15 *payments, or enforcing a child support order, award,*
 16 *agreement, or judgment”;*

17 *(2) in subparagraph (B)—*

18 *(A) by striking “paternity” and inserting*
 19 *“parentage”; and*

20 *(B) by adding “and” at the end;*

21 *(3) by striking subparagraph (C); and*

22 *(4) by redesignating subparagraph (D) as sub-*
 23 *paragraph (C).*

***TITLE LXXXI—PRIVATE
INVESTMENT IN HOUSING***

***SEC. 81001. BUDGET-NEUTRAL DEMONSTRATION PROGRAM
FOR ENERGY AND WATER CONSERVATION IM-
PROVEMENTS AT MULTIFAMILY RESIDENTIAL
UNITS.***

(a) ESTABLISHMENT.—The Secretary of Housing and Urban Development (in this section referred to as the “Secretary”) shall establish a demonstration program under which the Secretary may execute budget-neutral, performance-based agreements in fiscal years 2016 through 2019 that result in a reduction in energy or water costs with such entities as the Secretary determines to be appropriate under which the entities shall carry out projects for energy or water conservation improvements at not more than 20,000 residential units in multifamily buildings participating in—

(1) the project-based rental assistance program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), other than assistance provided under section 8(o) of that Act;

(2) the supportive housing for the elderly program under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q); or

1 (3) *the supportive housing for persons with dis-*
 2 *abilities program under section 811(d)(2) of the*
 3 *Cranston-Gonzalez National Affordable Housing Act*
 4 *(42 U.S.C. 8013(d)(2)).*

5 (b) *REQUIREMENTS.*—

6 (1) *PAYMENTS CONTINGENT ON SAVINGS.*—

7 (A) *IN GENERAL.*—*The Secretary shall pro-*
 8 *vide to an entity a payment under an agreement*
 9 *under this section only during applicable years*
 10 *for which an energy or water cost savings is*
 11 *achieved with respect to the applicable multi-*
 12 *family portfolio of properties, as determined by*
 13 *the Secretary, in accordance with subparagraph*
 14 *(B).*

15 (B) *PAYMENT METHODOLOGY.*—

16 (i) *IN GENERAL.*—*Each agreement*
 17 *under this section shall include a pay-for-*
 18 *success provision that—*

19 (I) *shall serve as a payment*
 20 *threshold for the term of the agreement;*
 21 *and*

22 (II) *requires that payments shall*
 23 *be contingent on realized cost savings*
 24 *associated with reduced utility con-*

1 *sumption in the participating prop-*
2 *erties.*

3 *(ii) LIMITATIONS.—A payment made*
4 *by the Secretary under an agreement under*
5 *this section—*

6 *(I) shall be contingent on docu-*
7 *mented utility savings; and*

8 *(II) shall not exceed the utility*
9 *savings achieved by the date of the*
10 *payment, and not previously paid, as*
11 *a result of the improvements made*
12 *under the agreement.*

13 *(C) THIRD-PARTY VERIFICATION.—Savings*
14 *payments made by the Secretary under this sec-*
15 *tion shall be based on a measurement and*
16 *verification protocol that includes at least—*

17 *(i) establishment of a weather-normal-*
18 *ized and occupancy-normalized utility con-*
19 *sumption baseline established pre-retrofit;*

20 *(ii) annual third-party confirmation of*
21 *actual utility consumption and cost for*
22 *utilities;*

23 *(iii) annual third-party validation of*
24 *the tenant utility allowances in effect dur-*

1 *ing the applicable year and vacancy rates*
2 *for each unit type; and*

3 *(iv) annual third-party determination*
4 *of savings to the Secretary.*

5 *An agreement under this section with an entity*
6 *shall provide that the entity shall cover costs as-*
7 *sociated with third-party verification under this*
8 *subparagraph.*

9 *(2) TERMS OF PERFORMANCE-BASED AGREE-*
10 *MENTS.—A performance-based agreement under this*
11 *section shall include—*

12 *(A) the period that the agreement will be in*
13 *effect and during which payments may be made,*
14 *which may not be longer than 12 years;*

15 *(B) the performance measures that will*
16 *serve as payment thresholds during the term of*
17 *the agreement;*

18 *(C) an audit protocol for the properties cov-*
19 *ered by the agreement;*

20 *(D) a requirement that payments shall be*
21 *contingent on realized cost savings associated*
22 *with reduced utility consumption in the partici-*
23 *pating properties; and*

24 *(E) such other requirements and terms as*
25 *determined to be appropriate by the Secretary.*

1 (3) *ENTITY ELIGIBILITY.*—*The Secretary shall—*

2 (A) *establish a competitive process for enter-*
3 *ing into agreements under this section; and*

4 (B) *enter into such agreements only with*
5 *entities that, either jointly or individually, dem-*
6 *onstrate significant experience relating to—*

7 (i) *financing or operating properties*
8 *receiving assistance under a program iden-*
9 *tified in subsection (a);*

10 (ii) *oversight of energy or water con-*
11 *servations programs, including oversight of*
12 *contractors; and*

13 (iii) *raising capital for energy or*
14 *water conservation improvements from*
15 *charitable organizations or private inves-*
16 *tors.*

17 (4) *GEOGRAPHICAL DIVERSITY.*—*Each agreement*
18 *entered into under this section shall provide for the*
19 *inclusion of properties with the greatest feasible re-*
20 *gional and State variance.*

21 (5) *PROPERTIES.*—*A property may only be in-*
22 *cluded in the demonstration under this section only*
23 *if the property is subject to affordability restrictions*
24 *for at least 15 years after the date of the completion*
25 *of any conservation improvements made to the prop-*

erty under the demonstration program. Such restrictions may be made through an extended affordability agreement for the property under a new housing assistance payments contract with the Secretary of Housing and Urban Development or through an enforceable covenant with the owner of the property.

(c) *PLAN AND REPORTS.*—

(1) *PLAN.*—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committees on Appropriations and Financial Services of the House of Representatives and the Committees on Appropriations and Banking, Housing, and Urban Affairs of the Senate a detailed plan for the implementation of this section.

(2) *REPORTS.*—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall—

(A) conduct an evaluation of the program under this section; and

(B) submit to Congress a report describing each evaluation conducted under subparagraph

(A).

(d) *FUNDING.*—For each fiscal year during which an agreement under this section is in effect, the Secretary may use to carry out this section any funds appropriated to the

1 *Secretary for the renewal of contracts under a program de-*
 2 *scribed in subsection (a).*

3 ***TITLE LXXXII—CAPITAL ACCESS***
 4 ***FOR SMALL COMMUNITY FI-***
 5 ***NANCIAL INSTITUTIONS***

6 ***SEC. 82001. PRIVATELY INSURED CREDIT UNIONS AUTHOR-***
 7 ***IZED TO BECOME MEMBERS OF A FEDERAL***
 8 ***HOME LOAN BANK.***

9 *(a) IN GENERAL.—Section 4(a) of the Federal Home*
 10 *Loan Bank Act (12 U.S.C. 1424(a)) is amended by adding*
 11 *at the end the following new paragraph:*

12 *“(5) CERTAIN PRIVATELY INSURED CREDIT*
 13 *UNIONS.—*

14 *“(A) IN GENERAL.—Subject to the require-*
 15 *ments of subparagraph (B), a credit union shall*
 16 *be treated as an insured depository institution*
 17 *for purposes of determining the eligibility of such*
 18 *credit union for membership in a Federal home*
 19 *loan bank under paragraphs (1), (2), and (3).*

20 *“(B) CERTIFICATION BY APPROPRIATE SU-*
 21 *PERVISOR.—*

22 *“(i) IN GENERAL.—For purposes of*
 23 *this paragraph and subject to clause (ii), a*
 24 *credit union which lacks Federal deposit in-*
 25 *surance and which has applied for member-*

1 *ship in a Federal home loan bank may be*
 2 *treated as meeting all the eligibility require-*
 3 *ments for Federal deposit insurance only if*
 4 *the appropriate supervisor of the State in*
 5 *which the credit union is chartered has de-*
 6 *termined that the credit union meets all the*
 7 *eligibility requirements for Federal deposit*
 8 *insurance as of the date of the application*
 9 *for membership.*

10 “(ii) *CERTIFICATION DEEMED*
 11 *VALID.—If, in the case of any credit union*
 12 *to which clause (i) applies, the appropriate*
 13 *supervisor of the State in which such credit*
 14 *union is chartered fails to make a deter-*
 15 *mination pursuant to such clause by the*
 16 *end of the 6-month period beginning on the*
 17 *date of the application, the credit union*
 18 *shall be deemed to have met the require-*
 19 *ments of clause (i).*

20 “(C) *SECURITY INTERESTS OF FEDERAL*
 21 *HOME LOAN BANK NOT AVOIDABLE.—Notwith-*
 22 *standing any provision of State law authorizing*
 23 *a conservator or liquidating agent of a credit*
 24 *union to repudiate contracts, no such provision*
 25 *shall apply with respect to—*

1 “(i) any extension of credit from any
 2 Federal home loan bank to any credit union
 3 which is a member of any such bank pursu-
 4 ant to this paragraph; or

5 “(ii) any security interest in the assets
 6 of such credit union securing any such ex-
 7 tension of credit.

8 “(D) PROTECTION FOR CERTAIN FEDERAL
 9 HOME LOAN BANK ADVANCES.—Notwithstanding
 10 any State law to the contrary, if a Bank makes
 11 an advance under section 10 to a State-chartered
 12 credit union that is not federally insured—

13 “(i) the Bank’s interest in any collat-
 14 eral securing such advance has the same
 15 priority and is afforded the same standing
 16 and rights that the security interest would
 17 have had if the advance had been made to
 18 a federally insured credit union; and

19 “(ii) the Bank has the same right to
 20 access such collateral that the Bank would
 21 have had if the advance had been made to
 22 a federally insured credit union.”.

23 (b) COPIES OF AUDITS OF PRIVATE INSURERS OF
 24 CERTAIN DEPOSITORY INSTITUTIONS REQUIRED TO BE
 25 PROVIDED TO SUPERVISORY AGENCIES.—Section

1 43(a)(2)(A) of the Federal Deposit Insurance Act (12
2 U.S.C. 1831t(a)(2)(A)) is amended—

3 (1) in clause (i), by striking “and” at the end;

4 (2) in clause (ii), by striking the period at the
5 end and inserting “; and”; and

6 (3) by inserting at the end the following new
7 clause:

8 “(iii) in the case of depository institu-
9 tions described in subsection (e)(2)(A) the
10 deposits of which are insured by the private
11 insurer which are members of a Federal
12 home loan bank, to the Federal Housing Fi-
13 nance Agency, not later than 7 days after
14 the audit is completed.”.

15 **SEC. 82002. GAO REPORT.**

16 Not later than 18 months after the date of enactment
17 of this Act, the Comptroller General of the United States
18 shall conduct a study and submit a report to Congress—

19 (1) on the adequacy of insurance reserves held by
20 a private deposit insurer that insures deposits in an
21 entity described in section 43(e)(2)(A) of the Federal
22 Deposit Insurance Act (12 U.S.C. 1831t(e)(2)(A));
23 and

24 (2) for an entity described in paragraph (1) the
25 deposits of which are insured by a private deposit in-

1 *surer, information on the level of compliance with*
 2 *Federal regulations relating to the disclosure of a lack*
 3 *of Federal deposit insurance.*

4 ***TITLE LXXXIII—SMALL BANK***
 5 ***EXAM CYCLE REFORM***

6 ***SEC. 83001. SMALLER INSTITUTIONS QUALIFYING FOR 18-***
 7 ***MONTH EXAMINATION CYCLE.***

8 *Section 10(d) of the Federal Deposit Insurance Act (12*
 9 *U.S.C. 1820(d)) is amended—*

10 *(1) in paragraph (4)—*

11 *(A) in subparagraph (A), by striking*
 12 *“\$500,000,000” and inserting “\$1,000,000,000”;*
 13 *and*

14 *(B) in subparagraph (C)(ii), by striking*
 15 *“\$100,000,000” and inserting “\$200,000,000”;*
 16 *and*

17 *(2) in paragraph (10)—*

18 *(A) by striking “\$100,000,000” and insert-*
 19 *ing “\$200,000,000”; and*

20 *(B) by striking “\$500,000,000” and insert-*
 21 *ing “\$1,000,000,000”.*

1 **TITLE LXXXIV—SMALL COMPANY**
 2 **SIMPLE REGISTRATION**

3 **SEC. 84001. FORWARD INCORPORATION BY REFERENCE FOR**
 4 **FORM S-1.**

5 *Not later than 45 days after the date of the enactment*
 6 *of this Act, the Securities and Exchange Commission shall*
 7 *revise Form S-1 so as to permit a smaller reporting com-*
 8 *pany (as defined in section 230.405 of title 17, Code of Fed-*
 9 *eral Regulations) to incorporate by reference in a registra-*
 10 *tion statement filed on such form any documents that such*
 11 *company files with the Commission after the effective date*
 12 *of such registration statement.*

13 **TITLE LXXXV—HOLDING COM-**
 14 **PANY REGISTRATION**
 15 **THRESHOLD EQUALIZATION**

16 **SEC. 85001. REGISTRATION THRESHOLD FOR SAVINGS AND**
 17 **LOAN HOLDING COMPANIES.**

18 *The Securities Exchange Act of 1934 (15 U.S.C. 78a*
 19 *et seq.) is amended—*

20 *(1) in section 12(g)—*

21 *(A) in paragraph (1)(B), by inserting after*
 22 *“is a bank” the following: “, a savings and loan*
 23 *holding company (as defined in section 10 of the*
 24 *Home Owners’ Loan Act),”;* and

1 (B) in paragraph (4), by inserting after
2 “case of a bank” the following: “, a savings and
3 loan holding company (as defined in section 10
4 of the Home Owners’ Loan Act),”; and
5 (2) in section 15(d), by striking “case of bank”
6 and inserting the following: “case of a bank, a savings
7 and loan holding company (as defined in section 10
8 of the Home Owners’ Loan Act),”.

Attest:

Clerk.

114TH CONGRESS
1ST SESSION

H.R. 22

HOUSE AMENDMENT TO
SENATE AMENDMENT